

# COLORADO DEPARTMENT OF TRANSPORTATION FEDERAL-AID HIGHWAY PROGRAM

## STEWARDSHIP AGREEMENT

Initial Plan – June 1994

Revised – 2000

Revised – 2007

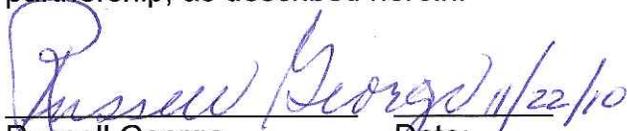
Revised – 2009

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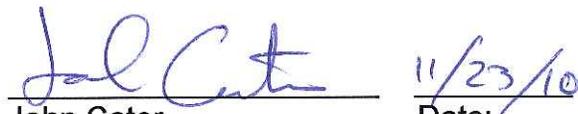
Current Version – November 2010

DEVELOPED IN PARTNERSHIP WITH THE FEDERAL HIGHWAY ADMINISTRATION'S  
COLORADO DIVISION AND THE COLORADO DEPARTMENT OF TRANSPORTATION

We support the concept of this Stewardship Agreement and hereby direct that the stewardship and oversight of the Federal-Aid Highway Program be carried out in the spirit of a true partnership, as described herein.

  
Date: 11/22/10

Russell George,  
Executive Director  
Colorado Department of Transportation

  
Date: 11/23/10

John Cater  
Colorado Division Administrator  
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November 2010

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## **SECTION 1. PURPOSE, BACKGROUND AND INTRODUCTION, TERMINOLOGY, AND SCOPE**

### **1.1. PURPOSE**

The purpose of this Stewardship and Oversight Agreement is to formalize the roles and responsibilities of the Federal Highway Administration (FHWA), Colorado Division and the Colorado Department of Transportation (CDOT) for administering the Federal-Aid Highway Program (FAHP). This Stewardship and Oversight Agreement outlines a risk-based approach for the FHWA-Colorado Division and CDOT to effectively and efficiently manage the public funds and to ensure the FAHP is delivered in accordance with applicable laws, regulations, policies, and consistent with good business practices.

This Agreement outlines the framework by which FHWA and CDOT will administer the FAHP to maintain Colorado's national highway network, optimize operations, improve safety, and provide for national security while protecting and preserving environmental resources. This Agreement addresses a collaborative approach to administer the FAHP through various Stewardship and Oversight activities including the delegation of specific roles and responsibilities to CDOT.

Through this Stewardship Agreement, FHWA and CDOT management will pursue – within state and federal laws, regulations and policies – alternative methods for providing quality services and transportation products. The FHWA and CDOT partnership also ensures that federal funds will be expended cost-effectively and its implementation provides justification for continued disbursement of federal funds.

### **1.2. BACKGROUND AND INTRODUCTION**

Federal funding is provided to assist states and federal agencies in providing transportation services through the various FAHPs. By law, the nature and the majority of these federal programs is in the form of federal assistance for state administered programs. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991; the Transportation Equity Act for the 21st Century (TEA-21) of 1998; and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 have all increased the role of State Transportation Agencies (STA) in project approvals. These changes did not alter the fact that FHWA is the agency responsible for ensuring compliance with federal requirements in the delivery of the FAHP. These changes did affect how FHWA implements this responsibility. The flexibility afforded in ISTEA, TEA-21, and SAFETEA-LU have allowed states to assume the U.S. Department of Transportation Secretary's responsibilities for **design, plans, specifications, estimates, contract awards, and inspection** of many Federal-aid projects.

§ 106 of Title 23, United States Code (USC), require FHWA and CDOT to enter into an agreement that documents the delegation of responsibilities. SAFETEA-LU further defined the requirements of stewardship and oversight responsibilities including increased efforts pertaining to major projects. SAFETEA-LU builds on the foundation of the two previous transportation laws that brought surface transportation into the 21st century, ISTEA and TEA-21. SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance while giving state and local transportation decision makers the ability to enhance transportation systems and implement innovative solutions to transportation challenges.

Initially, when Stewardship and Oversight Agreements were first introduced and developed in response to ISTEA provisions, the documents that were produced principally addressed how the State DOTs and FHWA Division offices would handle the delegated authorities for certain project actions. In 1994, FHWA and CDOT jointly established Colorado's first Stewardship Agreement, which defined how they work together to provide project and program oversight. Colorado's Stewardship and Oversight Agreement was updated in 2000, 2007 and 2009 with the current version updated in 2010.

With the passage of SAFETEA-LU, the overall program has evolved greatly requiring a more comprehensive Agreement that covers all aspects of the FAHP. This new Agreement provides a road map to successfully execute the FAHP relating to programs/project delivery to include financial integrity. The current Stewardship Agreement, dated November 2010, complies with provisions of SAFETEA-LU and meets the intent of FHWA Stewardship/Oversight Agreement Guidance issued May 8, 2006. This guidance encourages all division offices to implement a comprehensive approach in developing their Stewardship and Oversight Agreement.

Under this Stewardship Agreement, FHWA and CDOT will share the responsibility for oversight of programs and projects using Federal-aid funds. The Stewardship Agreement between FHWA and CDOT is intended to be a document that is under continual review. Each organization has the opportunity to make a change to the document when there is mutual agreement that the change(s) is necessary. This document will also be modified to reflect changes in authorization or regulations.

### 1.3. TERMINOLOGY

In order to ensure that this Stewardship and Oversight Agreement is consistently interpreted, the following definitions are provided:

**Stewardship:** *The efficient and effective management of the public funds that have been entrusted to the Federal Highway Administration.*

**Oversight:** *The act of ensuring that the FAHP is delivered consistent with laws, regulations and policies.*

Stewardship reflects FHWA's responsibility for the development and implementation of the FAHP. It involves all FHWA activities in delivering the program, such as leadership, technology deployment, technical assistance, problem solving, program administration and oversight.

Oversight is the compliance or verification component of FHWA stewardship activities that in turn ensures high-quality transportation projects. Narrowly focused, oversight activities ensure that the implementation of these FAHPs is done in accordance with the applicable laws, regulations, and policies. More broadly applied oversight activities enable CDOT and FHWA to ensure the effective delivery and operation of the transportation system envisioned in their base statutes. FHWA project level oversight means that FHWA will participate in the project development and construction process at specific milestones to assure compliance with federal regulations, policies, procedures, standards and that those federal dollars are being spent appropriately.

CDOT project level oversight will include their taking over FHWA responsibilities for all reviews and approvals associated with the design and construction, including final inspection, of Federal-aid

projects. FHWA and/or CDOT will provide oversight and approval for Federal-aid projects on the following:

- Scoping (planning);
- Environmental documentation;
- Design and variance;
- PS&E (Plans, Specifications & Estimates);
- Obligation of funding;
- Award of project;
- Construction;
- Final Inspection/Acceptance;
- Project Closeout.

## 1.4. SCOPE

This Stewardship Agreement outlines the project approval and oversight activities for Federal-aid projects that CDOT has assumed from the flexibility Congress provided within ISTEA, TEA-21, and SAFETEA-LU. These Transportation Bills have transferred responsibility to the States for the **design, plans, specifications, estimates, contract awards** and **inspection** of many Federal-aid projects. The Stewardship Agreement also outlines the mechanisms that CDOT will use to establish roles, responsibilities, and processes to ensure that all project and program actions will be carried out according to the appropriate laws, regulations, and policies. These responsibilities also apply to projects administered by local agencies.

At the program level, FHWA will continue to provide Stewardship and Oversight of the FAHP through a rigorous risk management process and through general actions and concurrences in its day-to-day activities, including improvements to program procedures, training, technical assistance, and development and deployment of new technologies, as well as routine program/project approval. Each of these activities contributes to the intent that the FAHP operates with integrity and for the public's maximum benefit. This Stewardship and Oversight Agreement acknowledges that the FHWA Colorado Division, CDOT, and all Local Agencies are responsible for the effective and efficient use of Federal funds.

FHWA and CDOT administer the FAHP through continuous program and project evaluation, and utilize a number of management tools to monitor the health of the FAHP. Program level performance indicators/measures and other strategies such as the Risk Management Framework, CDOT/FHWA Quality Assurance Review program (QAR), and FHWA's Financial Integrity Review and Evaluation (FIRE) Program, are all utilized to continuously monitor the health of Colorado's FAHP.

CDOT and FHWA will jointly conduct annual quality assurance reviews of selected areas of CDOT programs, as defined in the CDOT/FHWA [Quality Assurance Review \(QAR\) Program](#) guidelines. The QAR will help provide assurance that CDOT and/or local agencies are following all appropriate activities to carry out their respective roles and responsibilities according to applicable laws, regulations, and policies. In addition to the QAR Program, CDOT conducts other activities to ensure the quality of its projects and programs. These include an Audit Program, Performance Measures Program, Value Engineering Program, Independent review, and QARs. The following is a brief explanation of the purpose and scope of each of these components:

#### 1.4.1. Audit Program

CDOT Internal Auditors are to conduct and supervise: internal audits of CDOT, external audits of persons entering into contracts with the department, federally required audits, financial audits, and performance audits to determine the efficiency and effectiveness of CDOT operations. The internal audits often focus on the adequacy and effectiveness of internal and management controls. Audits also evaluate compliance with federal and state regulations and compliance with contract terms. Each year, the Commission's Audit Review Committee approves an annual audit work plan. As a part of the process for developing the CDOT Internal Auditor's work plan, managers throughout CDOT are surveyed concerning internal audit risks and audit needs. Coordination with the **Quality Improvement Council (QIC)** is planned as a part of the development of each fiscal year's work plan. Every effort is made to coordinate activities and prevent duplication. The Audit Program also plans on working with the Performance Measures Team to assist in verification of performance measure reporting, and to help evaluate the impact of the performance measures.

#### 1.4.2. Performance Measurement Program

The Colorado Transportation Commission developed the Investment Strategy Framework to provide a better opportunity to use their transportation resources more effectively and efficiently. There are several key components of the framework that enable the alignment of CDOT's work activities to its organizational priorities as established by the Transportation Commission.

The purpose of the framework is to assist CDOT in establishing priorities and assure that these priorities are being implemented, resulting in better service for the traveling public and improved accountability to the general public. A strategic framework (i.e., strategic plan) must be flexible and practical and yet serve as a guide to implementing programs, evaluating how these programs are doing, and making adjustments when necessary. As such there is a review of goals, objectives and system performance as part of the long range planning process and the annual budget process.

A key to successful strategic planning is having performance measures that give accurate and timely information. The ultimate aim of implementing a measurement system is to improve the organizational performance of CDOT resulting in an improvement in system performance. CDOT intends to use performance measures to continually evaluate progress towards accomplishing its goals and objectives, by determining where improvements can be made in its process, and readjusting work activities accordingly.

The Commission has identified the following four (4) major business functions, called investment categories:

- **Safety** – Services, programs and projects that reduce fatalities, injuries and property damage for all users and providers of the system;
- **System Quality** – Activities, programs and projects that maintain the physical (integrity/condition) function and aesthetics of the existing transportation infrastructure;
- **Mobility** – Programs, services and projects that enhance the movement of people, goods and information;
- **Program Delivery** – Functions that enable the successful delivery of CDOT's programs, projects and services.

Occasionally, certain programs merit distinction from the investment categories. In the fiscal year 2010 budget, FASTER-funded programs and debt service on Transportation Revenue Anticipation

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Notes were delineated from the four investment categories. Likewise, project paid for with funds generated by the road safety surcharge enacted in Senate Bill 09-108 always provide significant safety enhancements to the State highway system, yet will almost invariably offer improvements to system quality, mobility, or program delivery.

Each investment category has specific performance objectives and associated measures that provide the foundation for discussion on how to best invest available funds. Performance measures provide tools to relate the expenditures and work results to the policies, priorities, and goals of the Department as determined by the Transportation Commission. Performance measures are utilized on an annual basis as well as on a long range plan basis to relate expenditures and work results to the desired performance objectives (i.e., the desired end-result) for the State Highway system.

As part of the statewide transportation planning process the Transportation Commission sets long range policy direction, and allocates resources by program area to one of the four Investment Categories: **Safety, System Quality, Mobility** and **Program Delivery**, as well as to the **Strategic Projects Program**.

In support of these Investment Categories, the CDOT Executive Management Team identified five Core Service business processes:

- **Roadway Management** – All physical elements of roadway, tunnel, and bridge maintenance activities from curb-line to curb-line (i.e., roadway edge);
- **Roadside Management** – All roadside (from curb-line [roadway edge] to edge of ROW) maintenance activities including rest areas and other off-road facilities;
- **System Operations** – All traveler information and traffic-related activities including tunnel operations and emergency/incident;
- **Snow and Ice Management** – All services and maintenance activities to keep the road open for the winter season including post-event operations and the reopening of closed roads;
- **Project Delivery** – All activities for the delivery of a transportation project from planning to construction management to final project closeout.

An Action Plan was developed for each of the Core Services. The Action Plans identify strategies (i.e., what activities are needed to achieve the goals and objectives) and measures to assist CDOT regions, divisions and offices to align their activities to support CDOT's goals established by the Transportation Commission. The investment objectives are influenced by the allocation (appropriation) of funding by program and investment category, thus each Core Service area includes elements of each investment category.

The next level is comprised of Region, Division and Office Work Program Plans that encompass activities of each respective unit. All levels will have in place performance measure tools that link to and support the mission of the department. The desired outcome for the program is "improvement," whether this is in customer perception, productivity, timeliness, or quality, as well as to do the right things right. The Performance and Policy Analysis Unit within the Division of Transportation Development had coordinated the Program but the program is ultimately the responsibility of everyone in CDOT. The Quality Assurance Program under the Stewardship Agreement is responsible for ensuring quality assurance in work processes.

### **1.4.3. Value Engineering Program**

Value engineering (VE) is required on all Federal-aid highway projects on the National Highway System (NHS) with an estimated cost of \$20 million or more. The purpose of this regulation (23 CFR 627.1) is to “establish a program to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments by requiring the application of VE. The CDOT Project Development Branch is responsible for the program. A VE Committee will monitor the quality of the program from the initial selection of projects to auditing the recommendations.

### **1.4.4. Independent Reviews**

FHWA may conduct independent reviews that could include program reviews/product evaluations and continuous process improvement initiatives. These reviews will be done in consultation with CDOT. The review topics will be different from the QAR, audit, and performance measurement reviews issues chosen on an annual basis as previously discussed. In addition to FHWA oversight activities, stewardship activities will include technical assistance, technology deployment, performance measurement, and sharing best practices.

### **1.4.5. Quality Improvement Council**

CDOT and FHWA-Colorado division established the Quality Improvement Council (QIC) to coordinate process reviews, annual risk assessment, and the management of our Stewardship and Oversight Agreement. The QIC makes every effort to ensure that each of the components of the CDOT Quality System does not conflict with the QAR and FHWA risk based reviews. The QIC’s goal is to make each of these components a part of an overall integrated quality improvement system.

Notwithstanding any provision of this Stewardship Agreement, FHWA retains overall responsibility for all aspects of Federal-aid programs and this Stewardship Agreement does not preclude FHWA’s access to and review of any Federal-aid project at any time and does not replace the provisions of Title 23.

This agreement will be reviewed on an annual basis. The FHWA Colorado Division and CDOT will jointly review this agreement for edits, additions, corrections or clarifications necessary to provide a clear, understandable, user friendly document. The annual review will include an evaluation of the program Performance Compliance Indicators. This review will be performed by the applicable program managers from both CDOT and FHWA to ensure the FAHP is delivered in accordance with applicable laws, regulations, policies, and consistent with good business practices.

*End Section - 1*

## **SECTION 2. STEWARDSHIP AGREEMENT - DELEGATED RESPONSIBILITIES, CONFLICT RESOLUTION, & MISCELLANEOUS STIPULATIONS**

Under Title 23, FHWA is ultimately accountable for all programs under the FAHP, however, the State may assume responsibility for project-level activities associated with 23 USC 106 on certain NHS projects and all non-NHS projects.

The provisions of this Stewardship Agreement do not modify FHWA's non-Title 23 program oversight and project approval responsibilities for activities such as required under the *Clean Air Act*; the *National Environmental Policy Act of 1969 (NEPA)* and other related environmental laws and statutes; the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*; and the *Civil Rights Act of 1964* and related statutes, unless expressly permitted by SAFETEA-LU Section 6004 and 6005.

### **2.1. DELEGATED PROGRAM AND PROJECT RESPONSIBILITIES**

#### **2.1.1. CDOT Responsibilities**

CDOT's responsibilities for the following types of projects are as follows:

1. Projects on the Interstate System - CDOT assumes the responsibilities of FHWA for 3R improvements (resurfacing, rehabilitation or restoration), but not 4R (New Construction or Major Reconstruction) projects with a value greater than \$1.0 million. Projects must comply with all Federal-aid requirements contained in Title 23.

For the purpose of determining FHWA's or State's responsibility for project approval and oversight, "3R" (Resurfacing, Rehabilitation and Restoration) is defined broadly to allow maximum delegation of project approval and oversight to CDOT. 3R projects are projects, which extend the service life of highways, bridges, and related appurtenances; and/or restore safe, efficient travel on an existing facility. They are typically constructed within existing right-of-way, although minor acquisitions may be needed ([See Table 2](#));

2. Projects on the NHS, but not on the Interstate System - CDOT assumes the responsibilities of FHWA for all reviews and approvals associated with the design and construction, award, and final inspection, of Federal-aid projects. Projects must comply with all Federal-aid requirements contained in Title 23;
3. Projects on Non-NHS Federal-aid highways and projects on public roads which are not Federal-aid highways - CDOT assumes the responsibilities of FHWA for all reviews and approvals associated with the design, construction, award, and final inspection of Federal-aid projects off the NHS. Projects must comply with all Federal-aid requirements contained in Title 23;
4. Local Transportation Facilities - When a local government becomes the implementing agency of a construction project in which CDOT participates in the funding by allocation of FAHP funds, CDOT will review and assure local action for compliance with all requirements of Federal and State laws in accordance with *Title 23*. CDOT is not relieved of its

responsibilities even though the project may be under the supervision of a public agency or organization. In accordance with 23 CFR 1.11, CDOT will ensure that the agency is well qualified and suitably equipped to perform the work. Projects must comply with all Federal-aid requirements contained in Title 23.

CDOT may elect to invite FHWA Colorado Division to be involved in any CDOT-Oversight project.

### **2.1.2. FHWA - Colorado Division Responsibilities**

Under Title 23 and non-Title 23 (as noted under bullet 5), FHWA is ultimately accountable for the stewardship and oversight of all programs under the FAHP.

1. Projects that have Federal-aid funds on the Interstate System providing new construction or reconstruction including, but not limited to:
  - Addition of capacity to existing corridor (rail or highway),
  - Roadway relocation,
  - Mainline Bridges,
  - Major widening;
  - Reconstruction of bridges, interchanges and crossovers,\*\*
  - All projects using Emergency Relief (ER) funds (unless project level oversight authority is waived by FHWA).

\*\*For all projects involving structures over or under the interstate except for 3R, CDOT shall invite the appropriate FHWA Operations Engineer to the Project Scoping meeting to determine the level of FHWA involvement, regardless of funding.

FHWA will continue to be responsible for the oversight of all Title 23 aspects of these projects and will review and approve project designs, approve Plans, Specifications and Estimates, concur in award, construction inspection, final inspection, and approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.);

2. 3R Projects on the Interstate System and Non-Interstate Projects - FHWA oversight responsibilities will be limited to ensuring compliance with non-Title 23 requirements and certain Title 23 requirements. FHWA will monitor project compliance through program reviews, process improvement studies, etc;
3. Other Project Involvement - FHWA Colorado Division in consultation with CDOT may elect to become actively involved with any Federal-aid transportation project, including those for which CDOT has assumed FHWA's responsibilities, when unique circumstances arise or when program or process reviews are being conducted;
4. Technical Assistance - The FHWA Colorado Division is prepared to provide technical assistance to CDOT or local agencies on any aspect of an eligible Title 23 project including intermodal transportation projects. Technical assistance activities will be decided on a case-by-case basis in consultation with CDOT, other partners and the FHWA Colorado Division. The FHWA Colorado Division will continue to focus their time and effort on improving processes and procedures, in cooperation with CDOT;

5. Non-Title 23 Responsibility – FHWA will continue to assume responsibility for Federal actions required under laws outside of Title 23, as noted in Section 3 in the respective sections: such as:
  - Activities for compliance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et.seq.) and 23 CFR 771,
  - Activities for compliance with Section 4 (f) of the Department of Transportation Act of 1966, P.L. 89-665, 49 USC 303,
  - Civil Rights Act of 1964, 42 USC 2000 (d) et. seq. and 23 CFR 200 (Title VI), and 23 CFR 230 (EEO),
  - Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, 42 USC 4601, et. seq. 23 CFR Parts 710-740 and 49 CFR Part 24;
6. Independent FHWA review program – Each year the FHWA Colorado Division may conduct independent process reviews that could include: program reviews, product evaluations, reviews required by law (e.g., NBIS, Planning, & HPMS) and continuous process improvement initiatives. These reviews may be done in consultation with CDOT.

### 2.1.3. Major Projects

A major project is a project with an estimated total cost in the year of expenditure of over \$500 million and one that involves any amount of Federal financial assistance. The SAFETEA-LU Section 1904(a) requires Project Management Plans (PMP) and an annual Financial Plan for projects with an estimated cost of more than \$500 million. In addition, SAFETEA-LU requires that annual FPs be prepared for projects with an estimated cost from \$100-500 million. In addition FHWA Policy requires a Cost Estimate Review.

FHWA and CDOT will place special emphasis on major projects including more extensive review of project costs estimates, through Cost Estimate Reviews (CER), Project Management Plans (PMP), risk analysis and the development of Finance Plans. Detailed guidance on FHWA's expectations are found on the FHWA major project website including an FHWA memorandum from the FHWA Administrator dated January 19, 2007 - <http://www.fhwa.dot.gov/programadmin/mega/index.cfm>

1. FHWA will utilize a document titled "Risk Management Tool for Managing the Planning/Environmental Phases of Prospective Major Projects," located on the FHWA major project website;
2. **Cost Estimate Reviews**  
Prior to submitting an EA or FEIS to FHWA, CDOT shall coordinate with the Division Office to schedule an independent cost estimate review of the cost estimate for the preferred alternative. Guidance on cost estimating is found on the FHWA major project website. <https://www.fhwa.dot.gov/programadmin/mega/cefinal.cfm>;
3. **Project Management Plan (PMP)**  
A draft PMP must be submitted to FHWA for review prior to approval of the NEPA decision document (within 60 days prior to submittal of the Decision document). FHWA will provide comments and the STA must submit a PMP for approval within 90 days of the date of the signed NEPA decision document. This document and its later revisions as the project is further developed, should clearly define the roles, responsibilities, processes, and activities, which will result in the major project being completed on time, within budget, and with the highest degree of quality and safety. A PMP must be approved prior to any federal action such as authorizing

federal funds for ROW or construction. Also, during construction, the PMP must be revised and updated periodically as needed to reflect current status of the major project. Guidance on a PMP is found on the FHWA major project website.

<http://www.fhwa.dot.gov/programadmin/mega/pmpguide.cfm>  
<http://www.fhwa.dot.gov/programadmin/mega/megaaii.cfm>;

#### 4. **Finance Plans**

CDOT shall submit an Initial Finance Plan for a major Federal-aid project to the FHWA, Colorado Division, for review and approval prior to the authorization of Federal-aid funds for ROW acquisition. Prior to the authorization of Federal-aid funds for construction, CDOT will develop, request, and receive FHWA approvals of an updated Finance Plan. Guidance on a major project Finance Plan is found on the FHWA major project website.

<http://www.fhwa.dot.gov/programadmin/mega/fplans.cfm>.

CDOT will update the Finance Plan annually and receive FHWA approval for each update.

## **2.2. LOCAL PUBLIC AGENCY PROGRAM AND PROJECTS**

Local Public Agency (LPA) administered Federal-aid projects are those which are, at a minimum, managed through design or construction or both, by an LPA other than a State Transportation Agency (STA). In many cases, the LPA may also manage environmental studies and documentation, appraisal and acquisition of right-of-way, the bid and award process, and the billing process.

Title 23, does not recognize local entities as direct recipients of Federal-aid funds. Accordingly, local agencies cannot take the place of CDOT in the context of the FAHP. CDOT is responsible for all requirements of the Federal-aid program whether these requirements stem from Title 23 or non-Title 23 statutes. The program and project authority that FHWA has delegated to CDOT does not authorize CDOT to pass these responsibilities to the local agencies.

The language of Section §1904 of SAFETEA-LU is clear in its assignment of responsibility for locally administered projects to the States. Section §1904 states, that the States shall be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems for projects approved under this section; and sufficient accounting controls to properly manage such Federal funds. CDOT needs to commit sufficient staff and other resources to project and program administration to ensure that all applicable State and Federal requirements are met, and the work is accomplished efficiently. The same section also states, that FHWA shall periodically review the monitoring of sub-recipients by the States.

## **2.3. CONFLICT RESOLUTION PROCESS**

If disagreements emerge which cannot be resolved, the impasse shall be escalated as shown below. If other agencies are involved, personnel from equivalent organizational levels will be included in the conflict resolution process.

