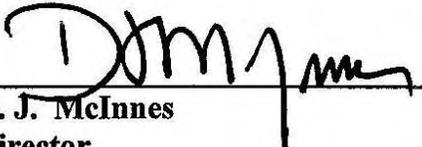


**Project Approval and Oversight Agreement
a Partnership
between
the Federal Highway Administration
Alabama Division
and
the Alabama Department of Transportation**

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 allow States to assume certain responsibilities for FHWA in the design, construction, award and inspection of certain Federal-aid projects.

Section 106 of Title 23, Project Approval and Oversight, requires an agreement between the Secretary of Transportation and the State relating to the extent to which the State assumes FHWA responsibilities for projects under Title 23 for project development (plans, specifications and estimates), contract awards, and inspections/final acceptance of Federal-aid highway projects.

The Project Approval and Oversight Agreement supersedes the previous agreement between the Alabama Department of Transportation (ALDOT) and the Federal Highway Administration, Alabama Division (FHWA). This agreement will become effective upon the signing by FHWA Alabama Division Administrator and ALDOT Director and remain in effect until both parties mutually agree to revise. FHWA and ALDOT agree to review the agreement on an annual basis.



D. J. McInnes
Director
Alabama Department of Transportation



Mark D. Bartlett
Division Administrator
Federal Highway Administration

Date: 3/20/09

Date: 02/12/09

Federal-aid Highway Program (FAHP)

Requirements and Responsibilities

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Project Approval and Oversight Agreement

a Partnership between

FHWA and ALDOT

I. PURPOSE

Congress has charged the Federal Highway Administration (FHWA) with administering the Federal-Aid Highway Program (FAHP) under Title 23, and other associated laws. This Project Approval and Oversight Agreement (herein referred to as “Agreement”) was developed to meet the requirements of Section 106 (c) (3) of Title 23 United States Code (USC) - Agreement. -*"The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection."*

The purpose of this agreement is to formalize the delegated responsibilities and agreements to address how the FAHP will be administered by the Alabama Department of Transportation (ALDOT). Stewardship is defined as the efficient and effective management of the public funds that have been entrusted to the FHWA; while oversight is the act of ensuring that the Federal highway program is delivered consistent with laws, regulations and policies. This agreement provides a road map to effectively and efficiently execute the Federal-aid program relating to programs/project delivery to include financial integrity.

II. METHODS OF OVERSIGHT

In monitoring the core functions/programs, various techniques may be utilized to assist in determining which reviews are to be conducted including risk assessments, and pre-determined schedules for regular reviews of specific programs or components. All evaluations are intended to evaluate procedures and policies used in delivering the FAHP, along with identifying deficiencies and opportunities for improvement. The FHWA Division Office may employ a risk management framework in consultation with the ALDOT to evaluate program areas to balance risk with consideration of staffing resources and funding. It is expected that the Division Office will coordinate with ALDOT at least annually in preparation for the annual FHWA Division Performance Plan and Risk Assessment. The following techniques may be used to provide oversight of the FAHP:

Program Assessments - This technique may take many forms including joint risk assessments, self-assessments and program assessments, such as the Financial Integrity Review and Evaluation (FIRE) program. All of these tools are based on the common concepts of identifying strengths, weaknesses and opportunities and the identification and sharing of “best” practices to continually improve the program.

Program Reviews - These reviews are a thorough analysis of key program components and the processes employed by the ALDOT in managing the program. The reviews are conducted to 1)

ensure compliance with Federal requirements; 2) identify opportunities for greater efficiencies and improvements to the program; and/or 3) identify exemplary practices.

Program Management - This includes the daily stewardship of Federal-aid programs, including project and program oversight and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value in the course of routine program approval actions, participating on joint task forces, joint committees and joint quality improvement teams, and aiding and assisting the State and other transportation stakeholders in answering questions on program issues. The FHWA Division Office manages programs by completing required program level activities, promoting new program initiatives and concepts and continually assessing the program through routine involvement in program activities.

III. PROGRAM AND PROJECT RESPONSIBILITIES

This Agreement does not modify the FHWA's non-*Title 23* program oversight and project approval responsibilities for such activities 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.

