FLORIDA

FEDERAL-AID

PARTNERSHIP AGREEMENT

Florida Department of Transportation & Federal Highway Administration

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INTRODUCTION

PURPOSE:

This ***Partnership Agreement*** clarifies the stewardship roles and responsibilities of both the Federal Highway Administration – Florida Division (FHWA) and Florida Department of Transportation (FDOT) in implementing the Federal-aid Highway Program (FAHP). The ***Partnership Agreement*** is intended to result in the efficient and effective management of public funds and to ensure that the FAHP is delivered consistent with laws, regulations, policies, and good business practices.

This ***Partnership Agreement*** provides for a risk-based approach where FDOT and FHWA agree on how the FAHP will be administered in Florida, with specific actions to be taken by one or both parties. This ***Partnership Agreement*** is the documentation of the delegations, under ***23 U.S.C. Section 106***, from direct Federal oversight that are desired and accepted by FDOT and recognized by FHWA. The delegation options of ***23 U.S.C. Section 106*** are desirable for FDOT for the streamlining of processes. Delegations are desirable for FHWA because reduced project-level involvement allows for more effective application of resources. Notwithstanding the ***Partnership Agreement***, FHWA retains overall responsibility for all aspects of Federal-aid programs and an Agreement does not preclude FHWA's access to and review of a Federal-aid project at any time and does not replace the provisions of ***Title 23, U.S.C.*** While Federal law allows a State DOT to assume certain project approvals and authorities, FHWA is ultimately accountable for ensuring that the Federal-aid Highway Program is delivered consistent with established Federal requirements and FHWA is ultimately accountable for all Federal-aid highway projects.

On the broader program level, FHWA will continue to provide stewardship and oversight of the FAHP 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 ***Partnership Agreement*** replaces the previous FDOT/FHWA agreement document known as the ***"Exemption Agreement," FDOT Topic Number 700-000-020-g***, last revised in 2005, which primarily addressed criteria for determining state administered projects.

BACKGROUND:

The ***Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991***, the ***Transportation Equity Act for the 21st Century (TEA-21) of 1998***, the ***Safe, Accountable, flexible, Efficient Transportation Equity Act***: ***A Legacy for Users (SAFETEA-LU) of 2005,and the Moving Ahead for Progress in the 21st Century Act (MAP-21)*** provided flexibility to the States in how to ensure project actions are carried out in accordance with applicable laws, regulations, and policies. ***TEA-21, Section 1305 (a)*** requires that FHWA and the State enter into an agreement showing the extent of the State's assumption of the Transportation Secretary's responsibilities. ***ISTEA and TEA-21***

altered FHWA role from full project oversight and approval of every project or activity funded with FHWA funds to program oversight and some targeted project level approval. The program and project assumptions made possible under ***Section 1016 of ISTEA and Section 1305 of TEA-21*** require that FDOT accept these assumed responsibilities and provide greater program accountability due to less federal involvement. With the passage of ***SAFETEA-LU***, the overall program has evolved requiring a more comprehensive Agreement that covers all aspects of the Federal-aid Highway Program that provides a road map to effectively and efficiently execute the Federal-aid program relating to programs/project delivery to include financial integrity. ***MAP-21*** creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

FHWA and the State Departments of Transportation and other highway program funds recipients have jointly administered the FAHP for many years. These parties have been tasked with carrying out the FAHP efficiently and effectively to help accomplish national and mutual or local goals–to maintain a national highway network, improve its operation and safety, and provide for national security while protecting and improving the environment. Partnership efforts include oversight and approval actions, as well as many day-to-day actions that are routinely performed by either or both of the parties to ensure that the FAHP is administered in regulatory compliance and in ways that enhance the value of the program funds authorized by Congress. This ***Partnership Agreement*** formalizes these delegated responsibilities and agreements to address how the FAHP will be administered in Florida.

AUTHORITY:

Section 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

FEDERAL:
(1) *23 U.S.C. Section 106*, 23 U.S.C. Section 117, and 23 C.F.R. Section 640, 49 C.F.R. Sections 18.36 and 18.42
(2) Intermodal Surface Transportation Efficiency Act (ISTEA), 1991
(3) Transportation Equity Act for the 21st Century (TEA-21), 1998
(4) Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 2005.
(5) Moving Ahead for Progress in the 21st Century Act (MAP-21), 2012
(6) 23 C.F.R. Section 771
(7) 40 C.F.R. Parts 1500 - 1508

STATE:
Sections 334.044, 337.03, 337.16, 337.165, 337.166, 337.17, 337.25, 337.2505, 337.401, 337.403, 337.4061, 337.407, 337.408, 339.05, 339.06, 339.07, F.S.
Efficient Transportation Decision Making Process (ETDM) Agreements

SCOPE:

This ***Partnership Agreement*** will be utilized by FDOT (Central Office and District level) and FHWA – Florida Division personnel in implementing the FAHP.

Section 1
FDOT AND FHWA ROLES AND RESPONSIBILITIES

This sets forth the respective roles, responsibilities, and accountability of FDOT & FHWA in the administration and oversight of Federal-aid highway projects and programs in the State of Florida. As a condition to accepting Federal-aid highway funds, FDOT agrees to follow all applicable project and program requirements.

This ***Partnership Agreement*** is intended to be a living document that can be modified when needed to incorporate additional legislation, additional processes, or other changes to improve program and project delivery in the State of Florida. FDOT and FHWA agree to use a broad set of performance and compliance indicators, as identified in this ***Partnership Agreement***, to track performance trends and to implement countermeasures/actions when the data is not moving in the desired target direction.

1.1 REVIEW & REPORTING

At a minimum, this ***Partnership Agreement*** will be reviewed annually by FDOT and FHWA before August 15th. At the same time FDOT will provide to FHWA a summary of the status of all performance indicators as described in ***Section 5***. FHWA & FDOT agree to provide copies to each other of Quality Assurance Reviews (QAR) or process/program reviews performed by their respective agencies.

1.2 PROGRAMMATIC AGREEMENT FOR LOW RISK PROJECTS

The foundation of this Partnership Agreement is the inclusion of a Programmatic Approach for Low Risk Projects since FHWA has determined each FHWA Division may establish a programmatic approach with the state concerning inherently low risk oversight projects on the Interstate System. The Programmatic Approach allows FHWA and FDOT to enter into this Partnership Agreement and select oversight projects based on a risk based approach rather than following the strict definitions in ***Title 23*** **U.S.C.** for oversight of projects on the Interstate system.

1.2.1 Inherently low risk oversight projects include those that are routine, low risk projects and generally non-controversial in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements. These projects would not include complex or unique engineering features, would not traditionally involve major changes in scope or cost, satisfy design standards, and would not jeopardize the safety or operation of the Interstate System. Complex projects that are classified as “major projects” (as defined by FHWA major project criteria with costs > $500 million), or involve new partners (public/private partnerships), or involve new, innovative contracting methods, or are viewed as high risk, are not considered inherently low risk oversight projects.

For inherently low risk projects, FHWA grants to FDOT the approvals for design, plans, specifications, estimates, contract awards, contract administration, and project inspections in advance of the actual delivery of the project. However, these approvals must not occur until after the completion of the National Environmental Policy Act (NEPA) process or the satisfaction of other related environmental laws and procedures.

1.2.2 FHWA's oversight will be satisfied by a risk management framework, process/program reviews, and random delegated project reviews (spot checks). FDOT's submission of a project authorization and request for federal funds is based on the project being eligible for federal-aid and that all the appropriate Federal requirements have been met to date. It is understood that FHWA's approval of funds for these projects for either preconstruction or construction constitutes a determination that the project is eligible for Federal-aid based on the assurances the FDOT has provided that the appropriate Federal requirements have been met to date. Notwithstanding this determination, FHWA retains overall responsibility for all aspects of Federal-aid programs and as such, has full access to and the legal authority to review any aspect or record of a Federal-aid project at any time.