Table 1 - Conflict Resolution Process

CDOT	FHWA
Project Coordinator	Operations Engineer
Regional Transportation Director	Program Delivery Team Leader
Chief Engineer	Assistant Division Administrator
Executive Director	Division Administrator

When the parties at the lowest organizational level of the agencies have agreed to escalate, a meeting date will be established **within 14 days**. At that time, the agencies from both levels will meet to discuss the issues and come up with a resolution. If an agreement cannot be reached, then the issue will be escalated to the next level and a meeting date established **within 30 days**. At that time, the agencies from all three levels will meet to discuss the issues and come to a resolution. If an agreement cannot be reached, the issue will be escalated to the highest level and a meeting date established **within 30 days**. At that time, all agencies will come to resolution.

Mediation and facilitation may be used at any level to help expedite resolution. Documentation of all disagreements and resolutions shall be furnished to all involved agencies and included in the project file.

## 2.4. OVERSIGHT AUTHORITY AND MISCELLANEOUS STIPULATIONS

### 2.4.1. FHWA full oversight authority

FHWA retains authority for the following actions on full oversight projects:

- Plan, Specifications & Estimates Approval;
- Approval of Design Exceptions;
- Contract Concurrence in Award;
- Contract Change Order Approval ([See thresholds defined in Table 2](#));
- Approval of Contract Claims Settlement;
- Final Inspection;
- Project Acceptance.

### **2.4.2. Exceptions**

The following actions require the approval of FHWA regardless of project funding:

- Addition of access points on the Interstate System;
- Changes in the access control of the Interstate;
- Use of Interstate airspace for non-highway-related purposes;
- Disposal of Interstate Right of Way;
- Design exceptions affecting Interstate highways (13 controlling criteria);
- Changes in Interstate Land Use or Operations.

The following actions require the approval of FHWA for Federal-Aid Projects, regardless of oversight:

- Obligation of funds;
- Waivers to Buy America requirements (FHWA Washington Headquarters (HQ) approval required as noted in Mr. Horne's July 3, 2003 memorandum);
- SEP-14/SEP-15 methods (FHWA HQ approval required for experimental contracting/project delivery methods);
- Civil Rights program approvals;
- Environmental approvals except those specifically delegated under Sections 6004 and 6005 of SAFETEA-LU;
- Hardship acquisition and protective buying;
- Modifications to project agreements;
- Final vouchers;
- Project Limit Extensions.

### **2.4.3. Advance Construction**

Use of Advance Construction procedures to ensure future federal reimbursement of funds for a project is considered use of Federal-aid funds.

### **2.4.4. Bonding**

If a project is financed with bond proceeds, and debt service is anticipated to be paid using federal funds, it shall be considered a Federal-aid project.

### **2.4.5. [Special Experimental Project No. 14 - Innovative Contracting Award](#)**

FHWA Headquarters' SEP-14 approval is necessary for any non-traditional construction contracting technique that deviates from accepted operational practices approved under current statutes. Any contract which utilizes a method of award other than the lowest responsive bid (or force account as defined in [23 CFR 635 Subpart B](#) should be evaluated under SEP-14). Design-build procurement processes which deviate from the requirements of 23 CFR 636 may require an SEP-14 work plan and approval.

### **2.4.6. [Special Experimental Project No. 15 - Innovative Contracting](#)**

SEP-15 is a new experimental process for FHWA to identify for trial evaluation new public-private partnership approaches to project delivery. It is anticipated that these new approaches will allow the efficient delivery of transportation projects without impairing FHWA's ability to carry out its stewardship responsibilities to protect both the environment and American taxpayers. SEP-15

addresses, but is not limited to, four major components of project delivery: contracting, compliance with environmental requirements, right-of-way acquisition, and project finance. Elements of the transportation planning process may be involved as well.

SEP-15 applications should be submitted by CDOT to the FHWA Colorado Division Office. Applicants may include localities and private transportation ventures as project sponsors but must include CDOT. SEP-15 applications should provide a brief description of the project and specific Federal-aid program areas of experimentation, explain the innovative techniques proposed and the expected value of those techniques, and identify proposed performance measures to evaluate the success of the SEP-15 project.

#### **2.4.7. Oversight Responsibility Matrix**

The matrix on the next page identifies when FHWA is required to be involved in project activities according to the funding source. Additional FHWA required actions are listed in Section 3.

Table 2 - FHWA Project Activities Involvement Matrix

Phase of Work			FHWA Involvement in Project Activities							
Preliminary Engineering (Design)	ROW & Utilities	Construction	Scoping	Environmental Clearance	Access Control & ROW Disposal (2)	Plan Development (Design) (3)	Structural Review (4) (8)	ROW Plan Approval	PS&E Approval (5)	Construction Changes, Claims, etc
<b>CDOT Project level Stewardship and Oversight</b> 3R projects on the Interstate system and all projects off the Interstate system.										
<b>Source of Funding</b>										
Federal or State	Federal or State	Federal or State	No	Yes (1)	Yes	No (6) (8)	No	No	No	No
State	State	State	No	No (1)	Yes	No (6) (8)	No	No	No	No
<b>FHWA project level Stewardship and Oversight</b> New construction or reconstruction projects on the Interstate system with a value of \$1.0 million or greater.										
<b>Source of Funding</b>										
Federal	Federal or State	State	Yes	Yes	Yes	Yes	Yes	No	No	No
Federal	Federal or State	Federal	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes (7)
State	Federal or State	Federal	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes (7)
State	Federal	State	Yes	Yes	Yes	No (8)	No (8)	No	No	Yes

- (1) If no Federal-aid funds are in the project, FHWA does not require a NEPA analysis except as explained in note (2). CDOT may elect to produce a Federal environmental document for any project, to afford an easier opportunity to convert one or more phases to Federal funding at a later time.
- (2) Federal approval for changes in right-of-way and access control is required on the Interstate regardless of the type of funding. For the following actions, a NEPA document also needs to be completed:
  - Changes in Interstate Access Control;
  - Lease of Interstate Right-of-Way;
  - Disposal of Interstate Right-of-Way.
- (3) Design, Approval of Design, Variances and PS&E development.
- (4) Review of major structural designs for bridges with surface area exceeding 125,000 square feet or those with unusual hydraulic, geotechnical or structural features (see FHWA Order 5520.1).
- (5) Includes approval to proceed to advertisement and Concurrence in Award of Contract.
- (6) FHWA participates when invited by CDOT, where federal project oversight is in use for Design or Construction.
- (7) For CMOs:
  - Less than \$100,000 and not a major design changes: CDOT retains approval authority with approval from FHWA Colorado Division;
  - Equal to or greater than \$100,000 & less than \$250,000 and not a major design change: CDOT retains approval authority with copy to FHWA Colorado Division;
  - Equal to or greater than \$250,000 or a major design change: Requires prior approval from FHWA Colorado Division;
  - Federal approval is required on all CMOs for project limit extensions regardless of oversight.
- (8) For all projects involving structures over or under the interstate, CDOT shall invite the appropriate FHWA Operations Engineer to the Project Scoping meeting to determine the level of FHWA involvement.

## **SECTION 3. CDOT & FHWA ROLES AND RESPONSIBILITIES BY FUNCTIONAL PROGRAM AREAS**

The following subsections of Section 3 describe the functional/program stewardship and oversight areas that are subject to this Stewardship Agreement. This section provides information on how CDOT and FHWA are organized to accomplish each of the functional/program areas. In addition, each subsection will address required reviews, specific working relationships, and efforts relating to management systems. In addition a “FHWA Required Actions List” has been included in the Performance/Compliance Indicators subheading of each subsection. This will help to delineate the actions that are required through the 23 Code of Federal Regulations (CFR) and Federal Aid Policy Guide (FAPG).

Under this Stewardship Agreement, CDOT Staff Branches are responsible for facilitating the preparation of statewide policy and procedural directives, providing technical assistance, conducting continuous technical training, and providing quality assurance (QA) in all program areas. In some instances the Staff Branches may be responsible for project production. CDOT Region offices are responsible for preparing project scoping and scheduling documents, environment and right-of-way clearance documents, local entity agreements, and overall management of the individual projects.

The FHWA Colorado Division is responsible for the stewardship and oversight of the Federal-aid Highway Program in Colorado. FHWA Operations Engineers are responsible for the oversight activities and the Program Managers are responsible for the stewardship activities. In many instances, the Operations Engineers may be responsible for both stewardship and oversight. The Program Managers are responsible for relating policy, providing technical assistance, working with other federal agencies and guiding their programs on a statewide basis. Both the Operations Engineers and Program Managers are responsible for ensuring quality assurance (QA) of the entire FAHP in Colorado. FHWA Team Leaders are responsible for ensuring the Operations Engineers and Program Managers receive the appropriate leadership so that they may conduct an efficient and effective QA program.

### **3.1. ENVIRONMENT**

#### **3.1.1. Introduction**

The Environmental Program is based on policy guidance from both CDOT and FHWA.

The national commitment to the environment was formalized through the passage of the National Environmental Policy Act (NEPA) of 1969. NEPA establishes a national environmental policy and provides a framework for environmental planning and decision-making. NEPA directs FHWA and CDOT, when planning projects or issuing permits, to conduct environmental reviews to consider the potential impacts on the environment by their proposed actions. The NEPA process consists of a set of fundamental objectives that include interagency coordination and cooperation and public participation in planning and project development decision-making.

Environmental reviews involve an interdisciplinary and interagency process. FHWA and CDOT work cooperatively with other federal and state agencies during the environmental review process. This

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coordinated review process includes input from the public, as well as from other agencies, to guarantee that all environmental protections, as well as all other issues are addressed.

Environmental streamlining drives FHWA to improve project delivery without compromising environmental protection. Environmental stewardship helps demonstrate that FHWA is mindful of the natural and human environment while addressing mobility and safety needs of the public. FHWA promotes actions that show it is a responsible steward of the environment. FHWA takes advantage of opportunities to enhance environmental protection and encourage partnerships that promote eco-system conservation or encourage broader mitigation strategies that seek corridor or watershed based approaches. Environmental streamlining solutions must go hand in hand with principles of stewardship.

CDOT's "Policy Directive 13, Operating Principles. Environment" states the following:

CDOT will support and enhance efforts to protect the environment and quality of life for all its citizens in the pursuit of providing the best transportation systems and services possible. CDOT will:

- Promote a transportation system that is environmentally responsible and encourages preservation of nature and enhancement of the created environment for current and future generations;
- Incorporate social, economic and environmental concerns into the planning, design, construction, maintenance, and operations of the state's existing and future transportation system;
- Objectively consider all reasonable alternatives to avoid or minimize adverse impacts with the active participation of the general public, federal, state and local agencies;
- Ensure that measures are taken to avoid and minimize the environmental impacts of construction and maintenance of the transportation system, all activities are in compliance with all environmental statutes and regulations, and mitigation commitments are implemented and maintained;
- Plan, design, construct, maintain and operate the transportation system in a manner which helps preserve Colorado's historic and natural heritage and fits harmoniously into the community, local culture and the natural environment.

The Transportation Commission supports proactive techniques to mitigate impacts of the transportation system on the environment by developing creative strategies that:

- Comprehensively address anticipated environmental impacts of the state transportation system;
- Consider project enhancements in affected communities in a cost effective manner;
- Are consistent with the mission of the Department;
- Expedite project development.

The FHWA/CDOT environmental program is focused on avoiding, minimizing and mitigating the potential adverse impacts of the transportation system on the people and the environment of Colorado in accordance with NEPA and other applicable environmental legislation, regulations and policy direction. This is accomplished by ensuring:

- Environmental issues are identified early;
- Appropriate impact analyses are performed in a timely manner;
- Adequate documentation is submitted and reviewed as scheduled;
- Required authorizations are received from the governing entities for all projects and maintenance activities in accordance with the laws, environmental policies, letters of agreement and rules governing the environment.

Timely compliance with the environmental requirements is critical for advancing projects. The Regions, with the assistance from the Project Development Branch, and Division of Transportation Development (DTD) are charged with the responsibility of project development, construction and maintenance of the Colorado transportation system in a manner that will preserve the social and natural environment.

### **3.1.2. Method of Operation**

For the environmental function, FHWA maintains ultimate responsibility and approval authority for all activities requiring federal actions. Interagency coordination and stewardship are maintained through routine contacts in person, by telephone, by electronic mail, and in writing, during the course of transacting normal business operations. Contact normally occurs between the FHWA Environmental Program Manager (Env PM) and CDOT's Environmental Programs Branch (EPB) Manager. On specific project activities, stewardship and oversight coordination occurs between CDOT's six decentralized Region Planning and Environmental Managers (RPEMs) and FHWA Operations Engineers (OEs). The CDOT EPB Manager, FHWA Env PM, and CDOT Environmental Specialist assist in coordinating interagency approvals for various environmental resources impacted by projects.

Environmental considerations affect virtually all aspects of transportation. Coordination and interaction with other disciplines is necessary to administer the environmental program. Sometimes project specific decisions affect statewide policy. In such cases the RPEMs should consult with the EPB Manager and FHWA Env PM. Similarly, if the CDOT EPB Manager or the FHWA Env PM observes potential policy implications of project level decisions, such concerns should be discussed with the CDOT RPEM and the FHWA OE. The FHWA Planning and Environment (P&E) Team Leader and Env PM will work with other federal agencies and the EPB Manager on program and project matters to ensure statewide consistency in intergovernmental working relationships.

In the environmental functional area, there are several diverse factors that influence the quality of the products and services delivered. First, the timely delivery of specific environmental activities is critical to advancing transportation projects toward successful completion. For CDOT staff specialists, project compliance activities should be completed on or ahead of the established schedule date. For Region personnel, all NEPA documents should be completed in time for review and approval by FHWA prior to the scheduled project advertisement date. For major NEPA documents (EAs and EISs), EPB review will be completed prior to forwarding documents on to FHWA for approval, unless otherwise agreed to in advance per CDOT's Environmental Document Review Procedures. Second, CDOT's public involvement procedures should conscientiously solicit the views of all affected publics and should be implemented in accordance with Executive Order 12898 on Environmental Justice. The general effectiveness of this program can be measured by the number, substance and general tone of both positive and negative comments received on the environmental documents. Third, FHWA and CDOT should constantly strive to improve the existing working relationships with the many resource protection agencies involved in the environmental functional area (the US Fish and Wildlife Service, the Corps of Engineers, the Environmental Protection Agency, the State Historic Preservation Office, the Colorado Division of Wildlife, the Colorado Department of Public Health and Environment, etc.).

### **3.1.3. CDOT Organization**

CDOT's environmental function is divided between six Region environmental offices and the central office staff, consisting of the EPB. The CDOT environmental program consists of numerous interrelated responsibilities requiring close coordination between all parts of CDOT.

EPB generally has the lead in providing technical expertise to the Regions, other CDOT Branches, DTD, assisting regions with project development by providing specialty clearances, reviewing of NEPA documents, resolution of special environmental issues and development and implementation of memoranda of understanding and agreement with resource and regulatory agencies.

The Branch also develops environmental streamlining initiatives, environmental policy guidance, programmatic agreements, and environmental data for use in the planning and project development process, and assists Regions in early corridor environmental analyses.

Regions are responsible for all project development, construction and maintenance related environmental activities, with assistance from central staff as necessary.

### **3.1.4. FHWA Organization**

Oversight of the environmental function in the Colorado Division Office is the responsibility of the P&E Team Leader, Env PM and the OEs assigned to each of CDOT's six Region offices. FHWA's primary responsibility is to review, interpret and provide guidance and training on environmental policy, procedures and regulations by maintaining active liaison with the CDOT program and project personnel, and with other federal, state and local agencies. Assistance is provided to CDOT when addressing technically complex or controversial issues on general or project specific applications related to environmental policy and interagency coordination. It is also FHWA's responsibility to ensure environmental requirements are properly satisfied on individual projects. FHWA reviews and approves all environmental documents (project categorization requests, NEPA documents, wetland findings, Section 106 compliance, and Section 4(f) Evaluations, etc.).

### **3.1.5. Quality**

FHWA and CDOT review all environmental documents, attend public hearings and other project development meetings as necessary, and monitor news articles to assess the quality of work being planned and developed by CDOT. In addition to internal coordination, CDOT and FHWA will work with other state and federal reviewing agencies, Indian Tribes, local and regional governments and the general public to ensure that their views on the environmental function are considered in developing areas for quality improvement.

Under the Stewardship Agreement, CDOT and FHWA personnel work together as partners to continually review, evaluate, and improve the environmental program. The main emphasis areas of the Agreement are strengthening the environmental function by sharing information and correcting identified weaknesses. The FHWA Env PM (or other designee) will be a member on the Desired State Task Force and the Environmental Advisory Committee (EAC). The CDOT Environmental Program Branch Manager and the FHWA Env PM will host quarterly meetings with Region environmental personnel to share information, improve the quality and consistency of the various CDOT regional offices, and instill an environmental ethic throughout the agency.

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Annually, CDOT and FHWA sponsor an Environmental Training Workshop for all regional environmental personnel. The purpose of the workshop is to provide training on new requirements and refine expertise on various resource issues. In addition, National Highway Institute (NHI) courses and special training will provide training to the Regions on specific environmental programs. Agencies with special expertise are invited to participate in training for the CDOT/FHWA environmental program.

Information that documents the environment program will be kept current as information sources permit. CDOT's Policies and Procedures Manual and NEPA Manual will be continually improved on a resource-by-resource basis as necessary and appropriate. The list of Intergovernmental Agreements listed on CDOT's website (<http://www.coloradodot.info/programs/environmental/resources/intergovernmental-agreements.html>) will be reviewed and regularly updated. FHWA's Notebook Standard Operating Procedure for NEPA and Section 4(f) Review and Approval will be continually updated as laws, regulations, policies and procedures change and as FHWA HQ produces new materials. In addition, information on water quality and CDOT's Municipal Stormwater Discharge Permit will be available on CDOT's website.

Proposed review areas will be included as recommendations to the CDOT/FHWA Quality Improvement Council and become a part of the overall CDOT/FHWA Stewardship program.

### 3.1.6. Performance/Compliance Indicators

The following performance indicators will help assess the health of the Environmental program:

Table 3 - Performance/Compliance Indicators (Environment)

Indicator	Description	Target	Reporting Mechanism	Reporting Frequency
<b>Environmental Protection Agency (EPA) EIS Ratings</b>	The rating that EPA provides on draft EIS documents	No EU ratings	A list of DEIS documents completed in the reporting period identifying the EPA rating along with a project description	December each year
<b>Completion time for Environmental documents</b>	The time to complete an EA from 45 days after the date of the initial Coordination Letter through the FONSI date and the time to complete an EIS from Notice of Intent (NOI) to Record of Decision (ROD)	Establish baseline and track trend	A list of all EAs and EISs completed in the reporting period identifying the length of time along with a project description	December each year
<b>Percent on time for clearance actions by EPB</b>		90%	Environmental clearances, document and project reviews, and plan development/reviews completed by EPB prior to deadlines	Quarterly by fiscal year, from CDOT Natural Resources SM to FHWA Env PM
<b>Wetland impact and replacement ratios</b>		A minimum of 1:1 wetland replacement	FHWA will track review times for all documents requiring approval in order to determine appropriate response time	December each year
<b>Water Quality Measure</b>	RECAT findings resolved or addressed within 48 hours of midnight following the finding	100%	Chief Engineer Objective	December each year

Note: FHWA Colorado Division will track review times for all documents requiring approval in order to determine appropriate response time frames.

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Table 4 - FHWA Required Action List (Environment)

Environment					
#	Activity	Authority	Action	Frequency	Delegated To
1	Class of document determination	23 CFR 771.115 Thru - 119	R & A	As submitted by CDOT RPEM	OE, Env PM and PDTL
2	Logical termini determination	23 CFR 771.111(f)	R & A	As submitted by CDOT RPEM	OE, Env PM and PDTL
3	Filing of Notice of Intent	23 CFR 771.123	R & A	As submitted by CDOT RPEM	OE and Env PM
4	Environmental Assessment	23 CFR 771.119	R & A	As submitted by CDOT EPB or RPEM	PDTL
5	Finding of No Significant Impact (FONSI)	23 CFR 771.121	R & A	As submitted by CDOT EPB or RPEM	PDTL
6	Draft Environmental Impact Statement (EIS)	23 CFR 771.123	R & A	As submitted by CDOT EPB	DA
7	Final EIS	23 CFR 771.125	R & A	As submitted by CDOT EPB	DA
8	Record of Decision (ROD)	23 CFR 771.127	R & A	Min. 30 days after publishing final EIS As submitted by CDOT EPB	DA
9	Written re-evaluations or re-evaluation forms	23 CFR 771.129	R & A	As submitted by CDOT EPB or RPEM	For EISs – DA For EAs & CEs - OE
10	Section 4(f) <i>de minimis</i>	23 CFR 774	R & A	As submitted by CDOT EPB or RPEM	Env PM or OE
11	Section 4(f) programmatic	23 CFR 774	R & A	As submitted by CDOT EPB or RPEM	Env PM or OE
12	Section 4(f) individual	23 CFR 774	R, A, F to USDO I	As submitted by CDOT EPB	PDTL
13	Section 106 adverse effects and MOUs	23 CFR 771.133	R, A, F to ACHP	As submitted by CDOT EPB	Env PM
14	Tribal Consultation	36 CFR 800.2(c)(2)(ii)(A)	R, A, F to Tribes	As submitted by CDOT EPB Cultural Resources SM	Env PM
15	Section 7 consultation	23 CFR 771.133	R, A, F to USFWS	As submitted by CDOT EPB	Env PM
16	Wetland Findings	23 CFR 777	R & A	As submitted by CDOT EPB	Env PM
17	Annual reporting of wetland impacts and mitigations (Due 9/1 to FHWA HQ)	23 CFR 777	R, F to HQ	Annually by CDOT EPB Wetland PM	Env PM
18	Annual reporting of T & E Expenditures (Due 3/1 to FHWA HQ)	ESA	R, F to HQ	Annually by CDOT EPB T&E PM	Env PM
19	Quarterly reporting on Section 4(f) <i>de minimis</i> (Due 1/1, 4/1, 7/1, 10/1 to FHWA HQ)	23 CFR 774	R, F to HQ	Quarterly by CDOT EPB Section 4(f) PM	Env PM
20	Annual reporting on noise walls (Due 11/1 to FHWA HQ)	23 CFR 772	R, F to HQ	Annually by CDOT EPB Noise PM	Env PM
21	Reporting on EPA EIS Ratings, and EIS timeliness (as EISs are completed or when 3 yrs have passed since last document)		R, F to HQ	As submitted by CDOT EPB	Env PM

R = Review, A = Approve, F = Forward. RPEM - CDOT Regional Planning and Environmental Program Managers, EPB - CDOT Environmental Programs, DA - FHWA Division Administrator, Env PM - FHWA Environmental Program Manager, OE - FHWA Operation Engineers, PDTL - FHWA Program Delivery Team Leader, PM - Program Manager.

## **3.2 RIGHT-OF-WAY**

### **3.2.1. Introduction**

The acquisition of private property for public use is governed by a host of state and federal rules and regulations. The Right-of-Way (ROW) program has overall responsibility for the acquisition, management, and disposal of real property on Federal-aid projects. This responsibility includes assuring that acquisition and disposals are made in compliance with the legal requirements of the state and federal laws and regulations.

The ROW program is part of the CDOT Project Development Branch. The project development process can be divided into five process categories or work activities:

- Surveying;
- Appraisals/Review;
- Acquisition;
- Relocation;
- Property Management.

Note:

1. Property Management is a part of the Maintenance & Operations Branch at the Central Office; however some of the regions have a property management section that reports to the Region ROW Manager. not project development;
2. The Access Coordinator and the Roadside Advertisement Coordinator are part of Safety & Traffic Engineering at the Central Office.

### **3.2.2. Method of Operations**

The FHWA Colorado Division's relationship with CDOT's ROW program has historically been a very close working relationship that strives to identify best practices and training opportunities, and maintain good communications. As such there are responsibilities on the part of each organization to foster good public relations while striving to adhere to the ultimate goal of building highways.

The operation from the agencies perspectives includes the maximum delegation of authority to CDOT. This offers the greatest possible innovation and flexibility to administer the ROW program. In this regard, the CDOT ROW Operations Manual is an important tool.

Coordination and oversight are maintained through an annual statewide ROW workshop involving all CDOT ROW program personnel and the FHWA's ROW Program Manager, quarterly ROW managers' meetings, and routine contacts in person, in writing and by phone, during the course of business. Contacts are normally between the CDOT ROW Program Manager (Central Office) and FHWA ROW Program Manager.

### **3.2.3. CDOT Organization**

The ROW program is headquartered in Denver and has offices in each of the six regions. It has a professional staff of real estate specialists, surveyors, appraisers, administrators, and others who deliver ROW projects.

The CDOT Central Office is responsible for facilitating the provisions of statewide policies and guidelines, conducting quality assurance, providing training and development, and technical assistance to the Regions in support of their responsibility for program delivery.

The ROW program is comprised of the following functions:

- Survey;
- Appraisal/Review;
- Acquisition;
- Relocation;
- Local Public Agency Oversight;
- Consultant Management;
- Property Management;
- Records Management.