In accordance with 23 USC 106, FHWA and ALDOT mutually agree that ALDOT assumes FHWA project approvals primarily in design and construction for those projects meeting the scope for a delegated project. Please see Appendix A: Project and Program Responsibilities for a detailed listing of the various project activities for the core functions: construction, design, bridge, civil rights, environment, finance, planning, right-of-way, safety and ITS.

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 project by project basis. All Interstate projects and all New Construction and 4R projects on the non-Interstate NHS with Federal funding participation will have full FHWA oversight responsibility. In addition, all Appalachian Highway Development projects will be full oversight. Appendix A, Tables 1-3, defines four specific Project Categories based on the scope of work included in a project. This Table is to be utilized to assist in determining oversight responsibility and clarification of Full Oversight and Delegated Projects.

Delegated Projects – Projects exempt from FHWA review and approval 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. ALDOT assumes all FHWA responsibility for these activities. Generally, this will include preventive maintenance projects, 3R-type projects on the NHS (excluding interstate) and non-NHS.

For further refinement of the project categories for Full Oversight and Delegated Projects, see Appendix A, Tables 1-3.

FHWA is not precluded from reviewing or investigating any phase of the Federal-aid program including control documents on any Federal-aid projects, especially those that contain unique features or those with unusual circumstances. Furthermore, this Agreement does not preclude ALDOT requesting FHWA involvement in projects. This Agreement does not change any of the responsibilities of the FHWA regarding the requirements of the NEPA, Title VI of the Civil Rights Act, Fair Housing Act and the Uniform Relocation Assistance and Land Acquisition Policies Act.

Interstate Projects – Non-Federal Funds – Design exceptions and interchange modifications must be approved by the Division Administrator regardless of funding.

ALDOT Responsibilities

ALDOT's approval and oversight responsibilities on delegated project approvals are listed in Appendix A, Project and Program Responsibilities, and shall also, as a minimum, comply with the following:

- a. All Title 23 and certain non-Title 23, USC Federal-aid program requirements, such as metropolitan and statewide planning, procurement of engineering and design-related service contracts, participation by disadvantaged business enterprises, prevailing wage rates, and Buy America, etc.
- b. For NHS projects, assure that right-of-way approval, utility approval, environmental permit issuance, railroad approval and related activities, design approval, design exceptions, PS&E approval, concurrence in award, and construction-related activities are performed in accordance with federally-approved policies, practices and standards, and in accordance with all requirements of Title 23, USC.
- c. For non-NHS projects, assure that right-of-way approval, utility approval, environmental permit issuance, railroad approval and related activities, design approval, design exceptions, PS&E approval, concurrence in award, and construction-related activities are performed in accordance with State policies, practices and standards, and in accordance with all requirements of Title 23, USC.
- d. For projects administered by agencies other than ALDOT, provide sufficient oversight and certify projects are developed and administered to comply with Federal-aid requirements.

FHWA Responsibilities

FHWA retains approval authority for all projects and programs such as:

- a. Statewide and metropolitan transportation planning specified in 23 USC 134 and 135
- b. Federal air quality conformity determinations required by the Clean Air Act
- c. Federal-aid project agreement

- d. Waivers to Buy America requirements
- e. Special Experimental Project 14/ Special Experimental Project 15
- f. Civil Rights program approvals
- g. NEPA approvals
- h. Addition or modification of access points on the Interstate system
- i. Use of Interstate airspace for non-highway related purposes
- j. Hardship acquisition and protective buying
- k. Disposal of federally purchased Right-of-Way on the Interstate
- l. Final vouchers and weekly bills from ALDOT

For a more detailed listing, see Appendix A, Project and Program Responsibilities.

IV. CONTROL DOCUMENTS

In assuming certain programs/project-level roles and responsibilities under 23 USC 106 and other applicable laws and regulations, ALDOT agrees to comply with 23 CFR and related Federal regulations and policies. The FHWA retains responsibility for all aspects of Federal-aid programs, and this Agreement does not preclude FHWA's access to and review of all records related to the FAHP or projects at any time.

Control documents establish project development and project implementation procedures and are incorporated into project contract documents. The following ALDOT control documents are to be generally adhered to in the development and administration of Federal-aid projects. These documents shall be reviewed and approved by FHWA as required by law.