1.3 SELECTION OF FHWA OVERSIGHT PROJECTS

Annually in July, FHWA and FDOT will negotiate which new projects will be selected for "full oversight" by FHWA. FHWA Transportation Engineer will coordinate the project selection with their assigned FDOT District Office. Ideally, the projects will be selected from projects listed in the Statewide Transportation Improvement Program (STIP) to be approved by FHWA the following October 1st, and will include projects selected from all four years of the STIP. The projects selected should be on the Federal-aid system to primarily include the Interstate and National Highway System (NHS) routes, but non-NHS projects can be selected. The projects should be selected considering the factors below:

- All major projects as defined by FHWA's major project criteria (cost ≥ $500 million)
- All TIGER grants
- Controversial and Congressional interest Projects
- Demonstration (demo) and pilot projects
- Interstate projects:
    - With design exceptions to the 13 controlling criteria
    - For new or modified access points
    - For major reconstruction and widening
- Projects utilizing innovative contracting methods, such as design build
- Special Experimental Projects (SEP):
    - Projects requiring SEP-14 approval for alternative contracting methods
    - Projects requiring SEP-15 approval for public-private partnerships
- Projects with an EIS
- Unusually complex or controversial projects
- Major unique and/or unusual structures
- A priority focus for projects on the NHS
- A desire to have a mix in project size and scope

1.3.1 It is FHWA's goal to maintain a balance of oversight design and construction projects in each FDOT District. The annual selection process should result in a statewide total of 3% to 5% "full oversight" projects for each year of the STIP based on the statewide total number of Federal-aid projects. The selection process will result in annually selecting 1 to 3 projects per year per FDOT District. During the annual discussion, FHWA and FDOT may agree to add or delete previously selected "full oversight" projects. The "full oversight" projects will be designated in the FDOT five year work program.

1.4 FHWA RESPONSIBILITIES

FHWA will manage and provide oversight of Florida's Federal-aid programs in various ways. The methods used will be:

- Routine day-to-day program actions and other interaction.
- Participation on FDOT task forces, teams, implementation committees, quality assurance monitoring reviews, attendance at FDOT meetings, etc.
- Program reviews on program areas as needed and determined in accordance with FHWA Division's risk assessment process and/or other highly significant program areas. Program Reviews will be utilized as the primary methods of program oversight.
- FHWA Division's Financial Integrity Review and Evaluation (FIRE) Program to assess the financial aspects of programs and projects.
- Manage and provide oversight in Major Projects (as defined by FHWA major project criteria with costs ≥ $500 million)
- Manage and provide oversight in "full oversight" projects
- Program and project management in a co-lead capacity
- NEPA assistance and review activities
- Random delegated project reviews (spot checks)

1.4.1 FHWA Oversight Projects

FHWA Florida Division will fulfill its partnership role at a project level by selecting oversight projects following the selection criteria in Section 1.3. On full oversight projects, FHWA Division Office personnel will review and approve project designs, approve plans, specifications and estimates, concur in award, approve contract changes (change orders, supplemental agreements, time extensions, claims, etc.) and conduct project inspections.

1.4.2 Involvement on Other Projects

FHWA may become involved with any Federal-aid project, including those for which FDOT has assumed oversight responsibility. FHWA oversight of non full-oversight projects will be through program level activities, such as Process Review/Program Evaluation (PR/PE) and randomly selected spot check reviews. Additionally FDOT may request FHWA involvement. FHWA will become involved in all Federal-aid projects undergoing NEPA review and approval. The extent of FHWA involvement will be defined by FDOT's request.

1.4.3 Technical Assistance

FHWA is prepared to provide technical assistance to FDOT or local public transportation agencies on any aspect of an eligible ***Title 23 U.S.C.*** project. Technical assistance activities will be decided on a case-by-case basis in consultation with FDOT, other partners and FHWA.

1.4.4 Non-Title 23 Responsibility

FHWA will continue to be responsible for the oversight of applicable ***non-Title 23 U.S.C.*** requirements. Such oversight will be conducted through a combination of both project and program level activities. All federally funded projects must comply with applicable ***non-Title 23 U.S.C.*** requirements which include, but are not limited to:

- 49 CFR Part 18 - Common Rule
- National Environmental Policy Act (NEPA) of 1969 pursuant to 40 C.F.R. Parts 1500 - 1508, 23 C.F.R. Section 771 and Section 6002 of SAFETEA-LU.
- Section 4 (f) of the DOT Act of 1966
- Clean Air Act Amendments of 1990
- Civil Rights Act of 1964
- Civil Rights approvals
- Disadvantaged Business Enterprise Program (DBE)
- Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970
- Hardship acquisition and protecting buying
- Americans with Disabilities Act/Section 504 Rehabilitation Act of 1973
- Davis-Bacon wage rates
- Waiver for Buy America requirements
- SEP-14/SEP15 contracting methods
- Executive Orders
- FHWA Guidance and technical advisories
- Addition/modification of access points to the Interstate (Interchange, locked gate access points, median crossovers for construction)
- Project by project obligation of federal funds
- Modifications to Federal-aid project agreements
- Final Vouchers

1.5 FDOT RESPONSIBILITIES

FDOT hereby advises FHWA that it wishes to assume project oversight responsibilities in accordance with the following:

- **NHS Projects including Interstate** – FDOT assumes oversight responsibility for the right-of-way approval, utility approval, railroad approval and related activities, design approval, design exceptions, plans, specifications, estimates, contract award, and inspection of the construction, except for projects designated as “full oversight” or major projects (>$500 million). All NHS projects must be designed in accordance with AASHTO standards, comply with all ***Title 23 U.S.C.*** and ***non-***

Title 23 U.S.C. requirements.

- **Non-NHS Projects** – FDOT assumes oversight responsibility for the right-of-way approval, utility approval, railroad approval and related activities, design approval, design exceptions, plans, specifications, estimates, contract award, and inspection of the construction. Non-NHS projects are required to be designed, constructed, operated, and maintained in accordance with State law, regulations, directives, safety standards, design standards, and construction standards, in lieu of many ***Title 23 U.S.C.*** requirements. ***Title 23 U.S.C.*** requirements that are applicable to all Federal-aid projects include, but are not limited to, transportation planning, procurement of professional services, Davis-Bacon wage rates, advertising for bids, award of contracts, use of convict produced materials, ***Buy America Act*** provisions and other requirements. All non-NHS projects must also comply with all ***non-Title 23 U.S.C.*** requirements.

For those projects that FDOT has agreed to assume oversight responsibility, FDOT will follow all applicable FHWA policies, regulations, ***Title 23 U.S.C.***, and ***non-Title 23 U.S.C.*** requirements as if FHWA were involved.

1.5.1 SUITABLY EQUIPPED

A transportation agency that receives federal aid funds must be suitably equipped to discharge the duties and responsibilities required by ***Title 23 USC and 49 USC***. These provisions require that the state and local agencies be adequately staffed, suitably equipped and trained to undertake and satisfactorily complete federal-aid work. This responsibility is formalized between the parties at the time FHWA authorizes the project and the project agreement document is executed. The state may utilize under its supervision the services of well-qualified and suitably equipped engineering organization of other governmental entities for planning, design and construction of any project. In addition, consultants may be hired to supplement state and local staff provided a public employee is in responsive charge of the project.

The FDOT agrees to devote an appropriate level of funding and resources to maintain adequate project and program oversight and be in responsible charge. This may include balancing the variables of organizational structure, mission, staffing levels, qualifications, training, experience, and staff turnover. The FDOT agrees to devote the necessary resources to thoroughly review and check production documents for organization and completeness. Consultant work and local agency work is adequately reviewed before submission to FHWA for organization and completeness. The FDOT is willing to devote sufficient staff and resources to keep policy and procedure manuals current and to develop new ones to improve the processes.