#### **3.2.4. FHWA Organization:**

Oversight of the ROW program in the FHWA Colorado Division Office is the responsibility of the ROW Program Manager and the FHWA Operations Engineers assigned to each of the six CDOT regional offices. Their primary responsibility, in addition to those listed in the matrix on page 25, is to review, interpret and provide guidance and training for FHWA ROW policies, procedures and regulations.

#### **3.2.5. Quality**

Quality Control (QC) is performed in four functional areas within the CDOT ROW process documented in the FHWA approved CDOT ROW Manual. First, a ROW plan review is held at the beginning of the appraisal process to determine the adequacy of the ROW plans and reduce the potential for possible plan revisions during the process. Second, all appraisals are reviewed by CDOT staff to provide assurance that all state and federal laws are complied with in the appraisal function. Third, all relocation determinations are approved by CDOT Central Office ROW staff prior to making an offer to the displaced person. Finally, a check list is used with each settlement package to make sure that all matters affecting title have been taken care of prior to closing.

Additionally, to encourage process consistency and ensure that the end product or service provided meets established quality standards and criteria, quarterly intra-region file reviews are performed by CDOT Region ROW staff. The review topics are function specific (appraisal, relocation, acquisition, etc.) and are determined by a consensus of CDOT ROW Managers, CDOT Central Office ROW staff and FHWA.

Quality assurance reviews of critical areas will be made on a rotational basis based on the risk assessment made by the CDOT ROW Program Manager and the FHWA Division ROW Manager.

**3.2.6. Performance/Compliance Indicators**

The following performance indicators in combination with periodic reviews will be used to assess the health of the ROW program:

Table 5 - Performance/Compliance Indicators (ROW)

<b>Indicator</b>	<b>Description</b>	<b>Target</b>	<b>Reporting Mechanism</b>	<b>Reporting Frequency</b>
<b>Conditional Clearances</b>	Percentage of Federal-aid projects with conditional ROW certifications	Establish baseline and track trend	The number of Federal-aid construction projects that had conditional clearances versus the total number of Federal-aid construction projects	December each year
<b>Condemnations</b>	Percentage of parcels acquired using condemnation	Establish baseline and track trend	Uniform Act relocation Assistance and real Property Acquisition Statistical report as required by 49 CFR, Appendix B	December each year
<b>Fair Market Value settlement rate</b>	The percentage of parcels settled at FMV	Establish baseline and track trend	The number of parcels that settled at FMV versus the total number of parcels acquired	December each year
<b>Appeals</b>	The number of appeals filed each year	Establish baseline and track trend	A list of appeals	December each year

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Table 6 - FHWA Required Action List (ROW)

<b>Right-Of-Way</b>					
<b>#</b>	<b>Activity</b>	<b>Authority</b>	<b>Action</b>	<b>Frequency</b>	<b>Delegated To</b>
1	State ROW Manual changes	23 CFR 710.201	R & A	Jan. 1, 2001 & every 5 years thereafter	RWPM
2	Requests for waivers	49 CFR 24.204(b)	R & A	As submitted by State	RWPM
3	Local Public Agency Oversight	23 CFR 710.201(h)	Periodically R for C (State takes action)	As needed	RWPM
4	FHWA Annual Acquisition and Relocation Statistics Previous form FHWA 1434, 1424	FHWA Order 6540.1	Prepare & submit to FHWA HQ	Annually by Nov. 15	RWPM
5	Use of ROW Air Space authorization request (on Interstate system)	23 CFR 710.405	R & A	Project by project	RWPM
6	Use of ROW Air Space authorization request (off Interstate system)	23 CFR 710.405	Periodically R for C (State takes action)	As needed	RWPM
7	Changes in Access Control / ROW Disposal authorization request (if on Interstate system or fair market value not charged) (1)	23 CFR 710.401 & 409	R & A	Project by project	RWPM
8	Changes in Access Control / ROW Disposal authorization request (if not on Interstate system and fair market value charged)	23 CFR 710.409	Periodically R for C (State takes action)	As needed	RWPM
9	Functional Replacement	23 CFR 710.509	R & A	Project by project	RWPM
10	Outdoor Advertising policies and procedures revisions	23 CFR 750.304	R & A	As needed or submitted by State	RWPM
11	Outdoor Advertising sign removal projects	23 CFR 750.307	R & A	Project by project	RWPM
12	Lead Agency Uniform Act monitoring activities	49 CFR 24.603	R for C	As needed	RWPM
13	Develop ROW oversight agreement	23 CFR 710.201(i)	R & A	By Jan. 1, 2001 and updated as needed	RWPM
14	ROW Conditional Clearance Certification	23 CFR 635.309	R & A	Project by Project	PDBM
15	ROW Plan Authorization	23 CFR 710.201 (i)	R for C & A	Project by Project	SPPM
16	Hardship and Protective Buys	23 CFR 710.503	R & A	Project by project	RWPM
17	Highway Facility Relinquishment , highway superseded on new location, old removed from federal-aid route	23CFR620.203(c)(1)	R & A	Project by Project	DA
18	Highway Facility Relinquishment of reconstructed local facilities outside control of access	23CFR620.203(c)(2)	Periodically R for C (State takes action)	Project by Project	RWPM
19	Relinquishment of Frontage Roads not integral to operations of system (frontage road in Interstate ROW)	23CFR620.203(c)(3)	R & A	Project by Project	RWPM
20	Relinquishment of Frontage Roads not integral to operations of system (frontage road NOT in Interstate ROW)	23CFR620.203(c)(3)	Periodically R for C (State takes action)	Project by Project	RWPM
21	Relinquishment of Frontage Roads used as access between ramps and public streets. (On Interstate System)	23CFR620.203(d)(1)	R & A	Project by Project	RWPM
22	Relinquishment of Frontage Roads used as access between ramps and public streets. (OFF Interstate System)	23CFR620.203(d)(1)	Periodically R for C (State takes action)	Project by Project	RWPM
23	Relinquishment of Ramps (On Interstate System)	23CFR620.203(d)(2)	R & A	Project by Project	RWPM
24	Relinquishment of Ramps (OFF Interstate System)	23CFR620.203(d)(2)	Periodically R for C (State takes action)	Project by Project	RWPM

(1) Changes in the Access control means both breaks in an access control line and changing the location of an access control line. Changes in the Access control lines on the Interstate that are caused by a FHWA Oversight Project or an Interstate Access Request are considered approved by FHWA when FHWA approves the FHWA Oversight Project or approves the Interstate Access request (IAR)  
R = Review, A = Approve, C = Compliance  
RWPM - FHWA ROW Program Manager, PDBM - CDOT Project Development Branch Manager, SPPM - CDOT Survey/Plans Program Manager

## **SAFETY AND TRAFFIC ENGINEERING**

### **3.3.1. Introduction**

The Safety and Traffic Engineering Branch (The Branch) is responsible for developing and maintaining the Highway Safety Improvement Program (as defined by 23 CFR 924) for CDOT and is focused on reducing fatalities and serious injuries resulting from crashes on the transportation system and the associated human and economic loss.

The Branch focuses on implementing the Highway Safety Improvement Program (HSIP) which includes the Strategic Highway Safety Plan (SHSP), hazard elimination, rail-highway grade crossings, and high risk rural roads. They work with Region Traffic Engineers and local agencies to identify and construct cost-effective projects that improve safety on Colorado's roadways. This is accomplished by assessing the nature and magnitude of safety problems on roadways in a Region, county or town and providing adequate information to support the development of an investment strategy to resolve the problems. Finally, a cost-benefit analysis is employed to ensure that the most beneficial and cost-effective safety projects are selected for implementation by the Regions and local agencies.

The Rail-Highway Grade Crossing program (23 U.S.C. 130) utilizes a hazard index for project selection in accordance with 23 C.F.R. 924. In addition, grade crossing accidents are tracked with the help of law enforcement agencies and other Branch resources to respond quickly to accident sites to ensure that any safety issues are addressed.

The Branch also acts as the State's repository for state highway traffic accident information and works with the Colorado Departments of Revenue, Public Health and Environment, Human Services, and Public Safety, as well as the Judicial Branch, to improve the accuracy and completeness of the database and ensure that safety designs are within CDOT guidelines.

As part of the SHSP, CDOT relies on crash data to meet the requirements of SAFETEA-LU, which includes timeliness, accuracy, uniformity, integration, and accessibility of data suitable for problem identification and countermeasure analysis. CDOT has put forth significant effort over the last year to cultivate a crash data set that possesses these attributes. CDOT remains committed to improving its safety data and has established a goal that crash data processing backlogs are kept to a minimum of no more than six months at all times. CDOT also understands that importance of the SHSP to Colorado's safety stakeholders and has set a goal to update its existing plan within a year and half from the date the Stewardship Agreement is signed. Accomplishing this goal will depend on several factors including data improvements, budget, and political support for an FTE to manage the task. Once updated, FHWA and CDOT will ensure that SHSP (updated SPIRS) implementation efforts are developed and tracked for each emphasis area identified.

The Office of Transportation Safety (OTS) administers the state's traffic safety program funded by the National Highway Traffic Safety Administration (NHTSA). The OTS is responsible for developing and maintaining the FHWA-mandated Strategic Highway Safety Plan (Strategic Plan for Improving Roadway Safety, or SPIRS). This strategic safety plan is the roadmap for developing the annual Colorado Integrated Safety Plan (ISP). The ISP meets the annual safety program planning requirements of the NHTSA. The goal of the program is to reduce traffic deaths on Colorado's highways. Primary focuses of the program include reducing alcohol-related traffic deaths, increasing adult seat belt use and car seat and seat belt use for children, and reducing teen driving deaths. Public information and outreach activities are coordinated along with training and education services.

The Safe Routes to School program is administered by the Division of Transportation Development and therefore outlined in the Planning section of this agreement.

### **3.3.2. Method of Operation**

The Stewardship Agreement describes activities of the FHWA Division Office and CDOT in implementing the required safety program activities. These activities are required under the HSIP (23 USC 148), which encompasses the SHSP, the Hazard Elimination Program (HES), the High Risk Rural Roads Program (HRRRP) and the Rail/Highway Crossing Program (23 USC 130), and the Safe Routes to School Program (SRTS) (Section 1404 SAFETEA-LU). Activities consist of components of planning, implementation, evaluation and reporting of safety programs and projects and providing support for problem identification, design, construction, maintenance, and technical assistance to CDOT, FHWA, the Federal Motor Carrier Safety Administration (FMCSA), NHTSA, Federal Transit Administration (FTA), Federal Railroad Administration (FRA), and local governments.

The Rail-Highway Grade Crossing program (23 U.S.C. 130) utilizes a hazard index for project selection in accordance with 23 C.F.R. 924. In addition, grade crossing accidents are tracked with the help of law enforcement agencies and other Branch resources to respond quickly to accident sites to ensure that any safety issues are addressed.

### **3.3.3. CDOT Organization**

The OTS will administer the non-infrastructure safety programs including the Colorado ISP which incorporates all safety program funding. This plan will identify the overall state safety objectives and the programs and resource allocations to be implemented annually to reach these objectives.

The CDOT Safety and Traffic Engineering Branch will administer the infrastructure safety programs with cooperation from the six Regional Traffic Sections. The Region Traffic Sections are responsible for the development of safety project schedules and budgets, implementing the signing and striping activities, and work zone traffic control plan preparation. The Safety and Traffic Engineering Branch is primarily responsible for the design and standards for safety hardware devices used in construction projects, directing the safety assessment functions, assisting the Regions with the selection of safety projects, facilitating the Regions in the development of policies and procedures, providing and/or coordinating technical training and assistance, and overseeing the safety quality assurance effort.

### **3.3.4. FHWA Organization**

The Colorado Division Safety and Traffic Operations Engineer works in conjunction with CDOT in the areas of safety and traffic operations. This involves promoting and providing guidance on new national initiatives for increasing safety, decreasing the potential for accidents on all highways, minimizing the number of serious injuries and reducing fatalities. The new Highway Safety Improvement Program established by SAFETEA-LU is a core program. The new safety program provides funding to CDOT for the Hazard Elimination Program, Rail-Highway Grade Crossing Program, and High Risk Rural Roads Program. FHWA has responsibility for approving the processes developed and set forth in CDOT's HSIP. Additional FHWA responsibilities, which are delegated to CDOT, include offering assistance to local governments in performing traffic engineering studies, and providing training and technical assistance to CDOT employees, Bureau of Indian Affairs (BIA) personnel and local agency personnel.

### **3.3.5. NHTSA Organization**

The highway safety programs outlined in 23 CFR Part 1205 are eligible for federal funding under the State and Community Highway Safety Grant Program (23 U.S.C. 402). The Section 402 Safety Program is administered by NHTSA on the national level and by the Governor's Highway Safety Representative (currently the CDOT Chief Engineer) at the state level. Programs developed under these guidelines are eligible for federal funding issued by NHTSA and FHWA. NHTSA is responsible for FHWA's portion of Section 402 that involves program oversight, eligibility, and administrative activities. FHWA's role is to provide technical assistance and support when appropriate. OTS is responsible for the day-to-day administration of this program. NHTSA is primarily responsible for approval of the statewide ISP for the Roadway Safety Program area of Section 402 and management and program reviews.

### **3.3.6. Quality**

Quality is ensured by CDOT through evaluation of safety cost effectiveness and/or value derived from the safety programs and projects as reported in the Annual and 5% reports. The continuous quality improvements process of the Safety and Traffic Engineering Branch and Problem Identification conducted by OTS are used to prioritize limited funds to determine which initiatives have the greatest impact on highway safety in the areas of engineering and human factors (behavior). The quality is enhanced through collaboration with others to include FHWA who provides technical assistance for the HSIP and individual projects. Quality is monitored through ongoing operations and the Regional and project oversight that consists of work zone traffic control reviews, process reviews, scoping reviews, and Quality Assurance Reviews.

The processes of this program are documented in 23 CFR, along with CDOT procedural directives and policies, operational guidelines, etc. This information is shared with those that need to understand how the process operates. In addition, meetings are an integral and critical method of process and operational communications.

Traffic Control Reviews: CDOT Area Engineers and FHWA Operations Engineers will jointly conduct annual traffic control reviews to monitor traffic control on construction projects to ensure conformance with established regulations, policies, procedures, and guidelines.

Work Zone Safety and Mobility Process Reviews: The Area Engineers, with the support of the FHWA Safety Program Manager, will comply with Section 23 CFR 630.1008(e) which states that "In order to assess the effectiveness of work zone safety and mobility procedures, the States shall perform a process review at least every two years".

**3.3.7. Performance/Compliance Indicators**

The following performance indicators will be used to assess the health of the Safety Program:

Table 7 - Performance/ Compliance Indicators (Safety and Traffic Operations)

<b>Indicator</b>	<b>Description</b>	<b>Target</b>	<b>Reporting Mechanism</b>	<b>Reporting Frequency</b>
<b>Reduce the fatality rate</b>	The fatality rate per 100 million VMT	Less than or equal to 1.0	Colorado Highway Safety Program Annual Report	December each year
<b>Reduce alcohol-related fatal crashes.</b>	Alcohol-related fatal crashes as a percentage of overall fatal crashes	Less than 45%	Colorado Highway Safety Program Annual Report	December each year
<b>Reduce the injury crash rate</b>	The injury crash rate per 100 million VMT	Less than 65	Colorado Highway Safety Program Annual Report	December each year
<b>Increase the rate of seat belt usage</b>	Percentage of overall population using seat belts	Greater than 82%	Seat Belt Survey Report	December each year
<b>Reduce crash data processing time</b>	Number of months crash data processing is backlogged	Less than 12 months*	Colorado Highway Safety Program Annual Report	December each year

\* During revision of the FY12 Stewardship Agreement, "Less than six months" will be considered.

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• Table 8 - FHWA Required Action List (Safety and Traffic Operations)

Safety Program							
#	Activity	Reference	Action	Frequency	Due	Responsible Mgr.	Outcome
1	Strategic Highway Safety Plan	23 CFR 924.9 (a)(ii) 23 CFR 924.13 (2)	R, C & A	Every 3 years	Sept. 30	OTS	Updated SHSP
3	Highway Safety Improvement Program, including HES Program, Safety Programs, High Risk Rural Roads Program, and 5% Reporting	23 CFR 924.15 SAFETEA-LU 23 USC 148	R, C & A process	Annually	Aug. 31	CDOT/STE	Report to HQ by Sept. 30
4	HSIP 10% Flex Provision Eligibility	23 CFR 924.11(b)	R & A	Each FY if needed	----	CDOTOTS/STE	
5	Rail Highway Grade Crossing Program	23 USC 130	R C & A	Annually	Aug. 31	CDOT/STE	Report to HQ by Sept. 30
7	Work Zone Safety & Mobility Process review	23 CFR 630.1008	R & A	Every 2 years	Sept. 30	CDOT/STE	Report to D.A.
8	MUTCD Adoption and Colorado Supplement	23 CFR 655.603	R & A	2 yrs. after MUTCD update is released	---	CDOT/STE	MUTCD Adopted
9	Project crash data	23 CFR 630.1010	R	Continuous	---	CDOT/STE & OE	
10	Primary Seat belt law	23 CFR 1215.6	R	Annually (Each FY)	---	OTS	Law passed
11	Drug offender DL revocation or suspension certification by Governor	23 USC 159, 23 CFR 192.5	R & C	Annually	Jan. 1	OTS	Certification sent to FHWA
12	Repeat Offender law	23 USC 164, 1406	C, A (if anything changes)	Update as amended		OTS	
13	Zero tolerance law & enforcement certification	23 CFR 1210.5	R	Update as amended	---	OTS	
Traffic Operations							
#	Activity	Reference	Action	Frequency	Due	Responsible Mgr.	Outcome
1	Work Zone Safety & Mobility Assessment	---	R & A	Annually	1-Jun	CDOT/STE	Submitted to FHWA
R = Review, A = Approve, C = Compliance AE – CDOT Area Engineers, CDOT – CDOT Safety and Traffic Engineering Branch, CTMC – Colorado Transportation Management Center, DTD – CDOT Division of Transportation Development, ITS - FHWA ITS/ program Manager, OE - FHWA Operation Engineers, OTS – CDOT Office of Transportation Safety, STE - FHWA Safety/Traffic Engineer							

### **3.4. DESIGN AND CONSTRUCTION**

#### **3.4.1. Introduction**

The CDOT Area Engineers Program is responsible for assisting the six CDOT Regions to maintain uniform administration and management practices in construction, design, and contract administration. In addition, the Area Engineers are responsible for providing technical assistance to the Regions and various local agencies.

#### **3.4.2. Method of Operation**

CDOT Area Engineers, of the Project Development Branch, and FHWA provide oversight, technical assistance, support, training, and quality assurance to the Region personnel to ensure uniformity of construction, design, and contract administration.

#### **3.4.3. CDOT Organization**

##### **Area Engineers:**

Area Engineers are each assigned a portion of the State. The Area Engineer assignment is rotated so that each Resident Engineer has a different Area Engineer as assigned by CDOT branch managers. The Area Engineers are supported by Assistant Area Engineers.

##### **CDOT Regions:**

A Region Program Engineer is responsible for the overall design and construction program in part of each Region. The residencies in each Region report directly to a Region Program Engineer. Each residency is staffed by a Resident Engineer, Project Engineers, and other project personnel who are responsible for the day-to-day operations of the design and construction program.

#### **3.4.4. FHWA Organization**

The Program Delivery Teams in the FHWA Colorado Division are responsible for design and construction oversight including: design, contract administration, contract changes, dispute resolution and claims, materials and pavements, specifications and quality assurance oversight. The teams consist of a Program Delivery Team Leader who has leadership responsibility for the team, Operations Engineers, and other Program Managers.

#### **3.4.5. Quality**

CDOT and FHWA plan program-wide implementation of Quality Control (QC) and Quality Assurance (QA) activities. The Area Engineers, FHWA Operation Engineers, and the Regions will cooperate to ensure that effective QC/QA procedures are established and carried out for design and construction activities.

Following are some of the cooperative QC/QA activities:

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- Post Construction Reviews: Post Construction reviews will be conducted in half of the Regions each year. FHWA Operations Engineers will be invited to attend reviews on oversight projects;
- Inter-Region Reviews: Inter-Region reviews will be conducted in half of the Regions each year. The respective FHWA Operations Engineer will be invited to attend the reviews;
- Annual Residency Visits: CDOT Area Engineers and FHWA Operations Engineers will meet annually with the Resident Engineers and their personnel. These Residency visits are intended to provide a valuable exchange of information and ideas between CDOT Project Development staff, FHWA and Region personnel. In addition, the reviews will help to improve the QC/QA function;
- Area Engineers/FHWA Program Delivery Team Leader Meetings: The Area Engineers and FHWA Program Delivery Team Leaders will meet on a quarterly basis to discuss issues of mutual concern in the design and construction program;
- Resident Engineer Meetings: The Area Engineers and Operations Engineers attend and participate in these meetings when invited;
- Committees: The Area Engineers and FHWA will participate on the following committees:
  - Joint Colorado Contractor's Association/CDOT Specification Committee;
  - Joint American Concrete Paving Association/CDOT Coop Committee;
  - Joint Colorado Asphalt Paving Association/CDOT Coop Committee;
  - Project Delivery Advisory Committee;
  - Materials Advisory Committee;
- Quality Assurance Review Process: The Area Engineers and Operations Engineers will help to nominate and participate in Quality Assurance Reviews regarding topics of mutual interest. Annually, the CDOT/FHWA Quality Improvement Council selects and the CDOT/FHWA Quality Assurance Management Team approves a list of quality assurance reviews that will be conducted. Quality Assurance Review teams will examine selected processes and submit reports that include recommendations for improving the quality of the project development processes.

CDOT documents its design and construction procedures through the Project Development, Construction, and Design manuals. These manuals are kept on the CDOT web page and are updated every five years. The Area Engineers prepare interim design and construction bulletins as necessary. In addition to being distributed manually, the bulletins are also on the CDOT web page. All employees have access to the manuals and the bulletins.