- ALDOT Testing Manual
- ALDOT Procedure for Selection of Architect and/or Engineering Services
- ALDOT Utilities Manual
- ALDOT Standard Specifications for Highway Construction
- ALDOT General Application Special Provision
- ALDOT Standard Highway Drawings
- ALDOT Special Drawings
- ALDOT 3-R Standards
- ALDOT Bridge Bureau Structures Design and Detail Manual
- ALDOT Right-of-Way Administrative Manual
- ALDOT Right-of-Way Appraisal Manual
- ALDOT Right-of-Way Relocation Manual
- ALDOT Right-of-Way Negotiation Manual

- ALDOT Right-of-Way Property Management Manual
- ALDOT Title VI Plan
- ALDOT Affirmative Action Plan
- ALDOT DBE Program

The following documents provide guidance in the development of federal-aid projects.

- ALDOT Construction Manual
- ALDOT policies related to Federal-aid project delivery

Laws, Regulations, and Policies:

ALDOT will follow all applicable Federal-aid laws and regulations, including the following, as well as, any other applicable laws and regulations.

- Title 23 U.S.C. - Highways
- 23 CFR - Code of Federal Regulations Highways
- 49 CFR - Code of Federal Regulations Transportation
- NCHRP 350 Report
- National Environmental Policy Act of 1969 (NEPA)
- Clean Air Act
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Civil Rights Act of 1964
- FHWA Order 4560.1A Financial Integrity & Evaluation (FIRE) Program
- Federal-Aid Policy Guide (FAPG)
- A Policy on Geometric Design of Highways and Streets - AASHTO (Green Book)
- Standard Specifications for Highway Bridges – AASHTO
- LRFD Bridge Design Specifications – AASHTO
- A Policy on Design Standards - Interstate System - AASHTO
- Manual on Uniform Traffic Control Devices (MUTCD)

V. DISPUTE RESOLUTION

The purpose of this Agreement is to establish the extent to which ALDOT assumes the responsibilities of FHWA under Title 23 as provided by law. FHWA provides oversight and guidance necessary to assure compliance with Federal rules and regulations.

It is recognized, however, that there may be times when disputes occur over the interpretation of this agreement and/or Federal law and regulations. While most requests for Federal approval and most FHWA requests to ALDOT result in a positive response, there are occasions when agreement cannot rapidly be reached by both parties. It is expected that nearly all issues should be resolved at the lowest working levels between FHWA and ALDOT staff where the issue originated. The FHWA Alabama Division and ALDOT will work as partners to resolve disputes so as to deliver the Federal-aid Highway Program in Alabama in a timely manner. In resolving

any dispute, United States Code (USC) and the Code of Federal Regulations (CFR) shall take precedence over any statements, terms, or conditions in this agreement. Should negotiations to resolve the issue not be reached at the various levels within FHWA and ALDOT, the FHWA Division Administrator and the ALDOT Director will determine the final outcome.

VI. GLOSSARY

Each of the identified core functions are described in the following sections of the Agreement. The Agreement specifically addresses how the delegated authorities will be carried out by ALDOT and FHWA and the required documented assurance that ALDOT and the Division are properly carrying out their respective responsibilities.

Full Oversight Projects - Federal-aid 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 projects on a project-by-project basis.

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. ALDOT assumes all FHWA responsibility for these activities.

Intelligent Transportation System (ITS) – Means electronics, communications, or information processing, used singly or in combination to improve the efficiency or safety of a surface transportation system. ITS encompasses a broad range of wireless and wire line communications-based information and electronics technologies. When integrated into the transportation system’s infrastructure and in vehicles themselves, these technologies relieve congestion, improve safety, and enhance American productivity. A full definition of ITS is defined per 23 CFR Part 940.3.

ITS Project – Means any project that in whole or in part funds the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the National ITS Architecture.

Major ITS Project – Any ITS project that implements part of a regional ITS initiative that is multi-jurisdictional, multimodal, or otherwise affects regional integration of ITS systems.

Unusual Bridges and Structures – New or complex designs with unique operational or design features, exceptionally long spans, design procedures that depart from currently recognized acceptable practices.

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 USDOT.