To monitor trends the FDOT will submit an annual summary of performance indictors to demonstrate that an appropriate level of staffing, training, and oversight review is being performed. This summary should be submitted at the same time as the performance measures for the program areas in ***Section 5*** are submitted in accordance ***Section 4.1.1***.

1.5.2 Performance Indicators

- The percent of QAR reviews performed as planned.
- The number of training hours delivered.

1.5.3 Local Agency Projects

FDOT may, pursuant to ***23 C.F.R. Sections 1.11*** and ***635.105***, delegate certain Federal-aid requirements to a well-qualified and suitably equipped local public agency. FDOT is responsible for ensuring that appropriate procedures and guidelines are in place to facilitate the compliance of local public agency administered Federal-aid projects. FHWA will review and approve these practices and procedures for Federal-aid projects.

FDOT will determine if the local agency is well qualified and adequately staffed to administer projects through a formalized certification process before delegation of any activities. FDOT will review the local agency's ability to administer Federal-aid projects or specific activities on a case-by-case basis, and the extent of delegation will be dependent on their current staffing level and experience, and past performance. An Agency Agreement will be executed between FDOT and the local agency to outline the responsibilities of both FDOT and the local agency.

1.5. 4 FDOT retains responsibility under Federal law and regulations for all delegated activities including compliance with NEPA. FDOT will have written procedures established for the local agency to follow, that provide the necessary processes, approvals, oversight and reviews that ensure the delegated projects receive adequate supervision and inspection, and are completed in conformance with approved plans and specifications and applicable federal requirements. This can be strengthened by the use of FDOT-developed Local Agency Program (LAP) checklists. While FDOT will offer any training, advice, or other assistance as may be needed by a local agency to aid it in successfully completing its Federal-aid project, it is understood that the project is controlled by the local agency. As such, if the local agency is not following prescribed requirements, FDOT's recourse would be to remove Federal-aid funds from the project and to pursue reevaluation of the local agency's eligibility for LAP certification.

Table 1. Local Agency Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Confirm eligibility of local agency to perform Federal-aid work	Certification of local agency to use federal funds and provision of agency agreement	Periodic review of process used to certify local agencies.	Improved assurance of local agency's qualifications to administer Federal-aid projects
Use of local agency program administrative, construction and professional services checklists	Review and approve checklist certification from local agency for each construction project or consultant contract that has federal funds assigned	Periodic review of local agency compliance with federal regulations, as per completed checklists	Improved local agency project compliance with federal regulations
Local agency project specifications for off-system Federal-aid routes	Approve local agency project specifications that vary from FDOT standards	Provide guidance on expectations of local agency project specifications	Ensure quality products as a result of the local agency program
Reimbursement of LAP projects	Ensure federal regulation compliance and provision of supporting documentation for LAP project invoices	Review of reimbursement invoices and supporting documentation for compliance with federal regulations	Timely and complete reimbursement payments to local agency & FDOT

1.6 MAJOR PROJECTS

FHWA will retain "full oversight" of all major projects (≥$500 million). ***Section 1904(a) of SAFTEA-LU*** requires Project Management Plans and an Annual Financial Plan for projects with an estimated cost of $500 million and greater. In addition, ***SAFETEA-LU*** requires that Annual Financial Plans be prepared by the state and available for review for projects with an estimated cost from $100-$500 million.

FHWA review and approval of the initial Financial Plan for projects ≥$500 million is required prior to authorization of Federal-aid funds (i.e. before Right of Way acquisition or Construction authorizations). FDOT is required to provide annual updates to the Financial Plans. FHWA will review and approve the Financial Plan annual updates (refer to section 5.1.5).

For major projects, FDOT will prepare a Project Management Plan (PMP) prior to issuing the record of decision (ROD), finding of no significant impact (FONSI), or other type NEPA decision. FDOT will update the PMP at the beginning of each major phase of work (i.e. beginning of Design and beginning of Construction). FHWA will review/approve the PMP.

Section 2
METHODS OF OVERSIGHT

The goal of FHWA and FDOT is to maintain a balanced partnership and program delivery program, which utilizes numerous oversight tools and techniques to assess program accountability. To obtain this goal, FHWA and FDOT will jointly coordinate the development of annual partnership and oversight activities. However, the partnership reviews/activities may be conducted independently or jointly as determined appropriate. FHWA and FDOT will utilize a balanced approach involving several partnership and oversight techniques to ensure Federal-aid funds are used efficiently and effectively in Florida. Since a small percentage of projects are full oversight projects the techniques below constitute the majority of FHWA's oversight activities.

In order to ensure the effectiveness of its delegated responsibilities and compliance with Federal requirements, FDOT will use its Quality Assurance Review (QAR) program for monitoring and reporting purposes. FDOT has established an Inspector General function to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency. FHWA will use its process review and spot check program to determine compliance of Federal requirements and improve processes, procedures, and other elements of the FAHP. FHWA will participate in financial audits and QARs to the extent possible. FHWA will, to the maximum extent possible, utilize the work of State and FDOT auditors to limit the scope of FHWA reviews.

The joint FDOT & FHWA oversight program consists of the following components:

- Risk assessments and program assessments;
- Program/process reviews;
- Project reviews,
- Quality assurance reviews (QAR);
- Peer reviews;
- Partnering activities;
- Program management;
- Randomly selected spot checks
- Other techniques such as: participation in project/program meetings, certification reviews, and day to-day interactions.

2.1 RISK ASSESSMENT AND PROGRAM ASSESSMENT

Risk Assessments are performed annually by FHWA staff for the various program areas (e.g. planning, environment, design, construction, finance, etc), and it identifies the level of risk (high, medium, and low) for each area. Once drafted, the Risk Assessments are coordinated with appropriate FDOT program personnel. The Risk Assessments provide key input in identifying FHWA's major initiatives and activities in the Performance Plan, including the selection of FHWA's Program Reviews. Program Assessments are conducted in conjunction with the Risk Assessments for the various program areas. FHWA staff is responsible for preparing the Program Assessments, and the primary purpose of the Assessments is to identify the strengths and opportunities for improvement of the various program areas (i.e. provide the current state of the various programs). In addition, it documents the risk rating for the established risk criteria, and

outlines the future direction and goals for the programs.

2.2 PROGRAM/PROCESS REVIEWS & SPOT CHECK REVIEWS

In the FHWA Office, process improvement reviews are the most frequently used program review technique. Process improvement reviews are joint reviews designed to evaluate the adequacy of the processes and procedures used by FDOT and other agencies. These reviews are a thorough analysis of key program components and the processes employed by FDOT in managing the program. The reviews are conducted to:

- Ensure compliance with Federal requirements;
- Identify opportunities for greater efficiencies and improvements to the program; and/or
- Identify exemplary practices.
- Ensure there are adequate financial and internal control safeguards.

The number of reviews and the review topics are established annually by FHWA and are based on the results and recommendations of the program assessment which includes a risk assessment analysis. Reviews may be initiated by both FHWA and FDOT and are designed to include a multidisciplinary team from both agencies. At the beginning of each Federal Fiscal Year (FY), FHWA will develop its schedule of review for the forthcoming year. FDOT's participation in the reviews will be solicited.

Random spot checks or mini-reviews are used by FHWA to validate if critical requirements have been met for delegated projects. Each year FHWA selects a minimum of 10% of the delegated projects for this type of review. The reviews utilize a checklist, typically one to two pages in length, containing a list of the critical federal-aid requirements in a program area. The reviews are conducted in major program areas such as: finance, planning, environment, right-of-way, safety, civil rights, design, contract administration, and construction materials. Predominately, the spot checks are conducted by reviewing project documentation, but may include interviews of state or local agency project personnel and on-site field reviews.

2.3 PROJECT REVIEWS

Project reviews are designed to focus on evaluating and improving current activities, and following-up on unresolved issues from previous reviews. If possible, issues should be resolved during the time of the review. Project reviews also give FHWA a general understanding of individual FDOT Districts' oversight. In addition, project reviews help feed the selection process for future program reviews. FHWA may also utilize various other project review techniques, including participation in project-related meetings, participation in value engineering teams, partnering activities, and telephone contacts.