3.4.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the Design and Construction Programs:

Table 9 - Performance/ Compliance Indicators (Design and Construction)

<b>Indicator</b>	<b>Description</b>	<b>Target</b>	<b>Reporting Mechanism</b>	<b>Reporting Frequency</b>
<b>Construction On Budget</b>	Percent of projects completed within the project commitment amount	90% (preliminary)	Chief Engineer Objective	December each year
<b>Construction On Time</b>	Percent of projects completed on time, as measured by completion date, calendar days, or working days per contract after the pre-construction conference	80% (preliminary)	CDOT Work Plan/Chief Engineer Objective	December each year
<b>Design On Time</b>	Percent of projects advertised before or within 30 days of their estimated advertisement date as estimated on August 1	80% (preliminary)	Chief Engineer Objective	December each year
<b>Number of major change orders</b>	Number of change orders larger than \$250,000	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Number of change orders for time extensions</b>	Number of change orders for time extensions	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Number of change orders approved by CDOT</b>	Number of change orders less than \$250,000 approved by CDOT	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Number of claims processed each year</b>	Number of claims submitted	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Number of claims paid out</b>	Claim dollars disputed divided by total contract dollars	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Number of disputes filed each year</b>	Contract dollars disputed divided by total contract dollars	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Dispute Resolution Board activity</b>	Number of disputes presented to the DRB	Establish baseline and track trend	CDOT Work Plan	December each year

Table 10 - FHWA Required Action List (Design and Construction)

Design and Construction						
#	Activity	Authority	Action	Frequency	Delegated To	
					CDOT Oversight Project	FHWA Oversight Project
1	Project Authorizations (FMIS) Preconstruction	23 CFR 630.106	R & A	Project by project	OE	OE
2	Consultant Services	23 CFR 172.5	R & A	As needed	RE	OE
3	Projects Near Airports Railroad Agreement	23 CFR 620.103646646.216	R & A	As requested project by project	RE	OE/RE
4	Highway Facility Relinquishment Buy America waiver (all projects)	23 CFR 620.203635635.410	R & A	As needed	DA	DA
5	Design Exception Request	23 CFR 625.3	R & A	As needed	RE	OE (PDTLs Mainline Interstate)
6	Plans, Specifications, & Estimates (PS&E)	23 CFR 630B, 23 CFR 633.102 23 USC 106	R & A	Project by project	RE	OE
7	Competitive Bidding	23 CFR 635.104, 23 USC 112, 23 CFR 635B	R & A	As requested	RE	OE
	Exceptions (Force Account)					
8	Competitive Bidding Exceptions not defined by 23CFR635B	SEP - 14	R & A	As requested	DA	DA
		SEP - 15				
9	Warranties	23 CFR 635.413	R & A	As needed	RE	OE
10	Convict Produced Material	23 CFR 635.417	R & A	As needed	RE	OE
11	Patented/Proprietary Products (Project Level)	23 CFR 635.411	R & A	As needed	RE	OE
12	Patented/Proprietary Products (Statewide)	23 CFR 635.411	R & A	As needed	OE	OE
13	Public Agency Furnished Material	23 CFR 635.407	R	As needed	RE	OE
14	Use of Public Owned Equipment	23 CFR 635.106	R & A	As needed	RE	OE

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#	Activity	Authority	Action	Frequency	CDOT	FHWA
15	Plans, Specifications, & Estimates (PS&E)	23 CFR 630B, 23 CFR 633.102 23 USC 106	R & A	Project by project	RE	OE
16	Authorization to Advertise - Construction (FMIS)	23 CFR 635.309	R & A	Project by project	OE	OE
17	Advertisement Period	635 112(b)	R & A	Project by project	RTD	OE
18	Addenda During Advertisement	635 112(c)	R & A	Project by project	RE	OE
19	Bid Opening/Tabulations	23 CFR 635.113	Periodically R for C (State takes action)	Per letting	RE	RE
20	Concurrence in Award	23 CFR 635.114, 23 USC 112(d)	R & A	Project by project	RE	OE
21	Rejection of all bidders	23 CFR 635.114 (h)	R & A	Project by Project	C&MA BM	OE
22	Changed Conditions	23 CFR 635.109	R & A	As needed	RE	
	Changes and Extra Work	23 CFR 635.120	R & A	As needed	RE	
	Over \$250,000 Or change in project limits	23 CFR 635.120 + 102	R & A	As needed	RE	OE
	Under \$250,000	23 CFR 635.120	R & A	As needed	RE	RE
23	Claims	23 CFR 635.124	R & A	As needed		
	Over \$250,000				RE	OE
	Under \$250,000				RE	RE
24	Termination of Contract	23 CFR 635.125	R & A	As needed	Chief Engineer	OE
25	Construction Inspection	FAPG G 6042.8	R for C	As needed	RE	RE
26	Final Inspection/Final acceptance	FAPG G 6042.8	R & A	As needed	RE	OE
27	Payroll	23 CFR 635.118	R	As needed	RE	RE
28	Liquidated Damage Rates	23 CFR 635.127	R & A	Every 2 years	PDTL	PDTL
29	Design Standards/ Standard Specifications	23 CFR 625	R & A	When changes occur	PDTL	PDTL
30	Value Engineering (all projects \$25 million or more and bridges >\$20 M)	23 CFR 627 and P.L. 104-59 Sec 303	R for C (State conducts study)	Project by project	RE	OE
31	Year-end Value Engineering Rpt	FAPG G 6011.9	R & send to HQ	Annually by Nov. 1	PDTL	PDTL
32	Projects Near Airports	23 CFR 620.103	R	As requested	RE	OE
#	Activity	Authority	Action	Frequency	CDOT	FHWA
33	Emergency Repair/Projects	23 CFR 635.204	R & A	As requested	SE	SE
34	Utility Agreement Alternate Procedure	23 CFR 645.119	R & Accept	One time	PDTL	PDTL
35	Utility Accommodation Policy	23 CFR 645.215	R & A	When changes occur	PDTL	PDTL
36	Railroad Agreement Alternate Procedure	23 CFR 646.220	R & A	One time	PDTL	PDTL
37	Defense Access Roads	23 CFR 660 Part E	R	As needed	OE	OE
38	Local Public Agency Oversight Policies & procedures	FAPG 23 CFR 635.105	R & A	As updated	PDTL	PDTL

R = Review, A = Approve, C = Compliance

OE - FHWA Operations Engineers, RE - CDOT Resident Engineer; DA - FHWA Division Administrator, ADA - FHWA Assistant Division Administrator, PDTL – FHWA Program Delivery Team Leaders, SE – FHWA Structural Engineer C&MA BM – CDOT Contract and Market Analysis Branch Manager  
FHWA assumes responsibility for the on full-oversight projects and CDOT assumes responsibility on all other projects.

## **3.5. HYDRAULIC DESIGN**

### **3.5.1. Introduction**

CDOT Region Hydraulic Engineers (RHEs) are responsible for the hydraulic design and review of bridges, culverts and roadside drainage. The RHE coordinates with many agencies involved with flood plain issues. The Staff Hydraulic Engineer (SHE) provides leadership, training, guidance and represents CDOT as the technical authority for hydraulics. The FHWA Division Bridge Engineer or Operations Engineer is the primary contact for the Division for hydraulic related issues.

### **3.5.2. Method of Operation**

FHWA will review bridge culverts and bridges for hydraulic conformance to State and Federal design requirements for all Interstate projects. FHWA may review minor structures and other hydraulic features at their discretion. FHWA Bridge Engineer will coordinate directly with the SHE with FHWA requests and training announcements.

### **3.5.3. CDOT Organization**

The RHE's are responsible for hydraulic designs for roadway drainage, culverts, bridges, sediment ponds, retention basins, open and closed channels. They provide water quality and environmental support and provide expertise for drainage issues in their region. Also the RHE provides leadership for erosion mitigation, bridge scour, channel improvements and coordinates with FEMA, CDH, COE and regional drainage managers with water and floodplain issues. The RHE also reviews developers' drainage permits impacting state highway right of way.

The SHE represents CDOT as the technical authority for CDOT by coordinating training, developing policy guidance, maintaining the Drainage Design Manual and fostering hydraulic related research. The SHE also represents CDOT for hydraulics at AASHTO and other technical organizations. The SHE is the manager of the current consulting project to update the plan of actions for scour critical bridges statewide. The SHE will coordinate bimonthly status meetings with FHWA, Staff Bridge and Regions.

### **3.5.4. Quality**

The Staff Hydraulics provides the Drainage Design Manual available to the public through the CDOT web page. The RHE's will cross review drainage designs with other RHE's. FHWA and the SHE can request a hydraulic report from the Region for their review at their discretion. FHWA and the SHE will meet annually and make recommendations to the QIC for future related QA's involving hydraulics.

3.5.5. Performance/Compliance Indicators

Table 11 - FHWA Required Action List (Hydraulics)

<b>Hydraulics</b>						
#	Activity	Authority	Action	Frequency	Delegated To	
					CDOT	FHWA
1	Location and Hydraulic Design of Encroachments on Flood Plains	23 CFR 650 Subpart B	R & A	As needed	RE or RHE	OE or BE
2	Procedures and Fees for processing Map changes	44 CFR Part 72	C	As needed	Re or RHE	OE or BE
R = Review, A = Approve, C = Compliance OE - FHWA Operations Engineers, RE - CDOT Resident Engineer; RHE = Regional Hydraulics BE = FHWA Division Bridge Engineer FHWA assumes responsibility for the following on full-oversight projects and CDOT assumes responsibility on all other projects						

## **3.6. PAVEMENTS AND MATERIALS**

### **3.6.1. Introduction**

The Materials and Geotechnical Branch is responsible for ensuring quality in the products used for construction and maintenance of the transportation system. The Branch is responsible for the specifications, test procedures, and associated testing of materials to ensure compliance with CDOT standards and specifications and FHWA Regulations. The programs in this Branch include Soils and Rockfall, Geotechnical Engineering, Concrete and Physical Properties, Asphalt Pavements, Pavement Management, and Pavement Design.

### **3.6.2. Method of Operation**

CDOT and FHWA will work together as partners to review the materials, pavement, and geotechnical programs, verify procedures, and provide solutions to identified problem areas. This working relationship requires teamwork across functional boundaries in FHWA and CDOT. The utilization of outside resources, such as industry groups and organizations, will be considered in this joint effort.

### **3.6.3. CDOT Organization**

#### **1. Soils and Rockfall Program**

The mission of the Soils and Rockfall Program is to perform laboratory tests on soils according to established guidelines and procedures for CDOT, maintaining an AASHTO Materials Reference Laboratory (AMRL) accredited soils laboratory. The Soils and Rockfall Program consists of the Soils Laboratory and the Rockfall Engineering Unit.

The following are also performed:

- Provide support, review and project management for the development of design plans and specifications concerning soil and rockfall projects,
- Provide geologic hazards expertise by assessing safety, recommending mitigation alternatives and inspecting mitigation construction,
- Provide emergency geological service for CDOT projects,
- Update and administer the Rockfall Management Plan;

#### **2. Geotechnical Engineering Program**

The mission of the Geotechnical Engineering Program is to provide geotechnical recommendations for the design, construction and maintenance of CDOT projects involving roadway cut and fill, bridge, retaining wall, and other transportation structure foundations;

#### **3. Concrete & Physical Properties Program**

The mission of the Concrete and Physical Properties Program is to provide timely and accurate test results for concrete, aggregate, steel, and other construction and maintenance materials. This program provides statewide Portland cement concrete coordination through engineering and technical expertise that will assist the Regions in the development of the Department's transportation system to meet the structural condition goals for bridges and

the surface condition goals for pavement established by the Transportation Commission. This Program consists of the concrete and steel testing unit, the aggregate testing unit, the pavement deflection and smoothness testing unit, the radiation safety unit, chemical unit, and engineering support.

The primary products include review of concrete mix designs, production and quality assurance testing, and concrete design specifications for aggregates and concrete. Quality assurance of many materials listed as COC or pre-inspection is included;

#### 4. Asphalt Program

The mission of the Asphalt Pavement Program is to provide timely and accurate asphalt mix and binder testing, ensure high quality of CDOT asphalt mix and binder testing statewide, and provide engineering and technical expertise in the development, selection, application, construction, testing and maintenance of asphalt mix and binder materials that will assist the Regions in the development of the Department's transportation system to meet the surface condition goals established by the Transportation Commission. The Asphalt Pavement Program consists of the Bituminous and European Laboratory, the Flexible Pavement Laboratory, and the Asphalt Engineering Unit.

Products of this program include production and assurance testing of asphalt mix and binder and the development of mix design specifications and testing procedures. They also include QA testing of binders, development of binder specifications, including performance-graded binders, and mix verification of European mix designs. In addition, specifications for Hot Bituminous Pavement (HBP) are reviewed and developed;

#### 5. Pavement Management Program

The Pavement Management Program functions to implement the most cost effective surface treatment and pavement maintenance program possible. The primary function is to create planning tools to be utilized in development of the Department's transportation system such that it meets the surface condition goals established by the Transportation Commission.

The primary products and function of the Pavement Management Program include:

- Network level pavement management condition and funding recommendations,
- Project level pavement management procedures,
- Completion of the annual pavement surface condition survey and analysis of the results at both the network and region levels,
- Quality assurance of condition data collection,
- Provide project recommendations and report on percentage of projects constructed by Regions,
- Provide training relevant to pavement management and preventive maintenance,
- Provide technical expertise regarding improvements to procedures and policies relevant to pavement management;

#### 6. Pavement Design Program/Documentation Unit

The mission of the Pavement Design Program is to give technical expertise in the development of pavement designs and statistical materials acceptance specifications, offer

technical expertise to all appropriate personnel, and provide support to the statewide Materials program while being responsive to customer needs in a timely and professional manner.

The primary products of the Pavement Design Program include:

- Development of pavement design procedures,
- QC&QA specification development,
- Engineering software support,
- QARs of pavement construction projects,
- Pavement warranties,
- Network level pavement management condition and funding scenarios,
- Project level pavement management procedures,
- Completion of the annual pavement surface condition survey and analysis of the results at both the system and project levels.

The Documentation Unit is part of the Pavement Design Program. It oversees and maintains AMRL and CCRL Certification Records for the Materials Branch. Also, this unit ensures compliance with AASHTO Designation R- 18 and updates and maintains the AASHTO Accreditation Program Quality System Manual. This Unit maintains the records of Certification for the Annual Region Laboratory Inspection of testing equipment and reviews the Assurance Sampling and Testing Program to assure compliance with Title 23, CFR, Part 637, Subpart B. It also provides materials documentation training and quality assurance review of materials documentation and final materials certification. This Unit is also responsible for publication and currency of the CDOT Field Materials Manual, Pavement Design Manual, and the Laboratory Manual of Test Procedures.

#### 3.6.4. FHWA Organization

The FHWA Colorado Division has assigned one engineer the primary responsibilities associated with the stewardship and oversight of the Pavements and Materials program. The Division Pavement/Operations Engineer is the lead contact for: Pavement Management and Design, as well as the Asphalt and Materials Programs. The Division Bridge Engineer will handle: Structural Concrete, as well as the Rockfall and Geotechnical Programs. The Division Operation Engineers will resolve project issues with CDOT Project Managers with consultation when necessary with the Division Pavement/Materials Operation Engineer.

The Division will provide technical assistance to CDOT in the development of material and pavement specifications and providing quality assurance reviews of the programs.

#### 3.6.5. Quality

CDOT and FHWA individuals responsible for materials and geotechnical engineering conduct a variety of activities to ensure quality control and assurance of these programs.

##### 1. Training

Training programs have been developed for QC / QA software, pavement design and life cycle cost analysis, materials for managers, concrete paving inspection, and testing and documentation for the inexperienced. Training for asphalt paving inspection has been developed in cooperation with the Colorado Asphalt Pavement Association (CAPA) and are currently offered through the Rocky Mountain Asphalt Education Center at CAPA.

## 2. Manuals

The primary manuals within the Branch include the *Field Materials Manual*, the *Pavement Design Manual*, the *Laboratory Manual of Test Procedures*, and the *Pavement Management Manual*. These manuals are updated annually and there is a regularly scheduled meeting each year to review the contents and update the materials within each manual. There are two other manuals, the *Radiation Safety Manual* and the *Rockfall Manual*, which are updated from time to time as needs exist, or approximately every three to five years.

## 3. Specification Development

In order to influence quality, the Materials Advisory Committee meets six times per year. FHWA, CDOT HQ staff subject matter experts, and each Region Materials Engineer meet to discuss and resolve issues relating to specifications. As part of this effort, the Independent Assurance Testers and the Flexible Pavement Operators meet once or twice per year to identify and resolve issues that impact this program.

CDOT meets four times per year with CAPA and the Colorado / Wyoming Chapter of the American Concrete Pavement Association. FHWA attends when available. Specifications are updated and improved through partnering based on lessons learned from all of the parties.

## 4. Formal Quality Assurance Reviews

Quality Assurance reviews as part of the Stewardship Agreement with FHWA are periodically conducted with HQ staff, the Regions, FHWA, and industry representatives for concrete pavement, structural concrete, hot bituminous pavement (HBP), and geotechnical engineering.

There are also quality reviews conducted as part of the Chief Engineer's Objectives that include 15 post-construction reviews and six inter-Regional reviews.

## 5. Materials Acceptance

Material production of HBP in the Regions is measured by quality levels (QC / QA programs) and through the assurance-testing program.

## 6. Laboratory Accreditation

The Materials and Geotechnical Branch is an AASHTO accredited laboratory for tests relating to bitumen, asphalt mix, soils, concrete and physical properties.

## 7. Region Oversight

Every two years the CDOT Materials and Geotechnical Branch conducts quality reviews of each Region Materials Unit regarding their Independent Assurance Programs and the materials final certifications.

Every year the Branch conducts a quality review of each Region Materials Unit laboratory to ensure that equipment is calibrated and checked. Further, proficiency samples are tested annually by HQ and Region laboratories on soils, concrete and asphalt. The average test results and rating of each lab is reported.

## 8. Technician Certification

All technicians performing acceptance testing are required to be certified. Certification programs, approved by FHWA, exist for asphalt, concrete, and soils. The administration of each certification program is the responsibility of CDOT partnering with Colorado Ready Mix

Concrete Association (CRMCA) for concrete, Colorado Association of Geotechnical Engineers (CAGE) for soils, and CAPA for asphalt. There are quality checks within each of the certification programs to ensure they are effective.

9. Pavement Management System

The Pavement Management Technical Committee meets six times a year to identify and resolve issues with the Pavement Management System. The condition reports and maps are provided each September to the Transportation Commission, and a list of recommended projects for overlays or reconstruction is provided by December. Differences in condition or project selection, as recommended by the Pavement Management System from that observed by the Region, are categorized and work is undertaken to resolve these differences. An annual report with all of the improvement made to the system is written and distributed.

3.6.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the Pavement and Materials Program:

Table 12 - Performance/ Compliance Indicators (Pavements and Materials)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
Percent of resurfacing projects matching recommendations of the Pavement Management Systems annual review	Percent of resurfacing projects recommended by the Pavement Management System for each State fiscal year	70%	Pavement Management Systems Work Plan	December each year
Percent of surface treatment funds expended on pavement preservation within each region		5%	Pavement Management Systems Work Plan	December each year
<b>FHWA Performance Indicator</b>				
Percent of NHS pavements within Colorado with an IRI less than 95	Percent of NHS pavements within Colorado have a good ride quality as defined by an IRI less than 95	59%	Pavement Management System	December each year

Table 13 - FHWA Required Action list (Pavements and Materials)

<b>Pavements and Materials</b>						
					Delegated To	
#	#Activity	Authority	Action	Frequency	CDOT	FHWA
1	Materials Acceptance	23 CFR 637B	R & A	As needed	As needed	Structural/Mat. Engr DPE
2	Pavement Design Policy	23 CFR 626.3	R & A	As needed	As needed	Pvmt. Engr DPE
R = Review, A = Approve, C = Compliance DPE = Division Pavement Engineer						

## **3.7. STRUCTURES**

### **3.7.1. Introduction**

The Structures program is responsible for working with the Regions to ensure structures are properly designed, constructed, and maintained throughout the State. Structures include: bridges, culverts, overhead sign structures, luminaries and traffic signal structures, retaining walls, and sound walls. The staff of the Structures program develops and publishes structural designs, policies and standards including construction specifications, and evaluates new products and materials for bridge construction. The Structures program provides vital services: bridge management and inspection, fabrication inspection, construction assistance, and bridge rating and bridge overloads.

### **3.7.2. Method of Operation**

CDOT will provide the FHWA Division Bridge Engineer the following on full oversight projects: structure selection reports, Field Inspection Review (FIR) plans and Final Office Review (FOR) plans. CDOT project managers shall provide final PS&E plans for all major bridges to FHWA for review and information. Similarly, all Congressional Earmarked Bridge Plans will be treated in the same manner as Interstate Bridges.

FHWA will provide comments on any bridge at their discretion. The Bridge Design and Management Branch (Staff Bridge Branch) will provide written responses to any written FHWA comments. In the latter instance, the CDOT project manager will be copied, or, if requested by the project manager, responses to FHWA will be sent through the project manager. Foundation and hydraulic reports will be made available to FHWA. FHWA will monitor these reports through participation on all CDOT QA and QC teams reviewing these activities. The QA process will monitor construction inspections on projects.

The National Bridge Inventory (NBI) and the National Highway Bridge (HBP) programs will be monitored on a continuing basis with an annual review of all phases of the program (inspections, bridge posting, consultant overview, etc.) and by random reviews as determined appropriate by FHWA.

The FHWA Division Bridge Engineer and CDOT Staff Bridge Engineer will meet on a regular basis to discuss input into all assigned programs. The FHWA Structural Engineer will participate in regularly scheduled staff meetings of the Branch at his/her discretion.

### **3.7.3. CDOT Organization**

The Staff Bridge Branch is responsible for CDOT's policies on structure design and construction, bridge management and structural inspections. The Branch is responsible for load rating bridges, checking permits associated with vehicles weighing 200,000 lb. or greater, providing structural design and consultant review services to the Regions, as well as engineering services when emergencies occur and bridge repairs are warranted.

The Staff Bridge Branch provides assistance and structural engineering expertise to the Regions' construction and maintenance programs. This includes fabrication inspection services for structural members and products such as structural steel and precast concrete structural members, and specific types of expansion devices, bearing devices, overhead signs, and signals.

The Branch participates in and provides structural engineering expertise to the Department's non-project specific activities such as research teams, training committees, CAD committees, the specifications committee, and quality assurance review teams.

The Staff Bridge Structural Asset Management and Bridge Inspection Units maintain the NBI and PONTIS inventories. Structure inventory, asset management, and inspection data and reports are provided to other CDOT offices and FHWA. Staff Bridge is responsible for CDOT's bridge inspection teams, off system bridge inspection, bridge maintenance programming and tracking, and the Colorado off-system bridge program. In addition to bridges, Staff Bridge is responsible for CDOT's overhead sign, traffic signal, high mast light, minor bridge, and minor culvert inspection and inventory programs. Existing highway structures are inspected and evaluated for their integrity and major vehicle bridges are rated for their load carrying capacity.

The Staff Bridge Engineer represents the State nationally and is active with the AASHTO Subcommittee with Bridges, an organization that maintains the national design standards and policy for bridges. Also, the Staff Bridge Engineer is an influential participant of other national organizations and initiatives, such as the National Steel Bridge Alliance, Precast Concrete Institute and the High Performance Concrete initiative.

#### 3.7.4. FHWA Organization

The FHWA Division Bridge Engineer provides the oversight of all CDOT bridge programs and activities. These activities include the NBI, HBP, the bridge management system, the preparation of project plans and specifications, the development of design and construction standards, as well as hydraulic, materials and geotechnical activities.

The FHWA Division Bridge Engineer provides leadership, overall quality assurance, and technical assistance to CDOT and the FHWA Division.

#### 3.7.5. Quality

Staff Bridge provides and maintains several documents that are available to the public through the CDOT web page. The publications available include the: *PONTIS Bridge Inspection Coding Guide*, *Colorado Structure Inventory Coding Guide*, *CDOT Bridge Design Manual*, *CDOT Bridge Detailing Manual*, *CDOT Bridge Rating Manual*, *CDOT Bridge Worksheets*, and structures-related construction specifications.

The NBI and PONTIS data for all bridges is routinely reviewed for accuracy by Staff Bridge's quality control bridge inspector. Annually, FHWA and members of Staff Bridge's bridge inspection and asset management units will review at least twenty bridges, including local bridges, for accuracy of NBI and PONTIS data. FHWA will review inspection procedures and compliance of the NBIS and will report deficiencies to the Staff Bridge Engineer. In addition, the FHWA Division Bridge Engineer will write an annual report. The draft report will be presented by FHWA and will be reviewed for accuracy by the Staff Bridge Branch. The final report will be sent to the Staff Bridge Branch for a response to the findings within 30 days to the FHWA Division Administrator.

Staff Bridge provides quality control for the NBI tape submittal to FHWA headquarters by checking the data and making any corrections before submitting the tape to FHWA. The quality control includes running FHWA's NBI checking software utility.

The annual bridge construction costs are submitted by Staff Bridge to the FHWA Division Bridge Engineer for review. FHWA will check costs for at least four bridges. Also with this submittal, FHWA will review unusual bids or award bids that are 15% over the Engineer's cost estimate. Unusual bids or line items with significant cost increases will be reported to the Staff Bridge Engineer by FHWA.

CDOT and FHWA will select and participate in structural related QARs as prioritized by the QIC.

### 3.7.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the structures program:

Table 14 - Performance/ Compliance Indicators (Structures)

<b>Indicator</b>	<b>Description</b>	<b>Target</b>	<b>Reporting Instrument</b>	<b>Reporting Frequency</b>
<b>Bridges in good or fair condition</b>	Percent of major vehicular bridges in good or fair condition based on deck area	95%	Staff Bridge annual asset management reports	December each year
<b>Decrease the number of bridges in poor condition</b>	The number of bridges in poor condition per year over the last 5 years	Downward trend	Staff Bridge annual asset management reports	December each year
<b>Decrease the number of functionally obsolete bridges</b>	The number of functionally obsolete bridges per year over the last 5 years	Downward trend	Staff Bridge annual asset management reports	December each year
<b>Decrease the number of structurally deficient bridges</b>	The number of structurally deficient bridges per year over the last 5 years	Downward trend	Staff Bridge annual asset management reports	December each year
<b>Decrease the number of structurally deficient bridges on the NHS</b>	The number of structurally deficient bridges on the NHS per year over the last 5 years	Downward trend	Staff Bridge annual asset management reports	December each year
<b>Reduce the backlog of essential repair activities recommended by Staff Bridge</b>	Percent of pending essential repairs based on the number of high priority (orange & yellow) repair recommendations pending	15% or less	Staff Bridge annual asset management reports	December each year
<b>Reduce the quantity of bridge expansion joints not in condition state 1 on bridges in good or fair condition</b>	The linear feet of bridge expansion joints not in condition state 1, on bridges in good or fair condition, per year over the last 5 years	Downward trend	Staff Bridge annual asset management reports	December each year
<b>Update the scour plan-of-actions (POA's) for all scour critical bridges</b>	The percentage of scour critical bridges (NBI Item 113 code 2 or 3 or U) that have had the plans of actions updated after 2008	100%	Staff Bridge annual asset management reports	December each year

Table 15 - FHWA Required Action List (Structures)

Structures Program					
#	Activity	Authority	Action	Frequency	Delegated to
1	NBIS Review Statewide report	23 CFR 650 Subpart C	R for C	Annually (date determined by Division)	BE
2	HBP Unit Cost submittal & NBI tape submittal	23 CFR 650 Subpart D	R & A	Annually by April 1	BE
3	HBP eligibility determinations	23 CFR 650 Subpart D	R & A	Project by project	BE
4	TS & L and PS&E reviews (non-exempt projects)	23 CFR 630, 23 USC 106, and W.O. 11/13/98 memo	R & A	Project by project	BE
5	Innovative Bridge Research and Construction Program eligibility determination	23 USC 503(b)	R & A and submit to HQ	Annually (date varies)	BE
6	Construction inspections	FAPG G 6042.8	R for C	As needed	BE
R = Review, A = Approve, C = Compliance BE - FHWA Division Bridge Engineer					

### 3.8. MAINTENANCE & OPERATIONS

#### 3.8.1. Introduction

CDOT has within the Central Office a Staff Maintenance and Operations (M&O) Branch. In support of the Transportation Commission’s stated Investment Categories of Program Delivery, Mobility, System Quality and Safety, the M&O Branch has two primary functions: 1) Providing policy and guidance for the state maintenance program, and 2) maintaining operational oversight for the administration of the maintenance program for the nine maintenance sections. The Branch Management will provide a liaison contact that will assist and oversee successful completion of the Methods of Operations.