Major Change - A major change is any change which will significantly affect the cost of the project to the Federal Government, or alter the termini, character or scope of work. On all

projects with FHWA full oversight, in accordance with 23 CFR 635.120, all major changes in the plans and contract provisions shall have a formal written FHWA approval in advance of their effective dates. A major change is any change which will significantly affect the cost of the project to the Federal Government (change in contract cost of more than \$100,000), or alter the termini, character or scope of work. However, when emergency or unusual conditions justify, the Division Administrator may give tentative advance approval orally to such changes or extra work and ratify such approval with formal approval as soon therein as practicable. Formal approval means approval in writing or the electronic transmission of such approval.

Non-Major Plan Change – On all projects with FHWA full oversight, non-major changes shall have a formal (written) FHWA approval, but approval may be given retroactively.

3R – Resurfacing, restoration, and rehabilitation (RRR) projects, other than those on the Interstate System and other freeways, shall be construction in accordance with standards which preserve and extend the service life of highways and enhance highway safety. 3R work includes placement of additional surface material and/or other work necessary to return an existing roadway, including shoulders, bridges, the roadside, and appurtenances to a condition of structural or functional adequacy.

New Construction, 3R and 4R – See Appendix A-1, Tables 1- 3 for detailed definitions by project category. For example, the Table defines new construction, 4R- and 3R-type work and preventive maintenance activities.

VII. APPENDIX A

Project Approval and Oversight Agreement

a Partnership

between

The Federal Highway Administration

Alabama Division

and

The Alabama Department of Transportation

Project and Program Responsibilities

The following tables identify various project activities for the core functions. The project activities identify the approved action and the agency responsible. This document is not all encompassing, therefore, reference documents should be reviewed or contact the FHWA Division Office and ALDOT for further information.

Each of the identified core functions are described in the following sections of the Agreement. The Agreement specifically addresses how the delegated authorities will be carried out by ALDOT and FHWA and the required documented assurance that ALDOT and the Division are properly carrying out their respective responsibilities.

Table 1 – FHWA Oversight of Interstate, APD and Major ITS Projects

New Construction	4R	3R	Preventative Maintenance
Full Oversight	Full Oversight	Full Oversight	Full Oversight

Table 2 – FHWA Oversight of Non-Interstate NHS and Non-NHS Projects

Non-Interstate NHS				Non-NHS
New Construction	4R	3R	Preventative Maintenance	All Projects
Full Oversight	Full Oversight	Delegated	Delegated	Delegated

Table 3 – Project Category Definitions

	Project Category			
	New Construction	4R	3R	Preventative Maintenance
Pavement	Full Build-up on New Location	Pavement Replacement (Full Depth)	Structural Overlays	Thin Overlays
				Pavement Patching
Bridge	Full Bridge Replacement	Superstructure Replacement	Deck Overlay/Replacement	Deck Patching
	New Bridges Including Bridge Replacement	Superstructure/Substructure Widening that adds a lane width or more	Rail Replacement (incl. minor deck widening)	Substructure Repair Superstructure Painting
Traffic Operations	New roadways on new location or new Interchange/Access	Interchange Reconstruction	Traffic Operation & Safety Projects	Pavement Marking & Signing
		Add Through Lanes	Add Auxiliary Lanes	
For projects with a combination of 3R and 4R activities, the project will be considered 4R. ITS Projects and projects with an ITS element, refer to Appendix A-15.				

CONSTRUCTION				
CONSTRUCTION PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Approve cost effectiveness and emergency determinations for contracts awarded by other than competitive bidding	23 CFR 635	FHWA	FHWA	FHWA
Approve advertising period less than three weeks	23 CFR 635.112(b)	FHWA	FHWA	FHWA
Authorize advertising for bids	23 CFR 630	FHWA	FHWA	FHWA
Concur in award of contract	23 CFR 635	FHWA	ALDOT	ALDOT
Concurrence in Termination of Contract	23 CFR 635	FHWA	ALDOT	ALDOT
Approve changes and extra work (approve major changes greater than \$100,000, scope of work or alter termini)	23CFR 635	FHWA	ALDOT	ALDOT
Concur in contract time extensions/suspensions	23 CFR 635	FHWA	ALDOT	ALDOT
Concur in rejection of all bids	23 CFR 635	FHWA	ALDOT	ALDOT
Final inspection/acceptance of completed work	23 CFR 635	FHWA	ALDOT	ALDOT