2.4 QUALITY ASSURANCE REVIEWS (QAR)

FDOT uses QARs to test the performance of various project delivery processes. The QARs establish or improve FDOT control processes and documents for functional areas of responsibility (environment, design, construction, professional services consultant

contracting, etc.). FDOT Central Office personnel lead these process improvement reviews, and FHWA personnel are encouraged to actively participate in these reviews.

2.5 PEER REVIEWS

The peer review is designed to have an outside team (i.e. consultant) meet with the host agency (FDOT, Local agency) to discuss and review its management processes/practices in a particular program area. Information on the host agency and team members' policies and procedures are exchanged with the intent to improve the overall program process. The information gathered from the exchange is presented to agency management for process improvement.

2.6 PARTNERING ACTIVITIES

Partnering is an effective management technique used to improve communications and enhance the resolution of conflicts during project development and construction. Active participation in partnering activities has resulted in high payoffs relative to improved communications and working relationships between FHWA, FDOT, Federal and State Resource Agencies, and industry.

2.7 PROGRAM MANAGEMENT

This includes the daily partnership 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 providing technical assistance to the transportation stakeholders in answering questions on program issues.

Paramount to successful partnership of the Federal-aid program is the shared partnership between FHWA and FDOT and the associated assessments to focus resources in those areas of greatest need and highest risk. It is the goal to continually evaluate operations in order to streamline the delivery of the legislative and regulatory requirements of the Federal-aid program and to increase the value of services provided to customers and partners.

Section 3
CONTROL STANDARDS/DOCUMENTS

Certain control documents apply in implementing this ***Partnership Agreement***. In assuming certain program and project-level responsibilities under ***Title 23 U.S.C. Section 106*** and ***Section 1904 of SAFETEA-LU***, FDOT agrees to comply with FHWA-approved standards in accordance with ***23 C.F.R. Sections 625.4, 655.603***, and related federal regulations and policies. FHWA shall approve required FDOT policies or standards that expand on, amplify, or amend these documents. Please refer to ***Appendix B*** for a list of key FDOT policies, standards, manuals and procedures on the Federal-aid Program.

3.1 The implementation and management of this ***Partnership Agreement*** are made with the following understanding:

(1) All projects on the NHS (Interstate and non-Interstate) shall conform to FDOT-adopted AASHTO design and construction standards, as approved or accepted by the Florida Division. Design exceptions for Federal-aid Interstate projects, whether FHWA oversight or FDOT oversight, shall be reviewed and approved by FHWA. FHWA will review and approve design exceptions for oversight non-interstate projects if the project is designated as FHWA full oversight as determined in Section II of this Agreement

(2) All non-NHS projects shall be designed, constructed, operated, and maintained, in accordance with State laws, regulations, and directives, and FDOT safety, design, and construction standards. Local Agency projects shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, rules, and standards for State-aid funded projects.

(3) FHWA may, at any time, have access to and review project phases and records under this Agreement. In accordance with ***49 C.F.R. Part 18***, records will be retained for a minimum of three years or until litigation, claims, or audit findings initiated before the expiration of the three-year period have been resolved, whichever is later.

Section 4
PERFORMANCE OR COMPLIANCE INDICATORS

A key component of the ***Partnership Agreement*** is the establishment of a family of performance or compliance indicators. These indicators provide useful information in:

- Determining Vital Performance Trends,
- Determining FAHP Status/Health,
- Setting and/or Changing Program Direction and Emphasis, and
- Determining Areas of Partnership Success.

4.1 It is recognized by FDOT and FHWA that indicators are necessary to track performance trends, health of the FAHP, and compliance with Federal requirements. Both agencies already have established sets of indicators that are critical in managing its respective programs. This ***Agreement*** establishes the indicators necessary to gauge the overall effectiveness of the FAHP, since FDOT has assumed FHWA approval responsibilities on certain projects. Furthermore, if the indicators are not moving in the desired target direction, countermeasures (or actions) should be implemented by both agencies to move the target in the desired direction.

4.1.1 Performance indicators have been established for most of the program areas shown in ***Section 5***. As part of the annual update of this ***Agreement*** the indicators will be revised as needed. By August 15th of each year, FDOT will provide to FHWA a summary of the performance measures or indicators.

Section 5
DELEGATED PROGRAM AND PROJECT RESPONSIBILITIES (PROGRAM AREAS APPROVAL & OVERSIGHT)

The following section describes for each program area the applicable laws, regulations, and procedures; program approval actions, project approval actions, and monitoring process. A table at the end of each section provides business standards for each agency. FDOT's and FHWA's goal is to respond to all submissions as soon as possible and within timeframes shown in the tables. All timeframes are expressed in business days from receipt and response can occur anytime within the number of days indicated.

5.1 Finance, Accounting & Auditing

5.1.1 Program Overview

FHWA has implemented the Financial Integrity Review and Evaluation (FIRE) Program ***(FHWA Order 4560.1B)*** that requires each FHWA Division office to establish an effective oversight program to ensure that Federal-aid funds are properly managed and effectively used in accordance with Federal policies, and that safeguards are in place to minimize fraud, waste, and abuse. The FIRE Program is a review and oversight program that each FHWA Division office is required to perform in support of FHWA's annual certification of internal and financial controls to support the financial statements. In addition, the FIRE program ensures that proper internal controls are established and followed, with objectivity and a separation of financial duties in conducting the Agency's day-today operations. FHWA's Financial Management Team (FMT) is responsible for completing the FIRE activities on an annual basis, in coordination with FHWA and FDOT personnel.

FDOT conducts various audits (involving respective program staff, as applicable) to ensure compliance, economy, effectiveness, efficiency, and the proper use of Federal-aid funds.

5.1.2 The Fiscal Management Information System (FMIS) is FHWA's major financial information system for tracking Federal-aid highway projects on a project-by-project basis. It contains data related to all highway projects financed with Federal-aid highway funds. FHWA uses this information for planning and executing program activities, evaluating program performance, and depicting financial trends and requirements related to current and future funding. The data integrity of FMIS is completely dependent upon the quality of the information entered into the system; accordingly, project related actions must be reported both promptly and accurately as project activities are authorized and advanced. Electronic data sharing allows FDOT to transmit FMIS data electronically and FHWA to review and electronically approve the data. This process provides faster approvals and better control of funds. Both FDOT and FHWA have the ability to access FMIS information to obtain current funding and project related reports.

5.1.3 Applicable Laws, Regulations, and Procedures

- Moving Ahead for Progress in the 21st Century Act of 2012
- Safe, Accountable, flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 and subsequent extensions.
- Transportation Equity Act for the 21st Century (TEA-21) of 1998
- National Highway System Designation Act of 1995
- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991
- Improper Payments Information Act (IPIA) of 2002
- Improper Payment Elimination and Recovery Act (IPERA) of 2010
- Federal Managers' Financial Integrity Act of 1992
- Chief Financial Officer Act of 1990
- Cash Management Improvement Act (CMIA) of 1990
- 23 – USC
- 23 – CFR
- 49 USC
- 49 CFR
- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular – A-102, Grants and Cooperative Agreements with State and Local Governments
- OMB Circular A-123, Management Accountability and Control
- OMB Circular A-133, Single Audit Act of 1984
- Department of Transportation (DOT) Order 8000.1C, Office of Inspector General Audit and Investigation Report Findings, Recommendations, and Follow-up Action, dated July 20, 1989
- FHWA Order 4560.1B, Financial Integrity Review and Evaluation (FIRE) Program, dated November 10, 2008
- A Guide to Federal-aid Programs and Projects
- Fiscal Management Information System (FMIS) Interface Connection Security Agreement, dated February 7, 2003
- Rapid Approval and State Payment System (RASPS) Interface Connection Security Agreement, dated January 29, 2003
- Cash Management Improvement Act (CMIA) Agreement
- AASHTO Uniform Audit & Accounting Guide For Audits of Architectural and Engineering (A/E) Consulting Firms