#### 3.8.2. Method of Operation

The Staff M&O Branch and FHWA will assure that available resources are utilized effectively to assure compliance with federal requirements as defined in 23 CFR 635E.

#### 3.8.3. CDOT Organization

The M&O Branch is comprised of a series of program areas that provide a broad variety of services and support to CDOT. The M&O Branch program areas include:

- **Maintenance Training Academy**  
The MTA exists to provide a standardized training curriculum to ensure minimum levels of core competency for new hires, existing maintenance workers and supervisors;
- **Road Equipment Services**  
The Road Equipment Services program exists to administer the acquisition, maintenance and replacement of equipment across the regions and increase the department's ability to purchase and maintain equipment at the lowest possible cost;
- **Oversize/Overweight Permits**  
The work unit exists to administer a statewide transport permit program for extra-legal vehicles and loads in order to protect the traveling public and the state's infrastructure;
- **Maintenance Support and Levels of Service**  
The MLOS/MMS program analyzes and prepares the statewide Maintenance budget recommendations based on analysis of the MLOS for the M&O Branch Mgr, Executive Management Team and Transportation Commission. This program also manages the statewide Adopt / Sponsor a Highway program to provide litter control on Interstate and State highways;
- **Property Management**  
This unit exists to provide a complete statewide Property Management System for all CDOT owned properties. This includes leasing, selling, trading, demolition of improvements, new construction, renovation, and hazardous/solid waste testing and cleanup. This unit provides professional services for management of all properties including clearing properties for highway construction;
- **Maintenance Engineering**  
This support activity is responsible for Maintenance Specifications, Maintenance Contracting (Maintenance-Jobs), liquid deicer materials testing and Avalanche/Weed Control. These programs exist to support the Regions in avalanche management, explosives management, and to provide statewide expertise in noxious weed management. This unit serves as liaison between CDOT and the Colorado Avalanche Information Center and the US Army on contract related issues. Additionally, this unit provides statewide explosive storage records depository by conducting audits and maintaining official files. This unit acts as a liaison between CDOT and the Colorado Dept of Agriculture State Noxious Weed Coordinator.

#### 3.8.4. FHWA Organization

The FHWA Maintenance Program Manager is responsible for the Maintenance Program. The Program Manager will coordinate with the CDOT liaison to assure that all pertinent federal requirements are met. FHWA Operations Engineers will perform random field surveys of their CDOT Regions, visit with maintenance superintendents, and make note of issues and concerns that pertain to their respective operations areas.

The FHWA Division Bridge Engineer handles the truck size and weight (S&W) program with the Colorado Department of Revenue (CDOR), State Patrol, Motor Carrier Safety Section and CDOT Oversight Overweight Permitting Section by coordinating quarterly meetings to discuss S&W issues and proposed federal or state regulations. The CDOR Port of Entry is the lead agency and handles the requirements of 23 CFR 657 by the following: Truck S&W enforcement plan by July 1, and

enforcement certification before January 1. CDOR submits the enforcement plan and certification electronically to FHWA HQ website. The CDOR coordinates with CDOT and CSP to provide the necessary data. The Division Bridge Engineer reviews and makes recommendations to the plan and certification for approval.

### 3.8.5. Quality

The M&O Branch utilizes the MLOS process that includes the annual review of 764 survey segments. In addition, the 764 segments are inspected real time during and after snow storms for levels of snow removal. This entire process develops and drives CDOT maintenance budgets.

The Branch and FHWA will participate in a number of the 764 survey segments. In addition, they will conduct QARs of selected issues. Also, the FHWA Field Operations Engineers will review their CDOT Regions with respect to the following critical elements (listed under 23 CFR 635.505): roadway surfaces, shoulders, roadside (e.g. vegetation management, erosion control, and liter pick-up), drainage, bridges and tunnels, snow and ice control, traffic control devices, safety appurtenances (e.g. guardrails, impact attenuators, breakaway supports, barriers, etc.), safety rest areas, access control, and traffic safety in maintenance and utility work zones.

The M&O process is documented in the 1997 Manual of Maintenance Procedure and the Management of Maintenance Systems.

### 3.8.6. Performance/Compliance Indicators

The following performance/compliance indicators will be used to assess the health of M&O programs:

Table 16 - Performance/Compliance Indicators (Maintenance and Operations)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
<b>Maintain the transportation system at the adopted annual MLOS grade</b>	Annual MLOS adopted target grades for major Activity Groups 150, 200, 250, 300, 350, and 400	Statewide MLOS target achieved +/- one step	MLOS actual grades from annual survey	December each year
<b>Maintain the snow and ice service MLOS grade at the adopted annual grade</b>	Annual MLOS grade for snow and ice removal	Statewide MLOS target achieved +/- one step	MLOS reporting	December each year

Table 17 - Highway Information (Maintenance and Operations)

Highway Information					
#	Activity	Authority	Action	Frequency	Delegated To
1	Vehicle Size & Weight enforcement certification	<a href="#">23 CFR 657.13</a>	R for C	Annually by Jan 1	SE
2	Vehicle Size & Weight enforcement plan	<a href="#">23 CFR 657.11</a>	R & A w/ evaluation report	Annually by July 1, w/approval by Oct 1	SE
R = Review, A = Approve, C = Compliance SE – FHWA Structural Engineer					

### **3.9. INTELLIGENT TRANSPORTATION SYSTEM (ITS) PROGRAM**

#### **3.9.1. Introduction**

SAFETEA-LU established two major program areas regarding ITS. One is the Development of a National ITS Program Plan and the other is the development of a Real-Time System Management Plan. The legislation requires that the National ITS Program Plan:

- Develops goals, objectives and timelines in specified program/functional areas;
- Specifies how funds used for operational tests are to be carried out;
- Identifies how ongoing ITS research shall be conducted, Advisory Committee structure, representation and reporting;
- Requires research regarding ITS vehicles and infrastructure systems;
- Establishes priority areas and performance metrics;
- Requires that applicable National Architecture and Standards be used;
- Establishes a road weather research and development program;
- Establishes four centers of transportation excellence to support this program.

Regarding the Real-Time Management Plan, the legislation requires: the development of a real-time system management information program to provide traffic and travel conditions on major highways, and data exchange formats.

The overall purpose of the ITS program is to explore new technologies, applications and concepts that may enhance the intelligent transportation system through strategic alliances with other states, agencies and the private sector. In addition, this program is responsible for enhancing the environment for commercial and non-commercial vehicle operations using the State's transportation system. This is accomplished while meeting the goals of the ITS program, which are to improve safety, reduce traffic delays, increase the ITS system reliability, and enhance information covering mobility options.

The CDOT ITS program is organized into two major areas:

1. ITS Planning and Project Development;
2. Colorado Transportation Management Center (CTMC) including Operations, Maintenance and IT Development and Support.

The overall purpose of ITS as a transportation application is to:

- Enhance and improve mobility by maximizing productivity and efficiency of the system through reduced travel time delay and variability and increased travel time reliability;
- Improve safety by detecting, verifying, responding to and clearing incidents faster through coordinated agency response and by implementing incident management plans in order to more efficiently manage traffic during incidents;
- Enhance intermodal connectivity and inter-jurisdictional coordination by promoting and supporting integration of state and local ITS systems.

The ITS Planning and Project Development areas primarily focus on strategic planning activities, development and delivery of strategic projects, and development of public-public and public-private partnerships, ensuring that ITS is incorporated into CDOT's business practices, standards and specifications, statewide policies, project delivery processes and the statewide transportation

planning process. In the planning area, ITS performance measures are developed, monitored and evaluated in order to measure the efficiency and effectiveness regarding how specific ITS applications support the goals within CDOT's Investment Strategy categories. The Planning area proposes ITS research projects and reviews, and evaluates and provides recommendations concerning other ITS-related research proposals.

The CTMC program area is responsible for the dissemination of statewide traveler information. This function includes the management, operation and maintenance of numerous devices, networks and computers systems that comprise Colorado's ITS system. The CTMC area is responsible for the development of procedures, processes and protocols concerning dissemination of traveler information, which is done via the COTRIP website, HARs, 511 IVR phone system, faxes, DMSs gov delivery, VMSs, cell phones and coordination with other TMCs. The CTMC area assist in the development of all incident management plans for the purpose of managing traffic in a coordinated manner among pertinent jurisdictions during an incident. The CTMC area also performs operational functions remotely for local TMCs when their facilities are not staffed.

### 3.9.2. Method of Operation

The ITS staffs of CDOT and FHWA work closely together to develop a quality product through teamwork, coordination and implementation for advancing the ITS program. This working relationship allows us to meet the needs of our customers, and provide technical assistance, guidance and oversight in applying federal laws and regulations, as well as technology development and deployment. These program activities include the use of ITS in transportation, methods and procedures used by traffic engineers to manage and operate roadways, and ITS standards and specifications used for the procurement of traffic control systems.

The ITS program coordination and oversight are maintained through monthly ITS managers meetings, and DRCOG Regional Transportation Operations meetings and other ITS project related meetings involving CDOT ITS staff and FHWA's ITS Program Manager.

All ITS projects, except for some infrastructure-based ITS capital improvements, are full oversight. The ITS projects that CDOT may have oversight over are infrastructure-based ITS capital improvements that meet the following criteria:

- Estimated cost of the project is less than \$1 million;
- Uses existing FHWA approved Standards/Specifications;
- New software will not need to be developed for the project.

### 3.9.3. FHWA Organization

The FHWA ITS Program Manager leads the Division's efforts to mainstream ITS technology by continuing to increase the level of understanding of planners, engineers, officials and citizens within Colorado by providing awareness seminars, participation in ITS planning activities, and conducting or hosting technical training. In the Division, it is the responsibility of the ITS Program manager and the Operations Engineers assigned to each of the six regional CDOT offices to provide close project management and coordination. The Operations Engineer will routinely review the ITS aspects of "full" oversight projects during the design and construction phases for conformance to approved standards, specifications, and procedures. Questions or concerns are brought to the ITS Program Manager's attention. The Operations Engineer will rely on the ITS Program Manager for technical expertise or interpretation of ITS policy requirements.

The ITS Program Manager will have the lead on all ITS Federally-funded projects. This responsibility will include project initiation, environmental clearances, design reviews, and periodic construction inspections. For oversight of ITS projects, it is important to distinguish and define what is an ITS project. An ITS project is defined as the application of technology devices, computers and communications infrastructure to address and solve transportation related problems. This includes the application of advanced technologies to control, manage, or otherwise provide guidance to the transportation public. Other examples include advanced traffic management systems, computerized traffic signal systems, advanced traveler information systems, etc.

#### 3.9.4. Quality

To ensure quality within the ITS Program, FHWA actively participates in the Metropolitan Planning Organization's ITS working groups, and was instrumental in assisting CDOT and DRCOG with the development of the System Engineering Analysis Guidelines. As a condition of spending federal dollars on ITS projects, federal laws requires that all ITS projects comply with the system engineering analysis process including all ITS architecture and standards requirements to assure successful implementation and quality of the project. FHWA participates in a technical manager's meeting that tracks the project's progress on a monthly basis. This guarantees that the project is implemented in accordance with the project schedule and budget thereby ensuring quality. FHWA also participates in ITS Planning Branch monthly team meetings. This ensures that FHWA is aware of, and appropriately involved in, all planning level related ITS activities. The ITS Branch actively participates on the Quality Implementation Committee and has recommended and conducted quality assurance reviews in ITS program and functional areas. In addition, FHWA participates in four to five Traffic Engineer meetings per year that are attended by CDOT Region Traffic Engineers who are also responsible for ITS.

A description of the ITS Program can be found in the 5/22/076/15/2000 ITS Work Plan Performance Measures document.

#### 3.9.5. Performance/Compliance Indicators

The ITS Branch is directly responsible to report on the following four performance measures. These performance indicators will be used to assess the health of the ITS Program:

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Table 18 - Performance/Compliance Indicators (ITS)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
<b>Percent of congested corridors implemented with incident management plans</b>	Congested corridors (v/c > 0.85 on interstates and freeways) implemented with incident management plans as a percentage of all identified congested corridors	Establish baseline and track trend	ITS Work Plan Performance Measures	December each year
<b>Average response time between CDOT's notification of an incident to on-scene arrival of the courtesy patrol</b>	Time between CDOT's notification of an incident to on-scene arrival of the courtesy patrol	Establish baseline and track trend	ITS Work Plan Performance Measures	December each year
<b>Percent of identified congested corridors with ramp metering implemented</b>	Congested corridors (v/c > 0.85 on interstates and freeways) with ramp metering implemented as a percentage of all identified congested corridors	Establish baseline and track trend	ITS Work Plan Performance Measures	December each year
<b>Percent of identified congested corridors where ITS solutions implemented</b>	Congested corridors (centerline miles at the > 0.85 level) where ITS solutions have been implemented as a percentage of all congested corridors	Establish baseline and track trend	ITS Work Plan Performance Measures	December each year

Table 19 - FHWA Required Action List (ITS)

<b>Intelligent Transportation Systems</b>					
#	Activity	Authority	Action	Frequency	Delegated To
1	Traffic Engineering and Analysis	23 CFR 940.11	R & A	Traffic surveillance and control system projects	OE
2	Conformity with National ITS Architecture	23 CFR 940.5	R & A	ITS projects using Highway Trust	ITS PM
3	ITS Regional Architecture	23 CFR 940.9	R & A	Project by project	ITSPM
4	Project Administration - ITS	23 CFR 940.13	R & A	Project by project	OE
5	ITS standards	23 CFR 940.11	R & A	Project by project	ITS PM
6	Congestion management system	23 CFR 500.109	R for C	As needed/revised by MPO/State	ITS PM/CTMC
7	Incident Management Assessment		R & A	Annually	ITS PM

R = Review, A = Approve, C = Compliance  
OE – FHWA Operation Engineer; ITS P M – FHWA ITS Program Manager, CTMC – Colorado Transportation Management Center

### **3.10. FINANCIAL MANAGEMENT**

#### **3.10.1. Introduction**

Financial Management encompasses the entire Federal-aid program from the authorization to proceed with preliminary engineering through construction and debt retirement. Oversight is performed in the areas of accounting processes, both at the headquarters and regional business offices. Monitoring obligation limitation and discussions on Federal-aid financing tools available is provided in an advisory role. Review of and input to the audits performed by and for CDOT ensure eligibility of Federal-aid funds.

#### **3.10.2. Method of Operation**

FHWA and CDOT personnel maintain a cooperative working relationship in the administration and oversight of financial management. Communication and interaction between FHWA and CDOT occur routinely for the exchange of information, coordination of activities, and the resolution of issues in the financial management areas of Accounting, Budget, Audit, Obligation Control, Systems Integrity and Control and Process Reviews.

#### **3.10.3. CDOT Organization**

The following organizations have a direct impact upon the financial operations and subsequent reviews of financial data processed through established automated systems.

The Division of Accounting and Finance Project Budget and Accounting Unit, is responsible for the development and coordination of the Statewide Transportation Improvement Program, the Department's Budget, the federal obligation process, and overall financial management of the Department's resources. They also provide for the payment of vendors and employees, billings of accounts receivable, transaction reviews and edits to assure accuracy and eligibility of expenditures, project expenditure reviews and subsequent closure, federal aid billing, and financial reporting.

The Division of Audit performs contract compliance audits of vendors, contractors and consultants doing business with CDOT. The Division also conducts performance, process or internal control audits of CDOT operations to assure effectiveness, efficiency and compliance with rules and regulations. Audit is also evaluating the possible utilization of the FHWA Financial Integrity Review and Evaluation (FIRE) program risk assessment for performing an internal audit of the highest risk areas in a future work plan.

The State Auditors Office (SAO) performs an annual statewide financial audit to render an opinion on the financial condition of CDOT and its compliance with FHWA and state requirements. Such audits are performed to comply with the requirements of the single audit. Audit emphasis areas are identified cooperatively with FHWA, CDOT and the SAO.

#### **3.10.4. FHWA Organization**

FHWA provides the Federal-aid funds for highways and monitors usage of the funds with staff from the Division and National levels. FHWA staff also participates in QARs and Regional or National reviews as appropriate. The FHWA FIRE plan requires certain reviews be conducted. The review may be conducted solely by FHWA or in conjunction with CDOT. The primary FHWA financial support

comes from the Division's Finance and Administration Team, which includes a Financial Manager, a Financial Specialist and a Financial Assistant.

### 3.10.5. Quality

Successful financial management incorporates a series of processes adding value to the operation relative to available resources, time, and management philosophy. General emphasis areas include: improvements and enhancements to financial management systems and processes; assurances of compliance; improved control of funds; and adequate project management systems and reports. Quality control and assurance efforts embrace the philosophy of the National Quality Financial Management Initiatives.

The primary quality controls of the financial system are the edits and security that control the quality of outputs. Quality control efforts also consist of periodic process reviews conducted by selected staff from CDOT and/or single audit reviews. The reviews result in either an affirmation of the process or an identification of potential areas for improvement. They also provide an opportunity for identifying training needs.

CDOT and FHWA are committed to working together to provide improvements and enhancements to Financial Management Systems and Processes to:

- Ensure the integrity of the financial management system and to maximize the use of federal and state funds;
- Revise and streamline the financial management system so that each process adds value to the operation and incorporates the best practice;
- Assist in the identification and prioritization of improvement efforts through the results of the quality control process reviews, internal audits, and regular single audit reviews conducted by the State Auditor's Office. CDOT management and FHWA both have input regarding audit emphasis areas.

The process is documented in the Office of Financial Management and Budget Policy and Procedure Manual, dated June 2010. Currently this document is under revision to incorporate changes necessitated by the conversion to SAP. Accounting is at the beginning of the re-write and the Budget chapters are in final draft form.

3.10.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the Financial Program:

Table 20 - Performance/Compliance Indicators (Financial Management)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
<p><b>Determine the number of Design and/or Right of Way (ROW) projects that were paid for with federal funds and have not advanced to the construction phase within the time limits in CFR 620.112(c) 1 and 2</b></p>	<p>(1) Determine if there are any projects;                      (2) If there are projects that have exceeded the time limit, but a reasonable justification is made by CDOT and FHWA approves, the reason will be documented with a projected construction date. Otherwise FHWA will be entitled to a credit for the federal funds expended on the project;                      (3) Begin to move ahead by measuring projects at eight years for design and fifteen for ROW to ensure projects are constructed;                      (4) Data fields need to be populated in PSAM module of SAP to enable an automated reporting at any time</p>	<p>Less than 5%</p>	<p>FMS (Fiscal Management Information System) and CDOT systems for projects authorized as part of the annual project</p>	<p>December each year</p>
<p><b>Determine if there is a trend of the local agencies using a larger share of federal funds or if the local agencies are constructing an increased number of projects</b></p>	<p>Projects executed by local agencies or sub-grantees as a percentage of projects authorized for construction.</p>	<p>Establish baseline and track trend</p>	<p>SAP</p>	<p>December each year</p>
<p><b>Amount of federal-aid funds obligated versus total available per fiscal year</b></p>	<p>Percent of STIP projects obligated in the same year promised</p>	<p>Establish baseline and track trend</p>	<p>STIP Obligation Report</p>	<p>December each year</p>

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Table 21 - FHWA Required Action List (Financial Management)

Financial Program					
#	Activity	Authority	Action	Frequency	Delegated To
1	Project Agreements	23 CFR 630 Subpart C	Approve	Submitted by CDOT Budget as needed	FM, FS, FA
2	Fed-aid billing reimbursement of eligible expenditures	23 CFR 140 and 635.122	R & A	As requested by CDOT Accounting	FM, FS, FA
3	Transfer of funds as requested by State	23 USC 104 (c) and 119 (f)	R & A	As requested by CDOT Budget	FM, FS
4	Federal Managers Financial Integrity Act Assurance Statement	Congressional Act 1982	Submit	Annually by Oct. 1	FM, FS
5	Quality Financial Management Initiative (QFMI) and Quality Assurance Reviews (QAR)	Memo HFS-40, 12/01/97	Encourage	Continuous	FM
6	State Infrastructure Bank Report	SIB Guidance 9/97 & Coop Agreement	R & S to HQ	CDOT submits to FHWA for FHWA HQ Annually by Dec. 31	FM
7	Annual Update of the Major Project Financial Plan(s)	FHWA Financial Plan Guidance May 2000 & Interim Dec 2005	R & S to HQ, A and C	As required and according to initial plan for due dates	FM, FS
8	FIRE – Management Decision Letter on SW Annual Audit findings if any	FIRE Order 4560.1a	R, C & S	Annually by June 1	FM, FS
9	FIRE – Grant Process Review	FIRE Order 4560.1a	R, C & S	Annually by June 1	FM, FS, FA
10	FIRE – Inactive Projects Review	FIRE Order 4560.1a	R, C & S	Quarterly Dec 1, Mar 1, June 1, Sept 1	FM, FS, FA
11	Motor Fuel Tax (MFT) Evasion Project funds request	HQ memo soliciting applications	R & A	Periodic (usually annually)	STP
R = Review, A = Approve, C = Compliance S = Submit FM – FHWA Financial Manager, FS - FHWA Financial Specialist, FA - FHWA Financial Assistant.					

Table 22 - Highway Information (Financial Management)

Highway Information					
#	Activity	Authority	Action	Frequency	Delegated To
1	Highway taxes and fees report	HQ memo of request	R for C and send to HQ	Annual for State system, Biannual for non-state system	STP
2	Monthly fuel report (PR 511M)	Chapter 2 of FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	Monthly	STP
3	Heavy Vehicle Use Tax Payment Certification	23 CFR 669.7	R for C and send to HQ	Annually by July 1	STP
4	Heavy Vehicle Use Tax Payment Review	23 CFR 669.21 & FAPG NS 23 CFR 669	Conduct	Every 3 years	STP
R = Review, A = Approve, C = Compliance STP – FHWA Statewide Transportation Planner, SE – FHWA Structural Engineer					

## 3.11. PLANNING

### 3.11.1. Introduction

Colorado state law states that transportation planning is the responsibility of CDOT's Division of Transportation Development (DTD) and that it should be carried out in cooperation with internal and external planning partners and in compliance with federal laws and regulations (i.e., SAFETEA-LU). The activities to be accomplished by DTD make up the framework of the annual State Planning and Research (SPR) work program, which is approved by FHWA and FTA. State Planning and Research funds are provided annually to CDOT and their programming is documented in the work program.

The Multimodal Planning Branch (MPB), within DTD, oversees the planning process that includes both statewide and regional planning activities. As part of its responsibility for the transportation planning process and plan, MPB administers and coordinates its regional and statewide planning through the 15 TPRs, of which there are five Metropolitan Planning Organizations (MPOs) and ten non-urban planning regions. In addition, MPB consults with the two Indian Tribes and various federal land management, wildlife and regulatory agencies on the development of the long-range transportation plan. The TPRs (MPOs and non-urban) develop long-range regional transportation plans, which are the basis for Colorado's long-range Statewide Transportation Plan. The five MPOs also develop transportation improvement programs (TIPs) and the non-urban planning regions participate in CDOT's Project Priority Programming Process (4P) to prioritize projects for the Statewide Transportation Improvement Program (STIP). The Statewide Transportation Plan and the STIP are approved by the Colorado Transportation Commission and the STIP is forwarded to FHWA/FTA for approval. The approved STIP is used as the framework for the annual budget approved by the Transportation Commission. The branch is also responsible for administering the Safe Routes to School Program (SRTS), another important program funded by FHWA.

For the MPOs, the FHWA and FTA planning funds are allocated on the basis of a formula agreed upon by CDOT and the five MPOs. Based on expected funding, each MPO develops a Unified Planning Work Program (UPWP). The accomplishment of the UPWP is the responsibility of the MPO with CDOT MPB oversight and review. Mid-year reviews are conducted with each MPO by MPB and FHWA/FTA staff.

The MPB also manages the air quality conformity process required to meet the planning regulations and oversees the Congestion Mitigation and Air Quality (CMAQ) program. The Environmental Programs Branch (EPB) in DTD manages air quality analysis at the project level. All air quality/conformity activities are coordinated between the Environmental Programs Branch, the Multimodal Planning Branch, CDOT Regions and other outside agencies such as the APCD and the RACQ.

In addition to Federal regulations, there are several state regulations that guide the transportation planning process and the development of the Statewide Transportation Plan. State legislation was passed in 2009 that added seven new factors to be addressed in the State Transportation Plan. While not under the purview of FHWA or FTA, the Federal agencies work with CDOT to address them. The new factors include:

- The targeting of infrastructure investments, including preservation of the existing transportation system commonly known as "fixing it first" to support the economic vitality of the state and region;
- Safety enhancement;

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- Strategic mobility and multimodal choice;
- The support of urban or rural mass transit;
- Environmental stewardship;
- Effective, efficient, and safe freight transport;
- Reduction of greenhouse gas emissions.