CONSTRUCTION PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
FHWA-45 and FHWA-47	23 CFR 635.126	FHWA	NHS over \$1 million ALDOT	Not Required
Project Authorization	23 CFR	FHWA	FHWA	FHWA
Buy America Requirements (Waivers)	23 CFR 635.410	FHWA	FHWA	FHWA

DESIGN				
DESIGN PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Approve plans, specifications and estimates	23 CFR 630	FHWA	ALDOT	ALDOT
Design standards, policies, and standard specifications	23 CFR 625	FHWA	FHWA	ALDOT
Approve exceptions to design standards	23CFR 625	FHWA	ALDOT	ALDOT
Interstate System Access Change	23CFR 625	FHWA	FHWA	N/A
Approve the use of proprietary products, processes	23 CFR 635	FHWA	FHWA	FHWA
Concur in use of publicly furnished materials (force account)	23 CFR 635	FHWA	FHWA	FHWA
Design-Build	23 CFR 636	FHWA	FHWA	FHWA
Authorize request for preliminary engineering (PE)	23 CFR 630	FHWA	FHWA	FHWA
Approve utility agreements	23 CFR 645	FHWA	ALDOT	ALDOT

DESIGN				
DESIGN PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Approve railroad agreements	23 CFR 646	ALDOT	ALDOT	ALDOT
Approve use of consultants by utility companies	23 CFR 645	ALDOT	ALDOT	ALDOT
Approve exceptions to maximum railroad protective insurance limits	23 CFR 646	FHWA	FHWA	FHWA

DESIGN PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Manual for Uniform Traffic Control Devices. (MUTCD)	23 CFR 655 (f)	FHWA	FHWA	FHWA Headquarters maintains MUTCD. FHWA Alabama Division monitors statewide compliance.
Value Engineering (VE) Program	23 CFR 627.5	FHWA	FHWA	VE Analysis required for all NHS projects with and estimated cost of \$25 million or more.
Value Engineering Studies	23 CFR 627.5	FHWA	ALDOT	For oversight projects, notify FHWA of upcoming VE studies and provide completed study for review.

BRIDGE				
BRIDGE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Preliminary Bridge Plans	23 USC 106	FHWA	ALDOT – except for Unusual Bridges and Structures on the Interstate	ALDOT
Exempt bridge from Coast Guard permit requirements	23 CFR 650	FHWA	FHWA	FHWA

BRIDGE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Highway Bridge and Replacement and Rehabilitation Projects	23 CFR 650	FHWA	FHWA	<ol style="list-style-type: none"> 1. States submit HBRRP candidate bridge projects to Division. Division reviews for eligibility of bridge and eligibility of approach work. Division approves project. 2. FHWA solicits annual updated bridge construction unit cost data (BCUC). State submits updated bridge construction costs. Division reviews to ensure submittal is complete and accurate and submits to FHWA HQ.
National Bridge Inspection Standards Compliance (NBIS)	23 CFR 650	FHWA/ ALDOT	FHWA	<ol style="list-style-type: none"> 1. States are required to inspect (or insure inspection) of all “bridges” on all public roads and maintain an inventory of these bridges. 2. States annually submit updates to the FHWA for incorporation into the National database. 3. State/Division annually reviews bridge owners for NBIS compliance. 4. Division submits annual compliance report to FHWA HQ and copies the State.
Innovative Bridge Research and Deployment Program Candidates (IBRD)	SAFETEA-LU 5202	FHWA	FHWA	<p>FHWA HQ solicits candidates from States through Divisions. State prepares and submits candidates to Division. Divisions review to ensure submittal is complete and eligible and submits to HQ. FHWA HQ notifies States, through Divisions, of selected candidates.</p>

CIVIL RIGHTS

CIVIL RIGHTS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Action C=Comment A=Approve R= Review	Delegated To	Remarks
Title VI Plan Update	23 CFR 200.9	R & A	FHWA	Annually by March 31
State Internal EEO Affirmative Action Plan (Title VII) Accomplishment and Goals	23 CFR 230.311	R & A	FHWA	Annually by April 15
EEO Contract Compliance Review Reports (Form FHWA 86)	23 CFR 230.409, 230.413	R & A	FHWA	As submitted by ALDOT
Uniform Report of DBE Awards or Commitments and Payments	49 CFR 26 Pt. 26, App. C	R for C and send to HQ	FHWA	June 1 (for period Oct. 1- Mar.31) December 1 (for period Apr. 1- Sept. 30)
Disadvantaged Business Enterprise (DBE) Program Revisions	49 CFR 26.21 (b)	R & A	FHWA	Annually by Dec 31 As needed or as requested by ALDOT
State's DBE Program Goals	49 CFR 26.41	R & A	FHWA	Annually by Aug 1
Supportive Services Funds Requests	23 CFR 230.113	R for C and send to HQ	FHWA	As requested by ALDOT