5.1.4 Program Approval Actions

- Audits:
  - FHWA will approve the resolution of both OIG and State audit findings related to the Federal-aid Highway Program.
  - FHWA Financial Management Team (FMT) will receive copies of FDOT Office of Inspector General (OIG) audits and confirm resolution of audit findings, related to the expenditure of Federal funds, through routine management reports
  - For OMB A-133 audits, FHWA will approve the action plan and confirm the resolution of single audit findings reported to the Federal Clearing House

- FHWA will approve the action plan and confirm resolution of process review findings
- FHWA will approve the weekly Federal-aid billing for the reimbursement of eligible expenses.
- Indirect Cost Allocation Plans:
    - FHWA will approve/negotiate the Indirect Cost Allocation and Fringe Benefit Rates
    - FHWA will approve audited rates of CSX Transportation, Inc. (CSXT)
    - FHWA will approve audited rates of Florida East Coast (FEC) Railroad
- FHWA will approve the Toll Credit Application and Maintenance of Effort (MOE) determination
- Transfer of Funds as Requested by FDOT

5.1.5 Project Approval Actions

- FHWA reviews for eligibility and electronically approves FMIS authorization requests to obligate funds for each Federal-aid project (full oversight and delegated oversight) before any costs are incurred,
- Modify projects as necessary,
- Close when projects are complete
- FHWA reviews and approves Major Project initial Financial Plans and the subsequent annual updates,

5.1.6 Monitoring

In accordance with the FIRE Program, FHWA will conduct financial management oversight to verify that Federal funds are properly managed and effectively used in accordance with Federal laws, regulations, policies and agreements; and, that safeguards are in place to minimize fraud, waste and abuse.

FHWA will monitor all financial management and accounting activities primarily through daily contact. Other activities will include process reviews, inactive Federal-aid project reviews, Federal-aid billing reviews and improper payment reviews. Reviews will encompass both FDOT and local agencies. Through day-to-day contact with FDOT personnel, FHWA will provide guidance and technical assistance in such areas as fiscal document processing, financial management and reimbursement issues. Input will be provided to FDOT auditors during the development of audit plans.

Risk assessment techniques will be used where appropriate to determine areas for review. FHWA will, to the maximum extent possible, utilize the work of FDOT and State auditors to limit the scope of FHWA reviews. Additionally, FHWA will promote best practices in financial management and project funds management to improve the efficiency in the administration of the Federal aid Highway Program. FHWA also will promote the use of innovative finance techniques that are effective in leveraging funds, reducing project costs, or expediting project completion.

5.1.7 Business Standards

Table 2. Financial Management Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Current Billing	Submits electronic request via RASPS for federal reimbursement as often as desired in coordination with FHWA	Financial Management Team (FMT) reviews electronically approves RASPS billing as coordinated with FHWA	Electronic Financial Transfer (EFT) payment posted to FDOT's account
Project Authorization/ Agreement	Submits electronic authorization request via FMIS.	FMT reviews project agreement in accordance with current standard operating procedure	Electronic approval of project agreement
Funds Transfer Requests	Review and recommend approval of transfer request to FHWA/FTA.	FHWA reviews, approves, and forwards funds transfer request to appropriate HQ personnel to adjust funding records.	Funds transferred as requested and determined eligible.
SIB Biennial Report	Prepare biennial report within 90 days from the end of the Federal FY	Review and forward to Office of Innovative Program Delivery	Biennial Report
Project Funds Management/Monitoring of Inactive Obligations	Compliance with Final Rule, ***23 C.F.R. § 630***. Review inactive projects for potential release of funds	Review balance of unexpended obligations on inactive projects.	Balance of unexpended obligations on inactive projects at or below 4% of annual apportionments
Audit Findings	Ensure Transportation related audit findings are resolved.	Monitor activities to ensure corrective actions are taken.	Audit findings are resolved timely.
Major Projects	Submit annual Financial Plans for major projects ($500 million or more) to FHWA.	Review and forward financial plan to Office of Infrastructure in Washington, D.C. for concurrence. (30 days)	Plan approved by FHWA Florida Division.
Improper Payments	Assure that adequate controls are in place to detect improper payments	Conduct review of billing transactions in accordance with the FIRE program.	Improper payments detected. Only allowable costs billed.

5.1.8 Performance Indicators/Goals

- No audit report findings in the audit of federal awards.
- Less than 4 percent unexpended obligation balance on inactive projects
- 100% usage of annual obligation authority by the end of the fiscal year.
- No funds lapsing at the end of the fiscal year.

5.2. PLANNING AND PROGRAMMING

5.2.1 Program Overview

FHWA and Federal Transit Administration (FTA) Region IV Office are jointly responsible for required approval actions such as: Certification of the metropolitan planning process in each Transportation Management Area not less often than once every four years and review and approval of the State Transportation Improvement Program (STIP) and its amendments.

Transportation Planning also includes data collection and reporting, and requires that State Transportation Agencies shall provide data that support FHWA's responsibilities to the Congress and to the public. This data includes, but is not limited to, information required for: Preparing proposed legislation and reports to the Congress; evaluating the extent, performance, condition, and use of the Nation's transportation system; analyzing existing and proposed Federal-aid funding methods and levels and the assignment of user cost responsibility; maintaining a critical information base on fuel availability, use, and revenues generated; and calculating apportionment factors.

5.2.2 FHWA provides technical expertise and assistance through participation in and meetings set up by the MPOs and FDOT that address data collection and analysis issues as well as coordination on individual topics of interest. In addition, FHWA conducts reviews of planning processes and products such as Highway Performance Monitoring System (HPMS) data, Heavy Vehicle Use Tax Enforcement, Motor Fuel etc.

FHWA participates in statewide and MPO planning activities as necessary to develop a planning finding as part of the STIP approval. FHWA and FDOT work together in the project planning phase to ensure compliance with NEPA and other applicable laws before location and design approval. Project coordination is facilitated by frequent consultation and meetings.

When submitting transportation information, FDOT agrees to follow the ***U.S. DOT Information Dissemination Quality Guidelines*** for complying with the requirements of the ***U.S. Office of Management and Budget's Guidelines*** (for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies) implementing ***Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (P.L. 106-554)***.

5.2.3 Applicable Laws, Regulations, and Procedures

- Title 23 U.S.C. Section 134 and 135
- Title 23 C.F.R. Part 450, Statewide Planning and Programming and Metropolitan Planning and Programming.
- Title 23 C.F.R. Part 420, Planning and Research Program Administration
- Title 49 C.F.R. Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments.
- Efficient Transportation Decision Making Process (ETDM) Agreements

5.2.4 Program Approval Actions

- FHWA will approve Statewide Planning and Research Programs (Part 1-Statewide Planning) and Metropolitan Unified Planning Work Programs, special studies, and the Planning (PL) allocation funds.
- FHWA will approve the State Transportation Improvement Program (STIP) and amendments thereto, and certification of Transportation Management Areas, jointly with FTA.
- FHWA will approve the Highway Performance Monitoring System (HPMS) / Traffic Monitoring System and the state's public road mileage.
- FHWA will approve urban boundaries and roadway functional classifications defining the Federal-aid highway network.

5.2.5 Project Approval Actions

Planning projects using core program funding (National Highway System, Interstate Maintenance, Bridge, Surface Transportation Program, Congestion Mitigation and Safety Program), will be authorized by FHWA only after inclusion in the approved Statewide Transportation Improvement Program (STIP).

5.2.6 Early Agency and Public Involvement

Through the ETDM planning screen planning projects will be evaluated by resource agencies and the public to determine major environmental resource and mitigation issues and impacts.