Federal regulation encourages through non-binding guidance (Appendix A to 23 CFR 450) planning and environmental linkages (PEL). At CDOT, MPB and EPB work closely together on PEL efforts. A PEL agreement has been signed by CDOT and the members of the Transportation Environmental Resource Council, which includes FHWA, FTA, MPOs and other environmental resource agencies.

Highway information is prepared and submitted by the Information Management Branch within DTD. This Branch has two sections: GIS and Mobility. The GIS/Data Management section is responsible for information management and data dissemination functions that contribute to the development of projects, transportation plans and state/federal reports. CDOT program areas are supported with GIS applications, planning information, data analysis, mapping services, database programming and data integration. The Mobility section is responsible for traffic data collection, processing, analysis and dissemination. They are also responsible for the inventory of the state highway system, HPMS and road mileage certification, management of special studies, travel demand model technical support, and freight planning.

### 3.11.2. Method of Operation

CDOT has responsibility for transportation planning per state statute (Title 43 Part 11 of Colorado Revised Statutes) and federal laws (23 USC 134 and 23 USC 135) and regulations (23 CFR 420, 23 CFR 450, 23 CFR 460 and 23 CFR 470). These laws establish the planning requirements to be conducted by CDOT in cooperation with internal and external planning partners. State law is consistent with federal law, ensuring that planning is conducted according to US DOT standards and requirements. At a minimum the state must develop a comprehensive, multimodal 20-year transportation plan that integrates and consolidates the regional transportation plans developed by the urban and non-urban regions of the state and a four-year Statewide Transportation Improvement Program (STIP).

The MPB and FHWA/FTA work together closely and coordinate on issues pertaining to state and regional transportation planning in addition to monthly coordination meetings. These include:

- Development of Statewide and Regional Transportation Plans;
- Mid-year review of UPWPs;
- Bi-annual MPO certification;
- Development of Consolidated Planning Grants;
- Public involvement and consultation efforts for transportation planning process;
- Administration of CMAQ program;
- Development of annual SPR work program;
- Technical assistance to MPOs and TPRs;
- Sustainability/livability initiatives;
- Air Quality conformity;
- Planning and environmental linkages activities.

### 3.11.3. CDOT Organization

Located in Denver and housed within the DTD, MPB is comprised of three groups: the Planning section, the Performance and Policy Analysis section, and the TDM Unit. The Branch is responsible for working extensively with the 15 TPRs, local elected officials and the public to ensure that everyone has a voice in the statewide and regional planning processes. The Branch also has responsibility for agency-wide performance measurement and reporting and development of the CDOT strategic plan. In addition, the Branch administers the Safe Routes to School program, the Scenic Byways program, the CMAQ program, and the Bike/Ped program.

Also within DTD is the Information Management Branch which is responsible for roadway and traffic data collection and analysis, freight planning, and the GIS functions. The STIP is coordinated and prepared by the Office of Finance and Budget (OFMB) within CDOT. The Planning Branch staff works closely with the MPOs, TPRs, OFMB staff and Engineering Region planners to support the development of the STIP.

### 3.11.4. FHWA Organization

Within the Colorado Division, there is a Statewide Transportation Planner and an Urban Transportation Planner who are responsible for providing CDOT with technical assistance and oversight for all transportation planning and air quality activities. The planners are also responsible for route classification, highway statistics, and intermodal activities. Transportation planning responsibilities are broadly split between urban and statewide planning, although considerable overlap exists. The planners will be a part of the effort in the development of work activities produced by CDOT and the MPOs. In addition, the planners will provide guidance, suggestions, and written comments on draft documents, review and provide comments on final products and provide technical assistance to state and local agencies.

### 3.11.5. Quality

CDOT works closely with FHWA, FTA and its planning partners to ensure quality material is prepared through cooperation and quality reviews and that the public has the opportunity to provide comment. The planning process includes development of plan documents in consultation with planning partners, land management agencies, regulatory agencies and Tribal governments, and review of plan documents by planning partners, Statewide Transportation Advisory Committee, Transportation Commission and the public.

Public involvement is a key piece in the plan development process. CDOT and FHWA work with other local, regional, state and federal entities, Indian Tribes, and the general public to obtain input on the processes and plan documents. Debrief sessions will be held with internal and external partners following the publication of the State Transportation Plan to assess the effectiveness of the process and information presented.

CDOT and FHWA work together as partners to continually review, evaluate and improve the transportation planning process. CDOT will continue to work cooperatively with its internal and external planning partners to improve the process and provide guidance and assistance as needed. Monthly meetings are held with CDOT region staff and the STAC to discuss planning issues and, during the plan update cycle, to develop the State Transportation Plan.

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As part of the plan update cycle, CDOT prepares guidance material and conducts a customer survey. The guidance material includes the MPO Operating Manual and Transportation Plan Guidebook. The MPO Operating Manual provides guidance and insight into how CDOT staff carries out its metropolitan planning responsibility using federal transportation funds. The Transportation Plan Guidebook is updated as part of every plan update cycle and is used in developing the 10 non-urban regional transportation plans. The guidebook covers plan components and information on the process. The planning data set, used as the foundation for plan updates, is prepared and disseminated by the Information Management Branch.

3.11.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of CDOT’s Planning Program:

Table 23 - Performance/Compliance Indicators (Planning)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
Work Program Progress	Mid-year review and status on completion of projects	Establish baseline and track trend	Feedback on mid-year review and tracking of percent complete on projects	December each year
TPR Coordination	CPG and Rural PO	Establish baseline and track trend	Contracts executed timely	December each year
Accuracy and Timeliness of HPMS and other transportation data submitted	Number of re-submittals required	Establish baseline and track trend	HPMS Reports	December each year

Table 24 - FHWA Required Action List (Planning)

Statewide Planning					
#	Activity	Authority	Action	Frequency	Delegated To
1	20-yr Statewide transportation plan	23 CFR 450.214	R for C	As updated	STP
2	4-yr STIP & amendments	23 CFR 450.216, 220	R & A w/ FTA	As requested by State (Federally mandated every 4 years)	STP
3	SPR and PL funded work programs	23 CFR 420	R & A	Annually by June 1	STP
4	SPL/PL program accomplishment/expenditure reports	23 CFR 420.117(b)(1) & (c)	R for C and send to HQ	Annually by Sept. 30	STP
6	State certification of their planning process	23 CFR 450.218	R for C	In conjunction with STIP approval	STP
7	Public involvement for State planning process	23 CFR 450.210	R for C	As needed or as revised by State	STP
8	Non-metropolitan local officials consultation process	23 CFR 450.210(b)(1)	R for C	5 years following SAFETEA-LU	STP
10	Urban area boundaries	23 CFR 470.105(a)	R & A	As needed or as revised by State	STP
11	Interstate additions & revisions	23 CFR 470.111, 115(a)	R & Recommend action to HQ	As requested by State	STP
12	NHS revisions	23 CFR 470.113, 115(a)	R & Recommend action to HQ	As requested by State	STP
13	Public Lands discretionary funds application	HQ memo soliciting applications	R & Recommend action to HQ	Periodic (usually annually, date varies)	STP
14	Safe Routes to School Program	SAFETEA-LU 1404	R C & A	Annually	DTD

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Metropolitan Planning					
#	Activity	Authority	Action	Frequency	Delegated To
1	Unified Planning Work Program for TMAs	23 CFR 450.314(a)	R & A	Annually	MTP
2	Transportation plan for non-attainment metropolitan areas	23 CFR 450.322	R & A	Every 3 yrs	MTP
3	Transportation plan for attainment metropolitan areas	23 CFR 450.322	R for C	Every 5 yrs	MTP
4	TIP and corollary STIP amendments for non-attainment areas	23 CFR 450.324 - 330(b)	R & A	As requested by State - at least biennially	MTP
5	TIP and corollary STIP amendments for attainment areas	23 CFR 450.324 - 330(a)	R & A	As requested by State - at least biennially	MTP
6	FHWA/FTA TMA planning certification	23 CFR 450.334	Conduct w/FTA	Every 3 yrs	MTP
7	Metro planning area boundary changes	23 CFR 450.308	R for C	As needed/revised by MPO/State	MTP
8	MPO/State certification of MPO planning process	23 CFR 450.334	R for C	In conjunction with TIP approval (at least biennially)	MTP
9	State PL funds formula	23 CFR 420.109(a)	R & A	As needed or as revised by State	MTP
R = Review, A = Approve, C = Compliance STP – FHWA Statewide Transportation Planner, MTP – FHWA Metropolitan Transportation Planner					
Highway Information					
1	HPMS data submission	FHWA HPMS Field Manual	R for C (State sends direct to HQ w/copy to Div.)	Annually by June 15	STP
2	HPMS data review	FHWA HPMS Field Manual	Conduct	Annually by Sept. 1	STP
3	Highway statistics reports (various)	FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	1-Apr	STP
6	Public road mileage certification	23 CFR 460.3 & FAPG NS 23 CFR 460	R for C and send to HQ	Annually by June 15	STP
7	Traffic Monitoring System	23 CFR 500.203	R for C	As needed or revised by State	STP
12	Functional classification of highways/streets	23 CFR 450.105(b)	R & A	As needed or as revised by State	STP
Air Quality					
1	Transportation plan conformity determination for non-attainment areas	40 CFR 93.104(b)(3)	R & A	Every 4 years	MTP
2	TIP conformity determination for non-attainment	40 CFR 93.104(c)(3)	R & A	Every 4 years or as needed	MTP
3	CMAQ funds report	10/2008 CMAQ guidance memo	R for C and send to HQ	Annually	MTP
4	CMAQ funds eligibility determination	10/2008 CMAQ guidance memo	R & A	As requested by State	MTP
5	MPO/state air quality agency agreements	23 CFR 450.314(c)	R for C	As needed or revised by MPO/State	MTP
R = Review, A = Approve, C = Compliance STP – FHWA Statewide Transportation Planner, MTP – FHWA Metropolitan Transportation Planner, SE – FHWA Structural Engineer					

## **3.12. RESEARCH**

### **3.12.1. Introduction**

The Research program includes activities related to transportation technology.

### **3.12.2. Method of Operation**

The role of FHWA is to conduct research of national focus and to transfer those technologies to state and local transportation agencies. The role of CDOT Research is to conduct research specific to state transportation needs and problems and to transfer technologies developed elsewhere into practice in Colorado. One important role is the evaluation of experimental features on construction projects where new products and methods used elsewhere have not yet been adopted as standards in Colorado.

### **3.12.3. CDOT Organization**

The Research, Development, and Technology Transfer program (RD&T) at CDOT is the responsibility of the Research Branch of the Division of Transportation Development. The Structures and Technology Applications Team will handle the Federal-aid operations of research and technology transfer activities.

The primary products are:

1. Applied research: The study of phenomena relating to a specific known need in connection with the functional characteristics of a system to answer a question or solve a problem;
2. Development: The translation of basic or applied research results into prototype materials, devices, techniques, or procedures for the practical solution of a specific problem in transportation;
3. Technology Transfer: Dissemination, demonstration, training, and other activities that lead to the eventual deployment of a new technique or product by the users.

### **3.12.4. FHWA Organization**

The FHWA Research Program Manager is the primary liaison for research related activities with CDOT. The Manager will review final highway engineering related research reports produced by or for CDOT to ensure Federal-aid funds are appropriately used. In addition, the Manager will serve on the CDOT Research Implementation Committee that is responsible for guiding and directing the research and development program. The Manager provides engineering expertise, leadership, and oversight of the Local Technical Assistance Program. Also, the Manager serves as the principal advisor to CDOT on federal requirements for a variety of significant national studies on transportation needs.

### **3.12.5. Quality**

The purpose of RD&T at CDOT is to save Colorado money, time, and lives, and to improve the quality of life and the environment through the development and deployment of new or innovative methods,

products, or materials in the planning, design, construction, and operation of transportation. The ultimate measure of quality will be in how effectively this is accomplished. To meet this purpose, research must be timely, relevant and valid when applied to priority real-world problems. It must also be cost-effective, and accurately documented and disseminated. The technology must be appropriately transferred to the practitioner so as to be effectively utilized.

Quality is controlled in RD&T through oversight and review by experts and stakeholders. Oversight teams and the Research Council are used to focus the research program into priority areas with urgent problems to be solved. Research study panels composed of subject matter experts and practitioners looking forward to utilizing the research results are used in conjunction with each research study. A peer review of CDOT's research management process will be conducted every three years by researchers from other state DOTs after being trained in techniques for performing a peer review.

FHWA and CDOT will also conduct QARs of the CDOT research process when necessary.

This process is documented in “Colorado Department of Transportation Research, Development, and Technology Transfer Procedures Manual” (June 28, 1995).

### 3.12.6. Performance/Compliance Indicators

The following performance indicator will be used to assess the health of the Research Program:

Table 25 - Performance/Compliance Indicator (Research)

Indicator	Description	Target	Reporting Instrument	Reporting Frequency
Percent of recommendations implemented	Percent of recommendations (i.e., spec changes, methodology changes, etc.) implemented or adopted within two years of final research report	Establish baseline and track trend	Research Work Plan	December each year

Table 26 - FHWA Required Action List (Research)

<b><u>Research</u></b>					
#	Activity	Authority	Action	Frequency	Delegated To
1	SPR work program	23 CFR 420.111	R & A	Annually by June 30	FHWA Research Program Manager
2	Experimental Project work plans	FHWA LTAP Field Manual	R & A	Project by project	FHWA Research Program Manager
3	LTAP centers work plan and budget	FHWA LTAP Field Manual	R & A	Annually by March 31	FHWA Research Program Manager
4	RD&T work program	23 CFR 420.209	R & A	Annually by June 30	FHWA Research Program Manager
R = Review, A = Approve, C = Compliance					

### **3.13. CIVIL RIGHTS**

#### **3.13.1. Introduction**

The Civil Rights program is responsible for all activities relating to civil rights in CDOT and at the national level.

#### **3.13.2. Method of Operation**

The Civil Rights programs are non-exempt under SAFETEA-LU; therefore, FHWA oversight continues. The Civil Rights Stewardship Agreement is a Quality Control and Quality Assurance (QA & QC) approach, which relies on joint FHWA/CDOT team reviews of program activities to accomplish oversight of the program. The plan shifts federal oversight from a project-by-project basis to a program level basis. Staff from CDOT's Center for Equal Opportunity (EO) work in partnership with each Regional Civil Rights Manager and with the FHWA Civil Rights Specialist to review, evaluate, and improve CDOT's Civil Rights Programs.

Civil rights guarantees and programs are an integral part of all aspects of CDOT's on-going activities. The partnership between CDOT and FHWA continues to be an important part of ensuring compliance with the letter and spirit of laws and regulations.

#### **3.13.3. CDOT Organization**

Reporting directly to the Division Director for Human Resources and Administration, the Center for Equal Opportunity provides direct services as well as program oversight. Program activities include:

- Title VI, Title VII, and ADA Program Implementation & Assessment;
- Internal Civil Rights Programs:
  - EEO compliance, training, and investigation,
  - ADA compliance, training, and investigation,
  - Sexual Harassment prevention and investigation,
  - Diversity,
  - Mediation;
- External Civil Rights Programs:
  - Disadvantaged Business Enterprise Program,
  - DBE Supportive Services,
  - Emerging Small Business Program (Race Neutral),
  - On-the-Job Training (OJT) Program,
  - OJT Supportive Services,
  - EEO/Contract Compliance (Direct responsibility in HQ Staff Services),
  - Indian Preference (Direct responsibility in Region 5 Civil Rights Office).

The primary products of CDOT's Center for Equal Opportunity and Regional Civil Rights Offices are:

- Assurance that CDOT and its contractors are in compliance with all Civil Rights laws, regulations and directives;
- Instruction, advice, technical assistance, and statistical/program monitoring in support of CDOT's Civil Rights Programs;
- Investigation of complaints of discrimination under Title VII and ADA;

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- Implementation of all external programs in the Regions;
- Training in all areas of Title VII and ADA;
- Contract and labor compliance programs;
- Contract compliance reviews;
- Compliance with DBE program in CDOT Regions.

3.13.4. FHWA Organization

The FHWA Colorado Division Office has the lead role in partnering with CDOT on all Civil Rights Program matters. The Civil Rights Specialist is the principle contact under this stewardship agreement. Division Office staff will coordinate all Civil Rights matters within their respective CDOT Regions or sections with the Civil Rights Specialist. The Civil Rights Specialist will immediately advise CDOT's Center for Equal Opportunity to coordinate a plan of action on all Civil Rights issues not directly routed through the CDOT EO Center.

The primary products of the FHWA Division Office include technical assistance, regulatory guidance and coordination of training from the Division Office, the Western Resource Center and FHWA Headquarters.

3.13.5. Quality

Initial measures of quality in the Civil Rights programs include:

- Achievement toward parity by underutilized groups (as defined in CDOT statistical reports) in both employment and contracting;
- Achievement toward overall, annual DBE goal;
- Numbers of DBEs receiving technical assistance, becoming prime contractors, and graduating from the program;
- Achievement toward overall, annual OJT goal;
- Numbers of trainees retained in positions after project completion;
- Numbers of discrimination complaints received and resolved;
- Numbers of contract compliance reviews completed;
- Findings from Customer surveys (Internal & External).

The Center for Equal Opportunity is responsible for overall quality control in CDOT's Civil Rights Programs. Departmental Program Measures have been established and are monitored by this office. The EO Center's Business Programs Office Team is responsible for reviewing DBE project goal commitments and, in cooperation with the Region, conducts Good Faith Efforts analyses and determinations prior to award. In addition, the office is responsible for implementing and monitoring CDOT's OJT Program. The EO Center's Employment and Access Team is responsible for Equal Employment Opportunity (EEO) Complaint investigation for Headquarters Staff and works in cooperation with the Regional Civil Rights Offices to assist in regional complaints, as well as full responsibility for Title VI Implementation & Assurance. Finally, the EO Center's Employment and Access Team is responsible for overall management and oversight of compliance with the ADA.

Regional Civil Rights Managers are responsible for quality control in Civil Rights programs at the project and regional level. Regional Civil Rights Managers set project specific DBE and OJT goals, conduct regional contract compliance reviews, ensure regional compliance with Civil Rights laws and regulations, investigate discrimination complaints in the region, and cooperate with the Center for Equal Opportunity to develop appropriate outreach activities.

The Contracts and Market Analysis Branch is responsible for quality control in external EEO Contract Compliance.

Quality control is documented by various detail and summary reports made to FHWA and the Transportation Commission.

A Quality Assurance program is cooperatively conducted by FHWA and the Center for Equal Opportunity, with assistance from Staff Services and the Regions. Annually, in coordination with the Quality Improvement Council (QIC) and FHWA, the staff identifies program emphasis areas to review. The QAR team submits reports and makes recommendations for improving the program to the QIC. The frequency of these reviews is negotiated and agreed on by FHWA, the Center for Equal Opportunity, and the QIC.

The CDOT Civil Rights program is documented as follows:

- DBE processes – DBE Program Plan and CDOT Policy and Procedural Directives;
- OJT processes – OJT Colorado Program Plan and OJT Special Provisions;
- ADA processes – ADA Transition Plan and CDOT Policy and Procedural Directives;
- Internal Civil Rights processes – CDOT’s Affirmative Action Plan and Update, Complaint Investigation Manual, Title VI Program Plan and various CDOT Policy and Procedural Directives;
- Title VI processes – CDOT’s Title VI Program Plan and CDOT Policy and Procedural Directives.

**The CDOT webpage provides information about the Civil Rights processes. The Civil Rights manuals and program plans are also available to external and internal customers on the website and at CDOT Headquarters and Construction Development Center (CDC) offices.**

Program Plans are updated as necessary when changes are made. For example, when changes were made to CDOT’s retainage policy specifications or ADA reasonable accommodation procedural directive, appropriate changes were made to those sections of the applicable Program Plan.

3.13.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the Civil Rights program:

Table 27 - Performance Measures (Civil Rights)

Description	Indicator	Target	Reporting Instrument	Reporting Frequency
Meet or exceed the Department's annual Disadvantaged Business Enterprise (DBE) goals.	Percent of small and disadvantaged businesses that participate in Federal Aid Highway Program:	13.29%		December each year
Meet or exceed the Department's annual Disadvantaged Business Enterprise (DBE) goals.	Number of DBEs who use the CDC & DBE Supportive Services.	Establish baseline and track trend		December each year
Meet or exceed the Department's annual Disadvantaged Business Enterprise (DBE) goals	Percent of contractors whose actual DBE payment equals goal as awarded at project completion/final invoice	Establish baseline and track trend		December each year
Meet or exceed the Department's annual Disadvantaged Business Enterprise (DBE) goals	Cumulative DBE Goal set by each Region. Target is shown as a percent by Region but will be documented with FY 11 actual data and analyzed to set future goals.	R1: % R2: % R3: % R4: % R5: % R6: %		December each year
Meet or exceed the Department's annual Disadvantaged Business Enterprise (DBE) goals	Number of complaints by DBEs/ESBs regarding prompt payment and Percent as compared to non-DBE/ESBs	Establish baseline and track trend		December each year
Accept and monitor the level of formal complaints filed by the public under Title VI of the Civil Rights Act of 1964	CDOT to complete investigation and final report within 60 days of receipt of formal complaint	Establish baseline and track trend		December each year
Accept and monitor the level of all ADA accommodations and complaints filed under the ADA	Number of investigations and days to investigate	Establish baseline and track trend		December each year

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Table 28 - FHWA Required Action List (Civil Rights)

Civil Rights					
#	Activity	Authority	Action	Frequency	Delegated To
1	Title VI Plan accomplishments and next year's goals	23 CFR 200.9(b)(10)	R & A	Annually by Dec. 1	CRS
2	Title VI Plan update	23 CFR 200.9	R & A	As needed or requested by State	CRS
3	State internal EEO affirmative action plan (Title VII) accomplishments and goals	23 CFR 230.311	R & A	Annually by Dec. 1	CRS
4	State internal EEO (Title VII) plan update	23 CFR 230.311	R & A	Annually by Dec. 1	CRS
5	EEO Contract Compliance review reports (form FHWA 86)	23 CFR 230.409, 230.413(b)(1)(i)(D)	R & A	As submitted by State	CRS
6	State Employment Practices Report (EEO-4)	23 CFR 230.311(a)(2)	R for C and send to HQ	Annually by Aug. 1	CRS
7	Uniform Report of DBE Awards or Commitments and Payments	49 CFR 26, Appendix B and Subpart C	R for C and send to HQ	Semi-annually by June 1 and Dec. 1	CRS
8	Disadvantaged Business Enterprise (DBE) Program revisions	49 CFR 26.21(b)(2)	R & A	As needed or as requested by State	CRS
9	State's DBE program goals	49 CFR 26.41 49 CFR 26.45(f)(1)	R & A	Annually by Aug 1	CRS
10	Supportive services funds requests	23 CFR 230.113, 230.204	R & A	As requested by State	CRS
11	Annual Contractor Employment Report (Construction Summary of Employment Data (form PR-1392)	23 CFR 230.121(a)(3)	R for C and send to HQ	Annually by Sept 25	CRS
#	Activity	Authority	Action	Frequency	Delegated To
12	Report on supportive services (On-the-Job Training (OJT) & DBE)	23 CFR 230.121(e)	R for C and send to HQ	Annually by Dec. 1	CRS
13	OJT goals & accomplishments	23 CFR 230.111(b)	R for C	Annually by Jan 30	CRS
14	Historically Black College & University (HBCU) Report	Pres. Exec. Order 12876, dated Nov. 1, 1993	Prepare report & submit to HQ	Annually by Nov 15	CRS
15	Americans with Disabilities Act Review complaint	28 CFR 35.190	Conduct evaluation & correct or recommend action to HQ	As requested by HQ	CRS
16	ADA Review CDOT's ADA Transition Plan	28 CFR 35.150	Conduct evaluation & correct or recommend action	Annually by Aug 1	CRS
R = Review, A = Approve, C = Compliance CRS – FHWA Civil Rights Specialist					

### **3.14. CONTRACTS AND MARKET ANALYSIS**

#### **3.14.1. Introduction**

The Contracts and Market Analysis Branch is responsible for preparing contracts for construction projects, professional consulting services, and intergovernmental agreements, engineering cost estimates for projects prior to bidding, bid collusion detection, materially unbalanced bid detection, labor and contract compliance, and Site-Manager support. The Programs in this Branch include Agreements, Consultant Audit, Engineering Estimates and Market Analysis, and Programs and Project Analysis.

#### **3.14.2. Method of Operation**

The Agreements Unit contracts for construction and professional services, as well as governmental agreements, in accordance with applicable Federal rules and regulations. The Consultant Audit unit conducts audits prior to contracting for professional services to assure that the contract rates are fair and reasonable. The Engineering Estimates unit prepares project engineering cost estimates as required by federal regulations and monitors bidding activity for materially unbalanced bids and collusion. The Programs and Project Analysis unit monitors labor and subcontracting regulations to assure compliance statewide.