CIVIL RIGHTS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Action C=Comment A=Approve R= Review	Delegated To	Remarks
Annual Contractor Employment Report (Construction Summary of Employment Data Form PR-1392)	23 CFR 230.121 (a)	R for C and send to HQ	FHWA	Annually by Sept 30
Report on Supportive Services (On-the-Job-Training), (OJT), & (DBE)	23 CFR 230.121 (e)	R for C and send to HQ	FHWA	Quarterly by April 15, July 15, Oct. 12 and Jan. 15
OJT Goals & Accomplishments	23 CFR 230.111 (b)	R for C	FHWA	Annually by Jan. 31
Report on Supportive Services (OJT & DBE)	23 CFR 230.111, 113	R for C	FHWA	Annually by Jan 31
Historically Black College & University (HBCU) Report	Presidential Executive Order 12876, dated Nov. 1, 1993	Prepare report and submit to HQ	FHWA	Annually by Nov 15
American with Disabilities Act Review Complaint	Voluntary Agreement with Justice Dept.	Conduct evaluation; correct or recommend action to HQ	FHWA	As requested by HQ
ADA Review ALDOT's ADA Transition Plan	23 CFR 35.150	Conduct evaluation; correct or recommend action	FHWA	Annually by Aug 1

ENVIRONMENT				
ENVIRONMENT PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Categorical Exclusion	23 CFR 771	FHWA	FHWA	FHWA
Environmental Assessment	23 CFR 771	FHWA	FHWA	FHWA
Environmental Impact Statement	23 CFR 771	FHWA	FHWA	FHWA
Section 4 (f) Statement	23 CFR 771	FHWA	FHWA	FHWA
Section 106 Compliance	36 CFR 800	FHWA	FHWA	FHWA

FINANCE				
FINANCE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Authorize projects and record obligation of Federal-aid Highway Funds	Title 23 U.S.C. Sections 118 and 120	FHWA	FHWA	FHWA
Review and approve the participation of Federal-aid funds in costs incurred prior to authorization	23 CFR Part 1.9	FHWA	FHWA	FHWA
Approve Federal-aid Current Billing Payments	Title 23 U.S.C. Section 121	FHWA	FHWA	FHWA
Review sample of billing transactions for “improper” payments twice per year.	FIRE Order 4560.I	FHWA	FHWA	FHWA
Review selected Federal-aid financial process, annually	FIRE Order 4560.I	FHWA	FHWA	FHWA
Ensure that ALDOT’s Financial Management System adequately accumulates costs charged to FHWA projects	Title 23 U.S.C. Section 302	FHWA	FHWA	FHWA

FINANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
		NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Approval Action	Reference Document			
Project Funds Management (works closely with ALDOT on quarterly reviews of inactive obligations)	FIRE Order 4560.I.A	ALDOT/ FHWA	ALDOT/ FHWA	ALDOT/FHWA
Ensure timely reimbursement of Federal-aid Highway Funds and the transfer of Federal-aid Highway Funds.	Cash Management Improvement Act	FHWA	FHWA	FHWA
Review/approve transferability of Federal-aid Highway Funds	Title 23 U.S.C. Section 126	FHWA	FHWA	FHWA
Approval of ALDOT's Indirect Cost Rates	2 CFR Part 225	FHWA	FHWA	N/A
Control findings and cited costs resulting from reviews, audits, and Federal-aid Ineligibility Notifications – Form 1367.	FIRE Order 4560.I.A	FHWA	FHWA	N/A

INTELLIGENT TRANSPORTATION SYSTEMS				
ITS PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	All ITS Funded Projects (Earmarks)	Major ITS Projects	Other ITS Projects (Not a major ITS project)
ITS Regional Architecture/ Architecture Changes	23 CFR 940	FHWA	FHWA	FHWA
Plans, Specifications and Estimates (Systems Engineering Analysis)	23 CFR 940	FHWA	FHWA	FHWA and ALDOT
Initial and Intermediate Inspections	23 CFR 940	At FHWA Discretion	At FHWA Discretion	ALDOT
Final Inspections	23 CFR 940	FHWA	At FHWA Discretion	ALDOT
Project Acceptance	23 CFR 940	FHWA	At FHWA Discretion	ALDOT
Process Reviews (For example; ITS projects, organizational structure, policies and procedures)		At FHWA Discretion	At FHWA Discretion	ALDOT

Special Instructions for ITS Projects:

An individual traffic signal is not considered an ITS project.