5.2.7 Monitoring

Process Reviews and other methods of oversight will be utilized, as appropriate, to support FHWA approval actions and to monitor those programs and products in which FHWA has an interest.

5.2.8 Business Standards

Table 3. Planning Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Statewide 20 Year Long Range Transportation Plan	Prepare as outlined in ***23 C.F.R. §450.214*** and Forward to FHWA and FTA	Use as basis for STIP approval per ***23 C.F.R. §450.216***	STIP development is based on this official plan
Metropolitan 20 Year Long Range Transportation Plans	Review the MPO approved plan (***per 23 C.F.R. §450.322***) and Forward to FHWA and FTA	Use as basis for STIP approval per ***23 C.F.R. §450.324***	STIP/TIP development is based on this plan
Statewide Transportation Improvement Program (STIP) Approval	Submit STIP by August 31st and required documentation	Joint approval with FTA by 9/30.	FDOT is able to proceed with authorization of Federal-aid projects

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Planning and Programming Screen	Notify FHWA ETAT members utilizing EST	Review and comment on individual projects	Comments are received by ETDM Coordinators for consideration
Planning Finding for STIP	Review and certify planning process in accordance with Federal requirements at time of STIP submittal	Review and make joint planning finding with FTA (initiated no later than 75 days in advance of STIP expiration) as part of STIP approval per ***23 U.S.C. §135 and 23 C.F.R. §450 Subparts A,B, and C***	FDOT is able to proceed with authorization of Federal-aid projects
STIP Amendments	TIP/STIP amendments are accepted once a month for inclusion in a monthly STIP amendment package. This schedule applies to all months except September. (September is the time for review of the next year's STIP.)	Joint approval with FTA, if needed. Amendments are processed no later than 10 working days.	FDOT is able to proceed with authorization of Federal-aid projects
State Planning & Research (SPR) Work Program	Prepare and Submit Annual Program Draft - submitted by 5/15 Final - submitted by 6/15	Review within 15 calendar days, no later than 6/30	Authorized and Funded Program
SPR Work Program Amendments	Prepare and Submit to FHWA as needed	Review, comment, and make determination (10 days)	Addition/reduction of contributions to existing projects and participation in new projects
HPMS Data Submittal/Process Review	Prepare and Submit per HPMS field manual; Conduct Annual Review; Conduct 3-year review. Data submitted by 6/15	Review apportionment data and make approval recommendation. FHWA report by 11/1	Future year Federal fund apportionments and needs study input
500 Series Finance Reports/Process Review	Prepare and Submit per A Guide to Reporting Highway Statistics; Conduct Annual Review; Conduct 3-year review	Review and forward information. Certification of fuel data annually	Annual Highway Statistics booklet and future apportionment factors
FHWA Grant and Specialty Programs ▪ TCSP ▪ Ferry Boat ▪ Value Pricing ▪ Federal Lands ▪ Scenic Byways	Apply for and administer funds.	Review and approve grant applications. Submit to FDOT identified lists of funded projects. Administer and authorize projects and obligate funds.	Approved grant and specialty program projects

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Public Road Mileage Certification	Prepare and submit certification as outlined in ***23 C.F.R. §460.3***	Review and recommend acceptance then forward to HQ	Apportionment of funds under ***23 U.S.C. §402(c)***
Metropolitan Unified Planning Work Program	Cooperate with MPO in plan preparation, review and comment on adopted plan, recommend approval and forward to FHWA Draft - March 20 Final - June 1	Review and make determination UPWPs per ***23 C.F.R. §450.314***. Approval by June 30	FHWA responds to FDOT's request for approval of PL funds and authorizes program
Unified Planning Work Program Amendments	Forward the MPO amendment and recommendation for approval	Make determination within 10 days.	Amended UPWP Budget or program scope can be authorized
Annual DOT / MPO Certification of the Metropolitan Transportation Planning Process	Coordinate with MPO in certification preparation, provide comments & recommendations, Review and recommend approval per ***23 C.F.R. §450.334*** when UPWPs submitted to FHWA	Concur with FDOT's recommendation for approval of self-certification. Approval of the STIP	Certified MPO and planning finding
Certification of TMAs (200,000+ population)	Participate and provide information for joint FHWA/FTA review every four years	Jointly conduct with FTA a review every four years per ***23 C.F.R. §450.334***. Develop recommendations and report that details finding of certification status.	Certified MPO and planning finding
Congestion Management Process (CMP) in TMA areas	Participate with TMA in the development and implementation of CMP. Per ***23 C.F.R. §450.320***.	Review for compliance during certification review and LRTP review.	Full range of TDM and operational and system management strategies are considered.
Metropolitan Planning Area Boundary Changes	Prepare and Submit per ***23 C.F.R. §450.312***. Copies to FHWA and FTA	Review and coordinate with MPO and FDOT to ensure that the boundaries meet statutory requirements	Established boundaries for capital project funding
Size and Weight Program	Prepare and Submit per ***23 C.F.R. §657***	Review compliance and make determination	Size and weight program is certified
Highway Systems (NHS) Functional Classification, and Urban Area Boundary Changes)	Prepare and Submit per ***23 C.F.R. §470***	Review and make determination (10 days) Submit to HQ	Designation of routes on Federal-aid highway system
Traffic Monitoring System	Verify and Update System Components	Review and recommend improvements	Continued Operations of this system

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
PL Distribution Formula and Update	Prepare and submit	Make determination (10 days)	Approved Formula for distribution of metropolitan planning funds

5.2.9 Performance Indicators

- 100% of available funding programmed in STIP
- Percent of ETAT planning or programming screen reviews performed within 45 days.
- Percent of ETAT planning or programming summary reports published within 60 days of final screening review.

5.3 ENVIRONMENT

5.3.1 Program Overview

FHWA is the lead federal agency in integrating the full range of environmental requirements under a single, unified process that results in effective and sound transportation decisions. The ***Efficient Transportation Decision Making Process*** has been developed and implemented, and is approved by FHWA as complying with applicable statutory requirements for certain EISs and other classes of environmental documents.

For all projects that require an action be taken by FHWA, FHWA Division and FDOT will work together to ensure compliance with NEPA and other applicable laws before an alternative is selected (location/design approval). The level of involvement is commensurate with the level of the environmental impacts, controversy or project complexity. FDOT has an environmental procedures manual for preparing environmental documentation that outlines the process for each class of action. FDOT, in consultation with FHWA, will maintain and update its environmental procedures manuals (***ETDM*** and ***PD&E***) in accordance with ***FDOT Procedures 650-000-002*** and ***650-000-001***, respectively. In addition, FDOT in partnership with FHWA as co-lead, has developed and maintains all ETDM agreements with the appropriate federal, state and regional resource agencies and governmental entities for joint approvals.

The successful administration of the FAHP is predicated upon FDOT's commitment to the preparation and submittal of fully completed documents in accordance with established guidelines, formats, and procedures. Environmental documents prepared by local public agencies and consultants will first be reviewed and accepted by FDOT prior to being forwarded to FHWA.