#### **3.14.3. CDOT Organization**

##### **1. Agreements**

The Agreements program provides two different types of services – construction contracting and agreements. The construction contracting unit conducts the contracting process for construction projects including contractor prequalification, advertisement for bids, opening of paper and electronic bids, award and execution of the contract, and issuance of the notice to proceed once signed by the Chief Engineer. The agreements unit conducts the contracting process for professional services (engineers, architects, surveyors and industrial hygienists), including consultant prequalification, issuance of the Request for Proposals (RFP), facilitation of the selection process, contract negotiations, and execution of the contract. The agreements unit also processes intergovernmental agreements;

##### **2. Consultant Audit**

The Consultant Audit program reviews salary and overhead rates of consultants for reasonableness prior to issuance of a professional services contract. They also assist in the review of contractor prequalification submittals;

##### **3. Engineering Estimates and Market Analysis (EEMA)**

The EEMA program prepares engineering cost estimates of construction projects prior to bidding, performs materially unbalanced bid analysis and bid collusion analysis on submitted bids, and prepares cost estimates for added work on active construction projects;

##### **4. ERP/SAP Business Resource Center Team Member**

The Business Resource representative, known as the Business Process Expert (BPX), is responsible for the Project Systems Module of SAP. The BPX is responsible for assisting end users with help tickets, assistance with the Project Systems Module and is the process lead for

changes to SAP. This position is funded by Information Technology, but is supervised by the Contracts and Market Analysis Branch Manager;

#### **5. Programs and Project Analysis**

The Programs and Project Analysis program is responsible for user support for the Site Manager Software used for construction project management, including training, technical assistance, and reporting. The program is also responsible for monitoring labor and subcontract compliance on construction projects, and for data compilation and EEO reporting for construction projects and for bid collusion detection analysis. Training is available, as needed, for contractors, construction personnel, consultants and local agencies in the areas of labor compliance and EEO.

#### **3.14.4. FHWA Organization**

The Program Delivery Teams in the FHWA Colorado Division are responsible for contract administration, contract changes, dispute resolution and claims. The teams consist of a Program Delivery Engineer Team Leader who has leadership responsibility for the team, Operations Engineers, and other Program Managers. The Operations Engineers on one of the Program Delivery Teams are the liaisons for Regions 1, 3, 4, and 6N; and the Operations Engineers on the other Program Delivery Team are the liaisons for Regions 2, 5, 6C and 6S.

#### **3.14.5. Quality**

The following elements are included:

- Audit of consultant overhead rates to assure rates are current, reasonable and in accordance with FARs;
- Program quality reviews of construction contracts to assure compliance with FHWA 1273 and applicable specification;
- Review contract documents to assure proper form;
- Training to the Regions;
- Monitoring and reporting of Form 280, Employee Interview Form;
- Compliance review overview;
- Site Manager utilization reviews.

3.14.6. Performance/Compliance Indicators

The following performance indicators will be used to assess the health of the Contracts and Marketing program:

Table 29 - Performance/Compliance Indicators (Contracts and Market Analysis)

<b>Indicator</b>	<b>Description</b>	<b>Target</b>	<b>Reporting Instrument</b>	<b>Reporting Frequency</b>
<b>Percent of projects with low bid within percentage of Engineer's Estimate</b>	Percent of projects with low bid within +/- 15% of Engineer's Estimate on projects over \$250,000	Establish baseline and track trend	CDOT Work Plan	December each year
<b>Percent of projects awarded within 30 days of bid opening (CDOT oversight and FHWA oversight)</b>	Percent of projects awarded within 30 days of bid opening	Establish baseline and track trend	Contracts and Marketing Work Plan	December each year
<b>Percent of project contracts completed within 17 weeks</b>	Percent of project contracts completed within 17 weeks	Establish baseline and track trend	Contracts and Marketing Work Plan	December each year
<b>Percent consultant selections completed within 17 weeks</b>	Percent consultant selections completed within 17 weeks	Establish baseline and track trend	Contracts and Marketing Work Plan	December each year
<b>Percent consultant audits completed within 14 days for new consultant selections and within 8 days for revisions</b>	Percent consultant audits completed within 14 days for new consultant selections and within 8 days for revisions	Establish baseline and track trend	Contracts and Marketing Work Plan	December each year

Table 30 - FHWA Required Action list (Contracts and Marketing)

Contracts and Market Analysis						
#	Activity	Authority	Action	Frequency	Delegated To	
					CDOT	FHW A
<b>FHWA assumes responsibility for the following on full-oversight projects and CDOT assumes responsibility on all other projects.</b>						
1	Competitive Bidding Exceptions	23 CFR 635.104, 23 USC 112	R & A	As requested	DA	DA
2	Concurrence in Award	23 CFR 635.114, 23 USC 112(d)	R & A	Project by project	AO, RE	OE
3	Authorization to Advertise (all projects)	23 CFR 635.309	R & A	Project by project	OE	OE
4	Addenda or Revisions under advertisement	23CFR 635.112(c)	R & A	Project by project	RE	OE
5	Rejections of low bidder	23CFR 635.114(f)+(g)	R & A	Project by project	EE, RE	OE
6	Rejections of all bidders	23CFR 635.114(h)	R & A	Project by project	RE	OE
Non-Project Specific Activities						
7	Contracting Procedures Consultant Selection	23 CFR 172.5	R & A	As updated	PDTL	PDTL
8	Bid Opening/Tabulations	23 CFR 635.113	Periodically R for C (State takes action)	Per letting	EE	EE
R = Review, A = Approve, C = Compliance, OE - FHWA Operations Engineers, RE - CDOT Resident Engineer, DA - FHWA Division Administrator, PDTL – FHWA Program Delivery Team Leaders, EE – CDOT Engineering Estimator, AO –CDOT Awards Officer						

*End Section - 3*

## **SECTION 4. STEWARDSHIP AND OVERSIGHT AGREEMENT AMENDMENT FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA OVERSIGHT PLAN)**

### **4.1. INTRODUCTION**

Implementation and oversight for the American Recovery and Reinvestment Act (ARRA) Program in the Colorado Division will be comprised of a combination of the use of existing procedures as well as practices and increased actions to address identified risks. At a minimum, all actions normally taken to authorize and monitor federal-aid construction projects, as described in the CDOT/FHWA Stewardship Agreement, will be followed. Additionally, specific projects have been identified for more enhanced oversight. Further, each of the risk areas identified in the Risk Management Plan will be addressed with oversight or review actions.

ARRA projects will be divided into three levels of oversight with varying degrees of project level monitoring. The three levels are: Full FHWA Oversight, Partial FHWA Oversight, and State Oversight. As described below, the amount of project oversight will depend on which level a given project is assigned to. The Colorado Division has oversight responsibilities as outlined in the Stewardship and Oversight Agreement with the Colorado Department of Transportation (CDOT). This Oversight Plan will be included as an addendum to the Stewardship Agreement.

### **4.2. PROGRAM OVERSIGHT**

Overall ARRA program oversight will be provided by the ARRA Program Manager under the guidance of the Assistant Division Administrator and the Division Administrator. This Program Manager will be the primary point of contact for the Division with regard to program level interaction with HQ and outside agencies as well as the state. This manager will monitor FHWA and State oversight to assure compliance with the project level guidance provided herein. This manager will organize and coordinate reviews and actions to address the risks identified for the program, including Risk Management Reviews supported by project level Program Accountability Reviews (PARs). As projects are awarded for construction, the project owner, CDOT or a local agency will provide details to the ARRA Program Manager on the ARRA Project Information form.

### **4.3. PROJECT OVERSIGHT**

#### **4.3.1. Full FHWA Oversight**

FHWA retains authority for the following actions on full oversight projects:

- Plan, Specifications & Estimates Approval;
- Approval of Design Exceptions;
- Contract Concurrence in Award;
- Contract Change Order Approval (See thresholds below);
  - Less than \$100,000 and not major design changes: CDOT,

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- Greater than \$100,000 & less than \$250,000 and not a major design change: CDOT with copy to FHWA,
- Greater than \$250,000 or a major design change: FHWA approval,
- Federal approval is required on all CMOs for project extensions regardless of oversight.
- Approval of Contract Claims Settlement;
- Project Acceptance.

Additionally, for ARRA projects at this level Division personnel will make:

- General construction reviews at least every three months;
- Inspections of construction of major structures;
- Final inspection with CDOT at the end of construction; Project Accountability Reviews (PARs) in support of Risk Management Reviews.

#### **4.3.2. Partial FHWA Oversight:**

Some ARRA Projects do not represent the risk associated with the larger, more sensitive projects selected for the Full FHWA Oversight list, but do warrant more-than-usual oversight to be provided for the State Oversight projects.

For the Partial Oversight projects, the FHWA Division will:

- Receive the PSE and review engineer's estimate and schedule;
- Receive Copy of the Notice to Proceed;
- Contract Change Order Approval (See threshold below);
  - Less than \$100,000 and not a major design changes: CDOT,
  - Greater than \$100,000 & less than \$250,000 and not a major design change: CDOT with copy to FHWA,
  - Greater than \$250,000 or a major design change: FHWA approval.
- Federal approval is required on all CMOs for project extensions regardless of oversight;
- General construction review within first quarter of construction of each construction season;
- Follow-up review if deficiencies found in project review;
- Project Accountability Reviews (PARs) in support of Risk Management Reviews.
- Final inspection, independently or with CDOT.

For items not listed above, Oversight by CDOT as described in the Stewardship Agreement will be the guide. For example, since Finding in the Public Interest is not listed as an FHWA Partial Oversight action, this is considered to be delegated to CDOT as with State Oversight projects.

#### **4.3.3. State Oversight**

*State-administered projects* - These projects, for which much of the oversight is delegated to the CDOT, will be monitored in the manner prescribed in the Stewardship Agreement. In general, FHWA personnel will assure eligibility and obligate funds, but will be limited in other approvals and inspections, in accordance with their delegation of authority. ARRA oversight will be provided by sampling this group of projects for the Risk Management Reviews as described below. Emphasis will, however, be placed on Local Agency projects based on our risk assessment.

To the extent possible, Regional Work Zone Traffic Reviews should give first priority to ARRA projects when selecting projects for review. All ARRA projects not listed above as Full or Partial FHWA Oversight will be State Oversight.

*Local Agency-administered projects* – Although CDOT will provide oversight of Local Agencies, FHWA shall use documents listed on the Local Agency Project Checklist (CDOT Form 1243) to track progress on local agency projects. CDOT shall provide FHWA for its use in project tracking and risk assessment the following information listed on Form 1243 for each Local Project CDOT will make all approvals not delegated to the local agency on the project-specific Form 1243. Additionally, Risk Management Reviews will be used to monitor these projects as determined by risk assessments.

Table 31 - Local Agency Administered Projects

Local Agency Checklist Item	Activity
5.6	Field Inspection Review Date, invite FHWA
5.14	Submit PS&E including detailed engineer's estimate to FHWA
8.1	Submit copy of Notice to Proceed to FHWA
8.5	Submit name of PE who will be in charge of construction to FHWA
8.14	Approve all change orders, copy to FHWA
9.2	Complete CDOT Form 250 – Materials Documentation Record, copy to FHWA
10.3-10.7	Notify FHWA of Dates of field interviews
11.1-11.12	Project Final Estimate and Form 950 Project Closure, copies to FHWA

**4.3.4. Risk Management Reviews: Addressing Identified Risks**

The Division has identified a list of risks associated with implementation of ARRA projects in Colorado and this Plan is attached. (Appendix A) This listing is based on the national risk analysis as well as our local risk analysis. In addition to the project inspections outlined above, the Division will use Risk Management Reviews to investigate the risks identified through project contacts and sampling of ARRA projects. Each project contact will be documented as a Program Accountability Review (PAR). The ARRA Program Manager will periodically select a risk topic, prepare field inspection guidance and coordinate project contacts by the Operations Engineers and other Division personnel to provide a “look” at projects for that topic. Emphasis will be given on assuring Local Agency projects are included in such reviews. The ARRA Program Manager will then accumulate the PAR findings and review the statewide results, determining whether the topic is considered low or high risk due to statewide findings. For topics with low risk, the review will be documented and closed. For topics where problems are found across the reviewed projects, additional investigation or review will be considered and undertaken by either the Division or the national assistance team.

#### **4.3.5. Financial Management Controls and Oversight**

All of the current Division processes and controls on project financial oversight will apply to ARRA projects. In addition, extra processes and procedures will be implemented and these are detailed below.

FHWA will focus billing reviews in June, July and August 2009 on ARRA projects, selecting one each week for review. The projects will be selected using statistical sampling or, if a scheduled construction review to a project is coming up, that project may be sampled so that the FHWA employees performing the construction site review will have knowledge of what items have been reimbursed by FHWA. All ARRA projects, regardless of oversight level, will have an equal chance of being selected.

This review will require that the billing documentation submitted to CDOT for reimbursement will need to be provided to FHWA when requested. This billing review will focus on eligible and allowable costs. The checklist FHWA has developed for the Improper Payment Information Act (IPIA) will be used and some of the review will be conducted by the FHWA Operations Engineers or Program Managers.

The FY 2010 FIRE plan will include ARRA activities. A Grant Management review will look at both ARRA and other federally-funded projects. A billing review will be continued, but may not be focused on ARRA as the summer of 2009 does. One area of concern that will be monitored as an extension of the current inactive reports is the expenditure of funds on each of the ARRA projects. This will ensure that projects are moving forward and the state and local agencies are billing in a timely manner. If a project appears to be inactive, it will be identified quickly and these concerns addressed.

The FHWA Finance Manager and Finance Specialist will work closely with CDOT Internal and External auditors. The state audit findings will be communicated to the FHWA ARRA Program Manager, DA, ADA and Team Leaders as an additional source of oversight information and indications of where risks lay.

**4.3.6. All Projects, FHWA involvement required**

Delegation of authority through the Stewardship Agreement and classifying some ARRA projects as Partial or State oversight does not change a number of major project actions that will still require FHWA action.

The following actions require the approval of the FHWA regardless of project funding and/or delegation of project oversight to CDOT:

- Addition of access points on the Interstate System;
- Use of Interstate airspace for non-highway-related purposes;
- Disposal of Interstate Right of Way;
- Design exceptions affecting Interstate highways (13 controlling criteria);
- Changes in Interstate Land Use or Operations;
- All Federal responsibilities for planning and programming oversight specified in 23 USC 134 and 135;
- Federal air quality conformity determinations required by the Clean Air Act;
- Obligation of funds;
- Waivers to Buy America requirements (FHWA Washington HQ-approval required as noted in Mr. Horne's July 3, 2003 memorandum);
- SEP-14/SEP-15 methods (FHWA HQ approval required for experimental contracting/project delivery methods);
- Civil Rights program approvals;
- Environmental approvals except those specifically delegated under Sections 6004 and 6005 of SAFETEA-LU;
- Hardship acquisition and protective buying;
- Modifications to project agreements;
- Final vouchers.

## GLOSSARY

3R Projects - Resurfacing, Rehabilitation and Restoration

Award of project – Selection of contractor to perform work on a project using competitive bid process

Construction – Work performed by a contractor to build project as designed

Control Document – Applicable standards, policies, and standard specifications that are acceptable to FHWA for application in the geometric and structural design of highways.

Core Functions – Activities that make up the main elements of the Division’s Federal-aid oversight responsibilities based on regulations and national policies. Core functions in the Division Office are Planning, Environment, Right-of-Way, Design, Construction, Finance, Operations, System Preservation, Safety, and Civil Rights.

Delegated Projects – Projects that do not require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

Design – The process of producing and approving a drawing or set of drawings, calculations or other record of engineering work to be performed by the contractor.

Emergency Relief Projects – The Emergency Relief (ER) program assists State and local governments with the expense of repairing serious damage to Federal-aid highways and roads on Federal Lands resulting from natural disasters or catastrophic failures. In addition to the permanent authorization of \$100 million annually, SAFETEA-LU authorizes such sums as may be necessary to be made available by appropriation from the General Fund to supplement the permanent authorization in years when Emergency Relief allocations exceed \$100 million. [1112]

Environmental documentation – Review and decision documents required by the National Environmental Policy Act, such as Environmental Assessments and Findings of No Significant Impact, or Environmental Impact Statements and Records of Decision.

Full Oversight Projects – Projects that require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

Major Bridges - Major bridges are defined in the policy of FHWA Order 5520.1 "Preliminary Plan Review and Approval" and should have preliminary plan approval by FHWA. Examples of special features meeting major bridge project criteria are:

- Bridges with approximately (125,000 sq. ft.) deck area
- Bridge span of 152.4 in (500 ft) or greater
- Bridges utilizing high-strength steel or concrete or special materials
- Unusual bridge types, e.g., arches and trusses
- Tunnels and unusually high cuts or high fills
- Major hydraulic structures

Major Projects – Projects with an estimated total cost greater than \$500 million, or projects approaching \$500 million with a high level of interest by the public, Congress, or the Administration.

Obligation of funding – Allocation of Federal-aid funds to a project.

Oversight – The act of ensuring that the Federal highway program is delivered consistent with laws, regulations and policies.

Performance/Compliance Indicators – These indicators track performance trends, health of the Federal-aid Highway Program, and compliance with Federal requirements.

Project Acceptance – Final, official acknowledgement that a project has been completed

PS&E - Plans and specifications shall describe the location and design features and the construction requirements in sufficient detail to facilitate the construction, the contract control and the estimation of construction costs of the project. The estimate shall reflect the anticipated cost of the project in sufficient detail to provide an initial prediction of the financial obligations to be incurred by the State and FHWA and to permit an effective review and comparison of the bids received.

Risk Management – The systematic identification, assessment, planning, and management of threats and opportunities faced by FHWA projects and programs.

Scoping - An interactive multi-disciplinary process that defines the design characteristics of a project (scope) and establishes an early estimate of cost and project schedule.

Stewardship – The efficient and effective management of the public funds that have been entrusted to the FHWA.

Variance – Application for project exception to federally-mandated design standards

ISTEA, TEA-21, and SAFETEA-LU - The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 was a six-year federal transportation funding law that took effect in 1991. ISTEA provided \$155 billion for highways, highway safety and transit for fiscal years 1992 through 1997. The Transportation Equity Act for the 21st Century (TEA-21) is a six-year extension of ISTEA providing a 40-percent increase in transportation funding for fiscal years 1998 through 2003. The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users guaranteed (SAFETEA-LU) \$244.1 billion for highways, highway safety, and public transportation. SAFETEA-LU represents the largest surface transportation investment in our Nation's history. These acts have given states increased flexibility in establishing the degree to which FHWA will be involved in the development of the Federal-Aid Highway Program (FAHP).

## APPENDIX A

### State Manuals (approved by FHWA for use on Federal aid projects)

MANUAL	Reference	RESPONSIBLE PARTY	FHWA Approval Y OR N
Roadway Design Guide – 2005	No Authority	Standards and Specifications Unit	Should review + concur
Right of Way Manual	23 CFR 710.201	Right of Way Branch	Y
Utility Manual	CFR 625	Safety and Traffic Engineering Branch	Y
Access Code/Policy	No Authority	Safety and Traffic Engineering Branch	Should review + concur
Survey Manual	CFR 625	Right of Way Branch	Y
Laboratory Manual of Test Procedures	CFR 625	Staff Materials Branch	Y
Field Materials Manual	CFR 625	Staff Materials Branch	Y
Local Agency Manual – 2006	No Authority	Standards and Specifications Unit	Should review + concur
Construction Manual – 2002	No Authority	Project Development Branch	Should review + concur
Project Development Manual	No Authority	Project Development Branch	Should review + concur
Manual on Uniform Traffic Control Devices (MUTCD) – State Adoption	23 CFR 655.603	Safety and Traffic Engineering Branch	Y
Colorado supplement to the MUTCD	23 CFR 655.603	Safety and Traffic Engineering Branch	Y
Standard Specifications for Road and Bridge Construction	23 CFR 625.3	Standards and Specifications Unit	Y
Standard Plans – M & S Standards	23 CFR 625.3	Standards and Specifications Unit	Y
Lighting Design Guide – 2006	CFR 625	Standards and Specifications Unit	Y
Consultant Selection Process	23 CFR 172.9	Project Development Branch	Y
CDOT Bridge Design Manual	CFR 625	Staff Bridge Branch	Should review + concur
CDOT Bridge Detailing Manual	CFR 625	Staff Bridge Branch	Should review + concur
CDOT Bridge Rating Manual	CFR 625	Staff Bridge Branch	Should review + concur
Colorado Structure Inventory Coding Guide	CFR 650 Subpart C	Staff Bridge Branch	Y
Overhead Signs, Signals, & High Mast Lights Coding Guide	No Authority	Staff Bridge Branch	N

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MANUAL	Reference	RESPONSIBLE PARTY	FHWA Approval Y OR N
Pontis Bridge Inspection Coding Guide	CFR 650 Subpart D	Staff Bridge Branch	Should review + concur
Bridge Asset Management & Inspection Manual (in progress)	CFR 650 Subpart C & D	Staff Bridge Branch	Should review + concur
Stakeholder Participation Guidance and Public Involvement Plan	23 CFR 771.111(h)(1)	Environmental Programs	Y
Disadvantaged Business Enterprise (DBE) Plan/DBE Goal	49 CFR 26	Center for Equal Opportunity	Y
Title VI Plan	23 CFR 230.311	Center for Equal Opportunity	Y
Affirmative Action Plan	23 CFR 230.311	Center for Equal Opportunity	Y
Drainage Design Manual	CFR 625	Project Development Branch	Y
Erosion Control and Stormwater Quality Guide	23 CFR 650.211	Environmental Programs	Y
Design – Build Manual - 2006	No Authority	Project Development Branch	Should review + concur
Pavement Design Manual	CFR 625	Staff Materials Branch	Y
ADA Transition Plan	28 CFR 35.151	Center For Equal Opportunity	Y
OJT Program Plan	49 CFR 26	Center for Equal Opportunity	Y
Noise Policy	23 CFR 772	Environmental Programs	Y

# APPENDIX B

## CDOT Reply to FHWA and Mitigation Plan of Identified Risks

### FHWA Colorado Division American Recovery and Reinvestment Act of 2009 Risk Management Plan March 26, 2009

This plan identifies the primary risks and response strategies of how we [FHWA] will manage the risks associated with delivering the ARRA highway infrastructure investment program in Colorado.

#### ***Risk Areas***

The Division's primary risks are local agency administered projects; project level oversight; inadequate construction staffing; project safety and traffic control; potential for inflated construction costs; meeting DBE goals; possible fraudulent contract or construction practices; possible use of debarred contractors; meeting program goals; and proper allocation of various funding categories on projects. The attachment identifies our specific risks and planned responses.

While the risk of CDOT failing to maintain their previously planned level of spending of State funds is low, there is some concern that CDOT may have some level of difficulty in being able to adequately document this "maintenance of effort" in attaining previously-planned spending levels. We will encourage early development of how they will document their maintenance of effort as well as assuring they are continuously documenting during the required period. We will monitor CDOT's documentation and work with them to ensure they are able to meet and document their "maintenance of effort."

#### ***Overall Response Strategies:***

- **Establishment of an ARRA Program Manager**

An experienced Division engineer has been selected to serve as our primary point of contact for the ARRA program. He will provide program guidance, leadership and coordination of our communications, outreach, monitoring and oversight of the ARRA program and projects.

- **Partnering with CDOT and MPOs to address risks**

Addressing the program risks will be a cooperative effort with our state partner, who will be responsible for some of the actions to address perceived risks. Federal oversight will include regular meetings/communications with state HQ personnel, especially early in the life of the program and regular meetings with state Regional personnel throughout the life of the program. Communications with the TMAs will be enhanced for the ARRA program.

- **Financial oversight**

Our FY 2009 FIRE Plan included a billing review that is currently underway with completion scheduled prior to anticipated ARRA billings. The billing review will be extending thru the summer quarter with the extension focusing on ARRA billings. Our FY 2010 FIRE Plan will include review of ARRA project billings as well. Additional financial oversight strategies are outlined in the attachment.

- **Project level oversight**

A risk-based approach for FHWA Division project level oversight will be developed for the ARRA program. This approach will include a project-level risk assessment and outline various levels of federal oversight for specific projects. Project level oversight will be accomplished by the ARRA Program Manager, Division Operations Engineers and other Division Program Managers.

- **Monitoring of performance to include "visible monitoring"**

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Program Accountability & Results (PAR) Reviews will be used to address various risks and issues as outlined in the attached list and for new concerns identified during the implementation of the ARRA projects. Monitoring will also be done on key OMB and FHWA identified risks. A multitude of tools and office personnel will be utilized for oversight and monitoring. The Division monitoring will be adjusted as new monitoring tools are developed and as new concerns are identified.

• **Stewardship Agreement Addendum**

This Risk Management Plan will be used to further develop a more detailed, working plan of action for ARRA program oversight in the state. This more detailed Risk Management Plan will be incorporated into the existing Stewardship Agreement to assure widespread understanding of roles and responsibilities for the ARRA program.

**ATTACHMENT**  
**Colorado Division ARRA Program Priority Risks**  
**and CDOT Mitigation Plan**  
**July 2009**

**CDOT's Mitigation Plan of FHWA Colorado Division's Risk Management Plan**  
**Introduction**

Understanding the increased attention ARRA projects will bring, CDOT and FHWA formed a joint team to initially identify risks associated with the Recovery Act projects and ensure successful project delivery in accordance with the Act. This Team has been meeting continuously; at first weekly and now every other week, to monitor these risks and mitigation of them. These initial risks were combined with risks identified nationally to produce FHWA Division level Risk Management Plans. In turn, CDOT distributed this plan to staff to ensure that the risks were being addressed. CDOT staff either noted that the risk was already addressed by its existing processes, procedures, and policies or, if not, what action was necessary to mitigate the risks. This attachment specifically describes CDOT's mitigation action plan for the identified risks.