A traffic signal system is defined as an interconnected string of traffic signals.

Engineering judgment and analysis are required to determine if a traffic signal project should be considered an ITS project.

The ALDOT ITS Section will meet monthly with the FHWA Division Office to review all traffic signal projects in the scoping stage that may qualify as ITS projects.

ITS projects can be independent construction projects or may be part of larger construction projects that include ITS User Services.

PLANNING

PLANNING PROGRAM ACTIVITIES (Statewide)		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Statewide 20-Year Long-Range Transportation Plan (LRTP)	23 CFR 450.214	FHWA	ALDOT	FHWA reviews and comments on LRTP, but no official approval action is taken.
Statewide Transportation Improvement Program (STIP)	23 CFR 450.216	FHWA	FHWA	Minimum 4 year period; updated at least every 4 years. Annual fiscal constraint analysis.
State Planning and Research	23 CFR 420.111	FHWA	FHWA	Annually developed work program
Highway Performance Monitoring System (HPMS) Annual Data Submittal from State and Field Verification Review and Report	23 CFR 420.105 (b)	FHWA	None	FHWA HQ requires a Field Verification review to be conducted by the Division Offices. Based on this review, the Division Office recommends the acceptance of the HPMS data for funding apportionment and allocation purposes.
Vehicle (Truck) Size & Weight Enforcement and Certification	23 CFR Part 657	FHWA	FHWA	ALDOT is responsible for enforcing vehicle size and weight laws. ALDOT is required to develop a plan for maintenance of an effective enforcement process. The ALDOT plan is approved by the FHWA and will then serve as a basis by which the annual State certification of enforcement will be judged.

PLANNING PROGRAM ACTIVITIES (Statewide)		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Motor Fuel Triennial Review	July 24, 2001, HQ Memorandum	FHWA	None	
Highway Functional Classification	23 CFR 470.105	FHWA	FHWA	In conjunction with decennial census and as needed otherwise.
Major Project – Financial Plan and Project Management Plan	23 USC 106 (h)	FHWA	FHWA	
Certification of Public Road Mileage	23 CFR 460.3	FHWA	None	Due Date June 1
Heavy Vehicle Use Tax (HVUT) – Annual Certification by ALDOT and Triennial FHWA Office Review	23 CFR 669.21	FHWA	None	Alabama Department of Revenue (ADOR) required to certify that HVUT is being collected. FHWA HQ recommends a review be completed every 3 years.
Highway Statistics: 500 Series Reports	23 CFR 420.105 (b)	FHWA	None	ALDOT submits data to FHWA on a monthly basis.
Traffic Volume Monthly Automated Traffic Recorder Data	23 CFR 1.5	FHWA	None	ALDOT submits data to FHWA on a monthly basis.
Annual Truck Weight Characteristics Data – Weigh-in-Motion and Classification Data	23 CFR 1.5	FHWA	None	ALDOT annually submits required Truck Weight Characteristics Data directly to HQ.

PLANNING PROGRAM ACTIVITIES (Statewide)		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Pedestrian and Bicycle Accommodations	23 CFR 652	FHWA	ALDOT	ALDOT
Metropolitan 20-Year Long-Range Transportation Plan (LRTP)	23 CFR 450.322	FHWA		FHWA reviews and comments on Metropolitan LRTP's, but no official approval action is taken by FHWA, other than concurrence in Conformity Determination in air quality nonattainment and maintenance areas.
Metropolitan Transportation Improvement Program (TIP)	23 CFR 450.324	FHWA	Governor	Minimum 4 year period; updated at least every 4 years. FHWA reviews and com-comments on TIP's. All TIP's are included in the STIP by reference which is approved by FHWA.
Metropolitan Unified Planning Work Program (UPWP)	23 CFR 450.314	FHWA	FHWA	Annually developed program. FHWA reviews, comments on, and approves UPWP's from each MPO.
Certification Review of TMA's – MPO's with population of 200,000 or greater	23 CFR 450.334	FHWA	FHWA	Joint FHWA/FTA Planning regulations require these reviews be completed every 4 years. FHWA/FTA jointly certify that the requirements in 23 CFR 450 are being met.
Transportation Planning Certification Reviews in non-TMA's	Not required	FHWA	None	Planning process reviews in non-TMA's on 1 year cycle.