5.3.2 Applicable Laws, Regulations, and Procedures

- NEPA - 42 U.S.C. Sections 4321-4335, 23 C.F.R. Section 771, 40 C.F.R. Sections 1500-1508, DOT Order 5610.1c
- Section 4(f) - 3 U.S.C. Section 138, 49 U.S.C. Sections 303 and 23, C.F.R. 135
- Standards - 23 U.S.C. Section 109(h)
- Public Hearings - 23 C.F.R. Section 771.111(h), 23 U.S.C. Section 128
- Rules, Regulations & Recommendations - 23 U.S.C. Section 315
- Delegation of Authority - 49 C.F.R. Section 1.48(b)
- Farmland Protection - 7 U.S.C. Section 4201
- Archaeological & Historic - 16 U.S.C. Section 461, and 23 U.S.C. Section 305
- National Historic Preservation - 16 U.S.C. 470(f), Sections106, 110(d) and 110(f)
- Fish & Wildlife Coordination - 16 U.S.C. 662, Section 2
- Coastal Zone Management - 16 U.S.C. 1452, Sections 303 & 307, 15 C.F.R. Section 930
- Wild & Scenic Rivers - 16 U.S.C. Section 1271
- Endangered Species - 16 U.S.C. 1536, Section 7
- Clean Water Act - 33 U.S.C. Section 1251
- Resource Conservation & Recovery - 33 U.S.C. Section 1241
- Safe Drinking Water - 42 U.S.C. Section 300(f)
- Noise - 23 C.F.R. Section 772
- Comprehensive Environmental Response, Compensation and Liability - 42 U.S.C. Section 9601
- Clean Air Act - 42 U.S.C. Section 7401
- Title VI - 42 U.S.C. Section 2000(d)-(d4)
- Coastal Barriers Resources Act - 43 U.S.C. Subtitle A
- Protection & Enhancement of Environmental Quality - EO 11991
- Protection & Enhancement of the Cultural Environment - EO 11593 and DOT Order 5650.1
- Floodplain Management - EO 11988
- Wetland Protection - EO 11990
- Environmental Justice - EO 12898 and DOT Order 5660.1A
- Conformity Rule - 40 C.F.R. Section 51
- Interagency Consultation - 40 C.F.R. Section 51.402
- Uniform Relocation Regulation - 49 C.F.R. Section 24
- Civil Rights Act as amended

Other:

- FHWA Guidance on the Bicycle and Pedestrian Provisions of the
- Federal-aid Program - February 24, 1999
- The President's Brownfield Initiative - April 22, 1998
- National ITS Architecture and Standards
- CMAQ Program Guidance Memo - April 1999
- Interagency Sole Source Aquifer Memorandum of Understanding (MOU) - Dec. 1998 – Jan. 1999
- ETDM Streamlining Agreements

- Essential Fish Habitat
- Native American Coordination - Section 106

5.3.3 Program Approval Actions

- ETDM Agreements
- FDOT has been delegated programmatic approval authority for specific categorical exclusions.
- FDOT also acts as FHWA's non-Federal representative for informal Section 7
- ESA consultation

5.3.4 Project Approval Actions

With the exception of delegated categorical exclusions, as defined in ***FHWA/FTA/FDOT ETDM Agreement and FDOT PD&E Manual***, FHWA will be responsible for all environmental actions and approvals for all Federal-aid projects, as well as those non-Federal-aid projects requiring a FHWA approval (e.g., access approval) regardless of project oversight responsibilities. FDOT will notify FHWA of its intent to use Federal-aid funds on a project, along with planning consistency information in order for FHWA to dedicate limited staff time to proposals that meet planning requirements, and its proposed environmental classification, at the earliest possible time in the project development process. Sufficient information will be submitted to support the proposed environmental classification.

- Preparation of Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)
- When appropriate, requesting Cooperating Agencies
- Approval of non-delegated Categorical Exclusions (CE's) under FHWA, FDOT and FTA Agency Operating Agreement executed February 2003 for ETDM. For local agency projects involving non-delegated CE's, similar documentation must be submitted for FHWA approval. Delegated CE's are those on FHWA/FTA (c) list in ***23 C.F.R. Section 771***, known as Type 1 CE's in Florida and Florida Programmatic CE's based upon FHWA approval.
- Approval of Environmental Assessments (EA)
- Issuing of Findings of No Significant Impact (FONSI)
- Approval of Draft Environmental Impact Statements (DEIS)
- Approval of Final Environmental Impact Statements (FEIS)
- Issuing Record of Decision for a FEIS
- Approval of Reevaluations of environmental documents when determined to be appropriate

5.3.5 Monitoring

FHWA will monitor compliance with Federal environmental requirements through project-by-project approval actions, and may occasionally monitor implementation. Additional monitoring may be done on a program-wide basis using Process Reviews. Monitoring will also be accomplished through participation with FDOT in Quality Assurance Reviews.

5.3.6 Business Standards

Table 4. Environmental Process Actions and Review Timeframes

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Programmatic and Type-1 Categorical Exclusion	Prepare and approve	Periodic PR/PE	Approved CE
Non-Programmatic Categorical Exclusion (CE Type-2)	Prepare and submit for FHWA review and approval	Review and make determination (30 days)	Approved CE and Location Design Concept Acceptance
Environmental Assessment (EA)	Prepare and submit to FHWA for approval	Review & make determination (30 days)	Approved EA for public availability
Finding of No Significant Impact (FONSI)	Prepare and submit to FHWA for approval including Public Hearing transcript	Review and make determination (30 days)	Approved FONSI and Location Design Concept Acceptance
Notice of Intent	Prepare draft Notice of Intent and forward to FHWA	Review and revise Notice of Intent and forward for publication in the Federal Register (30 days)	Publication in Federal Register
Cooperating Agency Review of Draft Environmental Impact Statement	Prepare and submit to Cooperating Agency for review. Suggest review within 30 days	Request Legal Sufficiency review (30 days)	Cooperating Agency Comments and Legal Sufficiency Review
Draft Environmental Impact Statement (DEIS)	Prepare and submit to FHWA for approval	Review & make determination DEIS (45 days)	DEIS approved for public availability
Final Environmental Impact Statement (FEIS)	Prepare and submit to FHWA for approval including Public Hearing transcript	Review & make determination (30days)	FEIS approved
Record of Decision (ROD)	Prepare ROD and Forward to FHWA	Review, Revise, and Issue ROD (30 days)	ROD and Location Design Concept Acceptance
Draft Section 4 (f) Evaluation	Prepare and submit to FHWA for review and circulation	Review Draft Sec 4 (f) Evaluation (30 days). Distribute to Dept. of Interior for comment	Comments on Draft Sec 4 (f) Evaluation
Final Section 4 (f) Evaluation	Prepare and submit to FHWA for approval	Submit for legal sufficiency review. Approve Final Section4 (f) Evaluation, including the de minimis determination; (30 days)	Final Section 4 (f) Evaluation
Section 106 Adverse Effect Determination	Prepare and submit to FHWA	Make determination and forward to the State Historic Preservation Office (30 days)	Adverse Effect Determination
Reevaluation Process	After consultation with FHWA, prepare and submit to FHWA as appropriate	Review and make determination for project reevaluation (30 days)	Approval for project to advance to next phase
Environmental Commitment Compliance	Identify and monitor implementation	Review and periodic PR	Commitments included in PS&E

5.3.7 Performance Indicators

- Percent of type II CE completed (LDCA) within project schedule.
- Percent of EAs completed (public availability) within project schedule.
- Percent of DEIS completed (public availability) within project schedule.
- Percent of FONSI completed (LDCA) within project schedule.
- Percent of FEIS-ROD completed (LDCA) within project schedule.
- Percent of NEPA commitments included in PS&E documents

5.4 RIGHT-OF-WAY

5.4.1 Program Overview

The purpose of this section is to address the right-of-way (ROW) functional areas of appraisal, acquisition, property management, and relocation assistance, the principal activities used to acquire real property for the construction, operation, or maintenance of federally funded highway projects. Highway beautification (i.e., outdoor advertising control), a ROW related activity, is also addressed in this section. ROW activities are addressed in the ***Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Uniform Act) and 49 C.F.R. Section 24***, which has no provision for exemptions under ***Title 23 U.S.C. The Uniform Act and the rules of Titles 49 and Title 23 of the C.F.R.*** apply in situations where Federal-aid is being used to fund the NEPA, ROW, preliminary and final design, or construction phases of the project, and to State, local, and privately funded early ROW acquisition (pre-FHWA NEPA approval) in advance of projects that will use Federal funds in the NEPA, ROW, preliminary and final design, or construction phases of a project. The work activities listed below are covered under ***Title 23 C.F.R.*** and require specific approval and/or oversight by FHWA:

- Right of Way (ROW) certification
- ROW Operations Manual
- ROW authorization
- Air rights on the interstate, including airspace leases and joint use agreements
- Sale/transfer of excess ROW
- Advance acquisition, including protective buying and hardship acquisition
- Functional replacement
- Highway beautification

The work activities listed below are covered in ***Title 23 C.F.R.*** and do not require specific program or project approvals, but are not exempted from FHWA oversight under ***Title 23 U.S.C***.