**Risk 1: Local Agency Administered Projects**

**General: Local agencies may lack experience in managing Federal-aid projects, plus some requirements of ARRA are different and projects may be rushed.**

FHWA Response: CDOT will hold meetings with local agencies receiving ARRA funds to explain general CDOT administrative and oversight requirements for local agency, Federal-aid projects, as well as specific contract items that are required by ARRA. The CDOT Local Agency Manual will be distributed to these agencies. The Division will be available at these meetings to assist and answer questions. State auditors will also meet with Local Agencies going to contract with ARRA projects. CDOT has and will retain review and approval of most actions on local agency projects.

CDOT Mitigation Strategy: CDOT has held individual meetings with the Regions and Local Agencies to discuss the requirements of the ARRA funds. CDOT has also drafted letters that FHWA will send to the Local Agencies administering ARRA projects and CDOT will send letters to the Contractors on those projects.

CDOT Regions are working closely with their local agencies to ensure they understand the requirements of Federal funding and specifically new requirements of the Recovery Act.

Local agency Recovery Act workshops were held in all Regions to emphasize the importance of the Act's requirements and ensure understanding.

**1a: Local agencies may not meet the deadline to obligate ARRA funds**

FHWA Response: CDOT, in cooperation with (Metropolitan Planning Organization) MPOs, will set milestones in the project delivery process. When these milestones are not met, a substitute project will be selected to proceed.

CDOT Mitigation Strategy: CDOT identified over 250 projects ready for advertisement within a short time frame. With the allocation of funds only about 100 of those could be funded. The Regions and MPO's have developed a schedule for A List projects, B List projects, etc. in order to obligate projects to be delivered for set milestone dates. When the dates are not met for a specific project, the Regions will substitute a project that is ready to be advertised.

**1b: Proper contract specifications and other requirements may be omitted from local agency contracts**

FHWA Response: CDOT is packaging necessary special contract provisions as part of their Inter-Governmental Agreements (IGAs) with local agencies to assure ARRA employment reporting, Davis-Bacon wages, Buy America, minority participation and On the Job Training (OJT) requirements and ARRA project signing. CDOT also approves all bid packages and after bid opening, reviews bids and approves award. CDOT is to have meetings with local governments to go over the ARRA special provisions, and CDOT will set the minority and OJT goals. CDOT will offer training to the local agencies on payroll which covers Davis Bacon rates. Division personnel will attend CDOT sponsored meetings with locals and spot check local bidding and contract documents, reporting in PAR reviews.

CDOT Mitigation Strategy: CDOT is and will continue to do the above. CDOT Local Agency project managers will assure the proper requirements are in the contract. Additional Davis-Bacon wage checking training is being considered.

**1c: Payment of Davis-Bacon wage rates or use of DBEs may be insufficient or improperly reported**

FHWA Response: The Division will selectively participate in pre-construction meetings on local projects. Division personnel will spot check to verify that Davis-Bacon wage rates are being paid by reviewing weekly payroll reports and spot check wages actually being paid by asking contractors' employees to verify what they are being paid. The Division will verify (Disadvantage Business Enterprise) DBEs working on projects with site visits. Employment reporting will be monitored by the ARRA Program Manager to assure Local Agency participation and sufficiency.

CDOT Mitigation Strategy: In order to ensure that CDOT Headquarters and Regional staff are involved, CDOT requests that FHWA Colorado Division work in collaboration in scheduling visits and attending specific meetings. FHWA plans to participate in some pre-construction meetings held on local projects. It will be important for Regional and/or Headquarters Civil Rights staff to accompany FHWA officials to those meetings. CDOT requests that FHWA provide, in advance, a list of those pre-construction meetings they intend to attend in order to make appropriate plans to attend also. FHWA also discusses plans to spot check, for compliance, certain aspects of CDOT's civil rights programs on projects. Again, CDOT requests advance notice of which projects FHWA plans to visit. Headquarters or Regional Civil Rights staff will coordinate the visit with the appropriate program, resident, and project engineers and will accompany FHWA officials to the review. CDOT staff will cooperate fully with the ARRA Program Manager in all aspects of this mitigation strategy and will provide support in these efforts.

CDOT announced and held payroll training for Local Agencies in April 2009 and will hold an additional session in October 2009 and as needed in the future for certification for checking and reviewing payrolls in accordance with Davis Bacon requirements. Local Agencies having questions should contact their Region Project Manager who can then contact the CDOT Labor Compliance Specialist if needed.

CDOT is assertively setting DBE goals and closely monitoring DBE commitments through its usual contract awarding process. Further, CDOT will be collecting DBE payments made data on a monthly basis for federal reporting and for more real-time DBE commitment tracking.

#### **1d: Materials testing and/or certifications may not be sufficient**

FHWA Response: The Division will monitor CDOT Regional personnel to assure they are monitoring the testing frequency on local projects. CDOT will also do Independent Assurance Tests (IAT) on materials, local agencies need to be aware of this, and provide samples to CDOT for testing. CDOT also has to approve mix designs. The Division will spot check or conduct PAR reviews of the sufficiency of certifications, acceptance and quality assurance testing and price reduction for nonconforming materials on site visits.

CDOT Mitigation Strategy: DOT's quality control and quality assurance protocols are identified in our Field Materials Manual. Local Agency responsibilities are identified in our Local Agency Manual. These manuals have been reviewed and approved by the FHWA. CDOT will continue to employ these previously approved documentation review and control procedures to ensure adequate quality assurance on CDOT as well as Local Agency projects.

#### **1e: Processing and funding of Change Orders by local agencies**

FHWA Response: Since ARRA funds are limited, the MOU between CDOT and the local agency needs to spell out which agency is responsible for cost overruns initiated by change orders. The Division will spot check change orders to verify compliance with CDOT approval procedures, that the work was not performed prior to change order approval by CDOT and that adequate justification for the changes are prepared.

CDOT Mitigation Strategy: CDOT has wording in the IGAs stating the Local Agency is responsible for 100% of cost overruns and has communicated this to Local Agencies in the regional workshops.

CDOT CMO Process – Pre-approval from CDOT is required for all Change Orders. Local Agencies will need to contact the Region LA Coordinator and/or Region Project Manager to consult with the Resident Engineer for pre-approval, discussion, preparation, and approval of all Change Modification Orders (CMO's) in compliance with CB 2008 #7 Revising Section 120.7 of the CDOT Construction Manual and Chapter 8 of the CDOT Local Agency Manual. The Region Finals Engineer can be sought out by the Region Project Manager to address questions and also Project Development Area Engineers and Asst. Area Engineers can be consulted.

#### **1f: Local agencies may not follow Uniform Act in acquiring ROW**

FHWA Response: CDOT must approve local ROW plans prior to acquisition with Federal funds. The local agency must certify that their ROW process meets the Uniform Act prior to CDOT and the local agency filling out CDOT form 463 which lists ROW as one of the areas that CDOT certifies as meeting all Federal standards and regulation prior to obligation of funds. The Division will spot check local agency projects for ROW clearance and review documentation when ROW has been acquired.

CDOT Mitigation Strategy:

1. CDOT will continue to approve local ROW plans prior to acquisition with federal funds.

2. CDOT will continue to require the local agencies to certify that their ROW process meets the Uniform Act.
3. CDOT will continue to review all appraisals greater than the appraisal waiver value, and issuance of FMVs, which are the basis of acquisition offers.
4. CDOT will continue to review and approve of all administrative settlements, including legal settlements, if Federal funds will be used in such settlements.
5. CDOT will continue to review and approve all relocation determinations.
6. CDOT's Regional ROW Managers will maintain a close working relationship with Local Project Administrator (LPAs) using ARRA funds, including additional training and frequent project review meetings to monitor ROW acquisition and relocation activities and schedules closer than usual.
7. CDOT will continue to thoroughly review all local agency projects for ROW clearance and relocation documentation prior to approving Federal participation.

**Risk 2: Ability of CDOT and local agencies to adequately staff construction projects  
Concern with both number of personnel and qualifications**

FHWA Response: Division will monitor award and notice to proceed dates to insure that projects are under construction in a reasonable time after award. CDOT and local agencies will be requested to provide staffing information to the Division. Division personnel will evaluate the adequacy of the staffing reported. During field inspections, project records will be checked to see that they are reasonably up to date and complete.

CDOT Mitigation Strategy: Effective June 1, 2009, CDOT Resident Engineers and unit managers who are responsible for staffing of construction projects will be completing bi-annual (every six months) work-load analysis schedules utilizing Microsoft Project. These schedules will forecast construction project activities and durations, as well as provide assignments of staffing resources and their responsibilities with the intent of ensuring projects are adequately staffed. By completing these schedules statewide, Region management will be better prepared to identify if and where resource surpluses and/or deficits exist. Additionally, reporting features within the software will allow Region management to more efficiently address resource deficits, whether by intra- or inter-Regional resource sharing, contracting of services or hiring new employees to fill identified vacancies. In the end, the process will better ensure all projects are properly staffed with the necessary resources to complete projects on schedule and in compliance with plans and specifications.

The Local Agency (LA) Quality Assurance Review (QAR) has recommended that a materials management plan be developed.

**Risk 3: Safety and traffic control including public perception of the process especially on  
Interstates and arterials**

FHWA Response: Division personnel will make drive-through and/or PAR traffic control evaluations and contact CDOT or local agencies concerning apparent problems. The joint CDOT/FHWA annual traffic

control reviews will concentrate on ARRA projects and include local agency projects. Local agencies will be encouraged to have personnel receive Work Zone Traffic Control Training. Major projects will be monitored to assure adequate traffic control and coordination. For example, in Denver, with the possibility of having three or four projects on going at the same time on I-25 from Alameda to 23rd and 6th Ave/Federal, the Division will request Region 6 Traffic to develop coordinated traffic management plan including advanced warning (Compliance with 23CFR 630 Subpart J).

CDOT Mitigation Strategy: CDOT is proactively promoting and mandating increased work zone safety through a memo about to be issued to the Regions detailing new work zone safety practices, procedures, and requirements. While traffic control training has been provided annually to CDOT employees, CDOT Traffic and Safety Branch is evaluating getting local agencies to attend. CDOT will rely on its current specification for coordinated traffic control.

**Risk 4: Current Stewardship Agreement would only require FHWA project level oversight on a very small percentage of ARRA projects**

FHWA Response: The Division will develop a Stewardship Agreement Addendum for ARRA Program monitoring and oversight that will use a risk-based approach to identify which projects will receive a higher level of FHWA oversight and the addendum will outline various levels of oversight.

CDOT Mitigation Strategy: CDOT HQ staff, as well as Regional staff, will work with FHWA to facilitate the various levels of oversight.

**Risk 5: High demand for construction work may inflate contract costs beyond reason or some material may be unavailable**

FHWA Response: Division will work with CDOT to track cost changes on contracts for critical items such as concrete, asphalt, aggregate base and steel. CDOT will be encouraged to develop contingency plans in case some materials such as asphalt may become limited in supply. If prices appear to be inflated beyond reason, or materials are unavailable, the Division will discuss with CDOT a request for extension on time or modify the plans to substitute a different material if possible.

CDOT Mitigation Strategy: CDOT Engineering Estimates and Market Analysis (EEMA) monitors bid trends weekly. EEMA sends out a quarterly news letter on bid trends. EEMA unit leader attends bi-weekly meetings with the Colorado Asphalt Producers Association meetings that monitor asphalt supply issues. And, CDOT and FHWA attend monthly meetings with the Colorado Contractors Association to discuss high level trends.

**Risk 6: Local labor markets or contractor efforts may be inadequate to meet DBE goals**

FHWA Response: CDOT will sponsor outreach to both prime and minority contractors. Additional outreach to DBEs in specific local areas may also be needed. Division will work with CDOT on setting and attaining DBE goals and monitoring good faith efforts by contractors.

CDOT Mitigation Strategy: As part of CDOT's strategy for maximizing the outreach and leveling the playing field for small, disadvantaged and emerging businesses, CDOT has held Project Spotlighting/Networking events in all areas of the state. The events were held in Denver (Region 1 & 6),

Greeley (Region 4), Colorado Springs (Region 2), Grand Junction (Region 3), and Durango (Region 5). On-going outreach events are being scheduled each month in the metropolitan Denver area as well as in other parts of the state. A partnership has been forged between CDOT and Solera Bank (the newly selected participant in the US DOT Short Term Lending Program) to increase financial assistance for DBEs. CDOT is working with the FHWA Colorado Division in communicating with prime contractors the importance of the DBE program and DBE project goals associated with ARRA projects through letters and meetings. CDOT will also be monitoring monthly DBE payments made to evaluate goal and commitment progress.

**Risk 7: With the large influx of projects, fraud, waste and abuse in contracting, bidding or construction may be experienced**

FHWA Response: Division and CDOT will request OIG to provide fraud awareness training. Using this training, project personnel (CDOT, local agency and Division) will monitor for fraud.

CDOT Mitigation Strategy: CDOT Audit Division and the OIG are presenting fraud awareness training the last week of May, 2009. The CDOT Audit Division will increase the number and frequency of construction payment audits for ARRA projects. Examination of fraud indicators will be included in the program for these audits.

**Risk 8: Use of debarred contractors or sub-contractor on state and local projects**

FHWA Response: Division will review CDOT procedures and monitor the bidding process to assure adequate checking is done to avoid employing contractors and subs that have been debarred.

CDOT Mitigation Strategy: The CDOT Awards Officer closely monitors the Federal Debarred list to assure no contract is awarded to a debarred contractor. As per the Construction Manual, the Regions' Civil Rights Manager will use the Form 205s to check for subcontractors on the debarred list.

**Risk 9: Colorado's ability to meet ARRA program goals**

FHWA Response: The Division will use the ARRA reporting data to monitor advancement of program goals. For example, the Division will monitor and keep CDOT apprised of their obligation status (weekly basis, during the first 120 days). Division will make all possible accommodations to expedite decisions and approvals.

CDOT Mitigation Strategy: Early project identification efforts at CDOT produced \$1.15B in shovel-ready projects that could be obligated within 180 days of apportionment. Now that CDOT has received its allocation of \$404M, there are more than enough projects ready to be obligated and to compensate for schedule changes and bid savings to meet our 120 day and 1 year obligation requirements. With the allocation amount known, CDOT, in coordination with its Planning partners developed the prioritized list of projects to be constructed with more than enough projects to cover the allocation amount. Regions then developed a project delivery schedule for both CDOT and Local Agency administered projects to meet the ARRA program deadlines. That schedule is being monitored and updated at a regional and HQ level weekly. Local agency administered projects are of heightened interest to CDOT in meeting the ARRA program goals. Therefore, they are being closely monitored at the regional and HQ level for meeting proposed schedules.

To ensure compliance with ARRA milestone dates for 50% and 100% obligation, special project prefix codes have been established to assist project level tracking of ARRA apportionment codes. The use of these prefix codes, coupled with the ARRA apportionment codes allows CDOT to produce standard SAP System produced reports, as well as, specially developed reports and ad hoc queries to ensure compliance at each phase of an ARRA projects full life cycle. The CDOT ARRA management plan includes the routine monitoring and reporting of funding at the total ARRA Highway Program level, at the individual apportionment code level, at the total apportionment by Project level, and at the MPO sub-allocated level. These reports and queries allow the monitoring and tracking of each independent step in successful ARRA program compliance, These key activities, include the project selection process, the STIP approval process, the 1511 Certification process, the project level apportioned budgeted process, the project level authorization / apportionment obligation process, the project construction advertisement process, the apportionment contracting process, the project level actual expenditure process, the project level apportionment reimbursement billing process, and timely project closure process. These benchmark items are systematically reported through the Departments integrated SAP Enterprise Resource Program (ERP) that provides proper oversight at all levels of operations and management. The integrated nature of the CDOT system allows systematic reconciliation of the total program to the Trans\*port project System, the State COFRS system, the FHWA FMIS system, the FHWA RASP and Delphi systems, at both summary and transactional levels. The integrated nature of the system allows reconcilable transactional detail level reporting, as well as, summary level reporting and tracking on a daily, weekly, monthly and summary report basis across these several systems.

### **Risk 10: CDOT may not allocate the appropriate amount of funds to each of the ARRA funding categories**

FHWA Response: Division will monitor the CDOT spreadsheet on the distributions and funding codes. Request verification of funding codes on projects that are funded under C240 (flexible) that can be funded under C200 (population of 200,000 or less) or C250 (population under 5,000) if it appears these areas may need obligations. For Colorado the amounts required to be obligated under C200 and C250 are \$34,387,670 and \$11,913,623 respectively. Also the Division will check that projects obligated as C250 are actually with a population of fewer than 5,000.

CDOT Mitigation Strategy: Due to the integrated nature of the Departments SAP ERP system, the interface between the project descriptive data elements for county, urban area, Congressional District, Commission District, route designation and beginning /ending milepost data is system generated and provides population level validation from established GIS system data . This allows the systematic review of appropriate population based funding sub allocations to be systematically verified. The Departments project selection process has initially allocated the available funds properly and alternative projects have been identified for use of any returned funds or additional appropriations in these restrictive categories.

### **Other CDOT-identified risks**

#### **CDOT will have to closely monitor the last projects to be obligated to meet the exact allocation.**

CDOT Mitigation Strategy: As described above, the CDOT SAP project management process is a full lifecycle, systematically, integrated process. At key project milestones surplus funds are identified by project, phase, and appropriation code, and are then systematically, returned to the appropriate

Apportionment Program Pools, Region Program Pools, STIP Program Pools, and/or MPO Areas for re-programming. Normal project management processes require the balancing of projects to the dollar. This balancing process occurs between appropriated budget, obligated apportionments, total commitments and occurs at project construction phase award. A similar, zero surplus dollar tolerance balancing occurs at project acceptance for closure and in addition to the balancing points identified above, also includes the validation for full reimbursement billing and revenue receipts. In the case of all construction projects, the Regional Project Engineer, the Regional Resident Engineer, the Regional Program Manager and Regional Business Managers review the projects Form 65 Project Financial Statement for excessive over and under or unallocated funds excessive unassigned CMO/MCR force account items on a monthly pay estimate basis. In the event surplus funds are identified the Region business manager will initiate actions to return such excess funds to the Region Program Pools for assignment to other qualifying projects.

<b>ARRA Program Priority Risks and CDOT Mitigation Plan Table</b>			
	<b>Requirement</b>	<b>Assignment</b>	<b>When</b>
1a	Local agencies meeting the deadline to obligate ARRA funds - Identify Projects and Schedule for A List and B List Projects	Regions and MPO's	Completed, unless a substitute projects is required.
1b	Proper contract specifications and other requirements on local agency contracts	Region Local Agency Project Coordinators	PS & E Package Development
1b	Additional Davis-Bacon wage checking training	HQ Contracts and Market Analysis Branch	As Needed
1c	Payment of Davis-Bacon wage rates or use of DBE's are sufficient and properly reported - Participate in some pre-construction meetings held on local projects	HQ or Region Civil Rights staff and FHWA ARRA Program Manager	As Needed
1c	Payroll training for Local Agencies	HQ Contracts and Market Analysis Branch	April 2009 - completed October 2009
1c	Setting DBE goals and monitoring DBE commitments.	HQ Contracts and Market Analysis Branch	On-going
1c	Collecting DBE payments made data and DBE commitment tracking	HQ Contracts and Market Analysis Branch	Monthly
1d	Materials testing and/or certifications sufficient - documentation review and control procedures	Region Local Agency Project Coordinators and Region Materials Engineers	As Required by Field Materials Manual
1e	Processing and funding of Change Orders by Local Agencies - IGA's to state Local Agencies responsible for 100% of cost overruns	HQ Contracts and Market Analysis Branch	As Needed
1e	Processing and funding of Change Orders by Local Agencies - Regional Workshops	Region Local Agency Project Coordinators	As Needed
1e	Submit CMO's to Area Engineers for review	Region Local Agency Project Coordinators and HQ Area	As Needed

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		Engineers	
1f	Local agencies to follow Uniform Act in acquiring ROW	Region Local Agency Project Coordinators and Region ROW Managers	As Needed
1f	i. Approve local ROW plans prior to acquisition with federal funds	Region Local Agency Project Coordinators and Region ROW Managers	As Needed
1f	ii. Local agencies to certify that their ROW process meets the Uniform Act	Region ROW Managers	As Needed
1f	iii. Review all appraisals greater than the appraisal waiver value, and issuance of FMVs.	Region ROW Managers	As Needed
1f	iv. Review and approve of all administrative settlements, including legal settlements, if Federal funds will be used in such settlements.	Region Local Agency Project Coordinators, Region ROW Managers and HQ ROW Program	As Needed
1f	v. Review and approve relocation determinations	Region ROW Managers	As Needed
1f	vi. Review meetings to monitor ROW acquisition and relocation activities and schedules	Region Local Agency Project Coordinators	As Needed
1f	vii. Review all local agency projects for ROW clearances and relocation documentation prior to approving Federal participation	Region Local Agency Project Coordinators and Region ROW Managers	As Needed
2	Adequately staff construction projects concerns with both number of personnel and qualifications - Work-load analysis schedule	Region Resident Engineers and HQ Project Development Branch	June 1, 2009 and updated every six months
3	Safety and traffic control including public perception of the process - promoting and mandating increased work zone safety by detailing new work zone safety practices, procedures and requirements.	HQ Traffic and Safety Branch	As Needed
3	Safety and traffic control including public perception of the process - traffic control training to CDOT and local agencies	HQ Traffic and Safety Branch	Annually
4	Oversight on ARRA projects	CDOT HQ Staff Branches and Region Staff as appropriate	On-going
5	Inflated contract costs or materials unavailability - Monitor bid trends	HQ Engineering and Estimates and Market Analysis (EEMA)	Weekly
5	Inflated contract costs or materials unavailability - news letter on bid trends	HQ Engineering and Estimates and Market Analysis (EEMA)	Quarterly

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5	Inflated contract costs or material unavailability - monitor asphalt supply issues	HQ Engineering and Estimates and Market Analysis (EEMA)	Bi-Weekly (every other week)
5	Inflated contract costs or material unavailability - meetings with Colorado Contractors Association to discuss high level trends	HQ Engineering and Estimates and Market Analysis (EEMA) and FHWA	Monthly
6	Local labor markets or contractor efforts to meet DBE goals - Spotlighting/Networking events in all areas of the state	HQ Center for Equal Opportunity	As Needed
6	Local labor markets or contractor efforts to meet DBE goals - Partnership forged between CDOT and Solears Bank to increase financial assistance for DBEs	HQ Center for Equal Opportunity	As Needed
6	Local labor markets or contractor efforts to meet DBE goals - communicating with prime contractors the importance of the DBE program and DBE project goals through letters and meetings	HQ Center for Equal Opportunity	As Needed
6	Local labor markets or contractor efforts to meet DBE goals - Monitor DBE payments made to evaluate goal and commitment progress	HQ Contracts and Market Analysis Branch	Monthly
7	Fraud, waste and abuse in contracting, bidding or construction - fraud awareness training	HQ Project Development Branch - TETP	May-09
7	Fraud, waste and abuse in contracting, bidding or construction - increase the number and frequency of construction payment audits along with examination of fraud indicators	CDOT Audit Division	As Needed
8	Debarred contractors or sub-contractor on state and local projects - assure no contract is awarded to a debarred contractor	CDOT Awards Officer	As Required
8	Debarred contractors or sub-contractor on state and local projects - assure no contract is awarded to a debarred subcontractor as per CDOT Construction Manual	Region Civil Rights Manager	
9	Colorado's ability to meet ARRA program goals - Coordinate with Planning partners to develop prioritized list of projects to be constructed	Region Planners and Program Engineers	
9	Colorado's ability to meet ARRA program goals - Regions develop a project delivery schedule for both CDOT and Local Agency administered projects	HQ Contracts and Market Analysis Branch	As Needed
9	Colorado's ability to meet ARRA program goals - CDOT to monitor project delivery schedule by Region	HQ Contracts and Market Analysis Branch	Weekly

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9	Colorado's ability to meet ARRA program goals - Routine monitoring and reporting of funding the total AARA Highway Program level, at the individual apportionment code level, at the total apportionment by Project level, and at the MPT sub-allocated level. These reports and queries allow the monitoring and tracking of each independent step in successful ARRA program compliance.	HQ Contracts and Market Analysis Branch	As Required
10	CDOT to allocate the appropriate amount of funds to each of the ARRA funding categories - systemic review of appropriate population based funding sub allocations to be systematically verified.	HQ Office of Finance and Budget with ITO	As Needed
10	CDOT to allocate the appropriate amount of funds to each of the ARRA funding categories - project selection process to allocate the available funds properly and alternative projects identified for use of any returned funds or additional appropriate in these restrictive categories	HQ Office of Finance and Budget	As Needed
	Other) CDOT to monitor the last projects to be obligated to meet the exact allocation	HQ Contracts and Market Analysis Branch	As Needed

*End Glossary*