PLANNING PROGRAM ACTIVITIES (Metropolitan)		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Urban Area Boundaries	23 CFR 1.7	FHWA	FHWA	In conjunction with decennial Census and as needed otherwise.
Annual Self-Certification of non-TMA's – MPO's with population of 50,000 to 200,000	23 CFR 450.334	FHWA	FHWA	Self-certifications are included in the metropolitan TIP's for non-TMA's. TIP's are included by reference in the FHWA-approved STIP.
Clean Air Act Conformity Determinations: Nonattainment and Maintenance Areas	23 CFR 450.312 (d) and 40 CFR Part 51	FHWA	FHWA	Determination completed at time of TIP and LRTP updates.
Congestion Management Process in TMA's	23 CFR 450.320	FHWA	None	Required to be a part of planning process in TMA's. Reviewed as part of certification reviews.
Congestion Mitigation and Air Quality (CMAQ) Improvement Report	Not required by law, but by HQ guidance	FHWA	None	Prepared annually.
PL Funds Distribution Formula	23 CFR 420.109	FHWA	FHWA	In conjunction with decennial Census and as needed otherwise.

RIGHT OF WAY

RIGHT OF WAY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS Responsible Agency	NON-NHS Responsible Agency	Comments
Authorize all Federal-aid ROW Projects	23 CFR 710.203	FHWA	FHWA	
Accept ROW certificate as condition of PS&E approval	23 CFR 635.309 (b) and (c)	FHWA	ALDOT	
Approve hardship and protective buying	23 CFR 710.503	FHWA	FHWA	
Functional replacement of real property in public ownership	23 CFR 710.509	FHWA	ALDOT	
Leasing of real property acquired with Title 23 funds	23 CFR 710.407	FHWA	ALDOT	
Disposal of excess ROW/access rights on Federal-aid projects	23 CFR 710.409	FHWA	ALDOT	
Relinquishment of highway facility to another government agency for continued highway use	23 CFR 620, Subpart B (If Federally-funded project)	FHWA	ALDOT	
Use of airspace on the Interstate for non-highway purposes	23 CFR 710.405	FHWA	N/A	

SAFETY

SAFETY PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Traffic Safety in Highway & Street Work Zones	23 CFR Part 630	FHWA	FHWA	Annual Reviews
Highway Safety Features (Roadside Safety and Hardware)	FHWA Policy Memorandum 07/25/1997	FHWA HQ	FHWA HQ	FHWA HQ reviews and approves new or modified roadside safety hardware for use on Federal-aid highways.
Section 402 Highway Safety Plan	23 CFR 1200	FHWA	FHWA	Reviewed and approved by August 31 - ADECA
Highway Safety Improvement Program (including SRTS and HRRPP)	23 CFR Part 924	FHWA	FHWA	Annual HSIP, 5% and Rail Grade Crossing Program Reports by August 31.
Strategic Highway Safety Plan (SHSP)	SAFETEA-LU Section 1401 (c) (a) (A)	FHWA	FHWA	Plan approved by Division December 2006.
SHSP Implementation Plan	23 CFR Part 924.11	FHWA	FHWA	Eligibility determinations.
NHTSA split letter for Primary Seat Belt Use Law Grant	23USC 157	FHWA ALDOT	ALDOT	Approve split of funds as available
Crash Data Quality	23 CFR Part 924.9	FHWA	FHWA	Continual review
High Risk Rural Roads (HRRRP) Program	SAFETEA-LU	FHWA	FHWA	

SAFETY				
SAFETY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS Projects
Rail-Highway Projects	23 CFR Part 646 Subpart B – Railway-Highway Projects	FHWA	FHWA	FHWA