- Direct eligible costs including administrative, legal and court settlements.
- Real property donations

5.4.2 Applicable Laws and Regulations

The following Federal laws and regulations apply to ROW acquisition for Federal-aid projects and to Highway beautification activities along controlled routes:

- 42 U.S.C. Section 61, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
- 23 U.S.C. Section 108, Advance Acquisition of Real Property
- 23 U.S.C. Section 111, Agreements relating to use of and access to rights-of-way – Interstate System
- 23 U.S.C. Section 156, Proceeds from the Sale or Lease of Real Property

- 23 U.S.C. Section 323, Donations and Credits
- 23 U.S.C. Section 131, Control of Outdoor Advertising
- 49 C.F.R. Section 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs
- 49 C.F.R. Section 18, Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments
- 23 C.F.R. Section 620, Subpart B, Relinquishment of Highway Facilities
- 23 C.F.R. Section 635.309, Right-of-Way Certification
- 23 C.F.R. Section 710, Right-of-Way and Real Estate
- 23 C.F.R. Section 750, Highway Beautification

5.4.3 Program Approval Actions

ROW program approval actions are to be handled in accordance with the following:

- **ROW Operations Manual**

  In compliance with ***23 C.F.R. Section 710.201(c)***, FDOT has submitted to FHWA a manual which clearly describes FDOT's ROW organization, policies, procedures, and practices it will follow in acquiring ROW for Federal-aid projects. The manual is updated periodically for FDOT's internal use, and is designed to assist FDOT and local agency ROW personnel in complying with both State and Federal laws, regulations, directives, and standards.

  Revisions or new additions to the manual are to be submitted to FHWA for acceptance within a reasonable period of time. In-house administrative manual changes should be transmitted to FHWA for informational purposes.

  In accordance with ***23 C.F.R. Section 710.201(c)***, FDOT shall certify to FHWA every five years following January 1, 2001 that the manual is current and in compliance with Federal and State laws and regulations.

- **Title 23 C.F.R. Approval Actions**

  In order to implement clear lines of authority between FDOT and FHWA, and to streamline the partnership process, all Federal ROW approval actions outlined in ***Title 23 C.F.R.*** will remain as published, except that the below identified delegated project and program actions not on the Interstate system will be administered by FDOT Office of ROW Director. FHWA approval will still be required for all projects and program actions on the Interstate system, and for all authorizations of Federal-aid ROW projects. Delegated ***Title 23 C.F.R.*** approval actions include:

  - ROW certification for advertisement of construction bids ***(23 C.F.R. Sections 635.309(b),(c),(g), and (h))***;
  - Protective buying and hardship acquisition ***(23 C.F.R. Section 710.503)***;
  - Use of ROW airspace ***(23 C.F.R. Section 710.405)***;
  - Disposal of excess ROW ***(23 C.F.R. Section 710.409)***; and
  - Functional replacement of publicly-owned facilities ***(23 C.F.R. Section 710.509)***

5.4.4 Project Approval Actions

Federal aid ROW projects will be authorized by FHWA provided the project is included in the State Transportation Improvement Plan (STIP) and the project is supported by a current (generally not older than 6 months) ROW cost estimate.

5.4.5 Monitoring

Monitoring will be accomplished on a program-wide basis using Process Reviews and/or Joint Quality Assurance Reviews with FDOT Office of ROW personnel. Monitoring of compliance with ***Title 23 C.F.R.*** requirements will be limited to the Interstate system unless specific instances of non-compliance are called to FHWA's attention, or FHWA assistance is specifically requested by FDOT.

5.4.6 Business Standards

Table 5. ROW Process Actions and Review Timeframes

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
ROW Authorizations and Agreements ***(23 C.F.R. §710.203)***	Requests	Electronic Signature – All Projects (5 days)	ROW Authorization & Agreement
ROW Certification ***(23 C.F.R. §§ 710.311 and 635.309}***	Request (Interstate) Approve (non-Interstate)	Review and make determination Interstate projects (5 days)	ROW Certificate
Air Rights ***(23 C.F.R. 710.405)***	Request (Interstate) Approve (non-Interstate)	Review and make determination for Interstate (10 days)	Airspace Agreement
Leases/Joint Use agreements ***(23 C.F.R. §710.407)***	Request (Interstate) Approve (non-Interstate)	Review and make determination for Interstate (10 days)	Lease/Joint Use Agreement
Disposal of Excess ROW ***(23 C.F.R. § 710.409)***	Request (Interstate and less than FMV) Approve (non-Interstate)	Review and make determination Interstate and less than FMV (10 days)	Property Sale & Revenue for ***Title 23 U.S.C.*** eligible projects
Access Control – Disposal or Changes ***(23 C.F.R. §710.401)***	Request (Interstate) Approve (Non-Interstate)	Review and make determination Interstate (10 days)	Access Control Disposal or Change
Federal Land Transfer ***(23 C.F.R. §710.601)***	File application with FHWA if federal agency lacks authority to grant real property interests.	Review and make determination (120 days)	Executed Deed for Conveyance
Advanced Acquisition - Hardship Acquisition & Protective Buying ***(23 C.F.R. § 710.503)***	Request (Interstate) Approve (non-Interstate)	Review, approve, & authorize Interstate (10 days)	Property Ownership
ROW Operations Manual ***(23 C.F.R. §710.201(c))***	Submit manual or changes	Review and make determination (10days)	Approved Manual or changes
Highway Beautification Manual ***(23 C.F.R. § 750.304)***	Submit manual or changes	Review and make determination (10 days)	Approved Manual or changes

5.4.7 Performance Indicators

- Percent of action items from QAR or process review findings implemented within required time frames.
- Percent projects certified vs. planned.
- Percent parcels acquired vs. planned.

5.5 DESIGN

5.5.1 Program Overview

On the program level, FHWA approves design standards for new construction, reconstruction, resurfacing, restoration, or rehabilitation of the Interstate System and other highways on the National Highway System (NHS) – excluding toll roads – within the State of Florida. FHWA provides guidance to FDOT and other public agencies on the implementation of and conformance to federal laws, regulations, and policies pertaining to preliminary and detailed design activities.

Through full oversight on a limited number of projects, FHWA formally reviews and approves various engineering-related submissions, participates in project development decisions through routine review of design plans, ensure the design parameters and environmental commitments imposed on projects through the NEPA decision remain satisfied and determine the eligibility of Federal-aid participation in the cost for items of work. Environmental commitment compliance is tracked as shown in table 5.3.6. Included in this effort, as necessary, FHWA will process and formally evaluate proposed exceptions to minimum design criteria (Design Exceptions) or ***Interchange Justification/Modification Reports (IJR/IMR)***.

5.5.2 Applicable Laws, Regulations, and Procedures

- ***AASHTO "A Policy on Geometric Design of Highways and Streets"*** is the required standard for multi-lane limited access NHS facilities.
- ***AASHTO "A Policy on Design Standards for the Interstate System"*** is the required standard for Interstate facilities.
- ***AASHTO "LRFD Bridge Design Specifications"*** is the required standard for all bridges.
- LAP Manual Guidelines apply to local agency administered non-NHS projects.
- FDOT Specifications apply to all local agency administered projects on the NHS and State administered non-NHS facilities.
- Specifications must comply with ***LAP Manual Guidelines*** for all local agency administered projects on all other local facilities.
- ***FDOT Plans Preparation, Structures, Drainage and Pavement (Rigid and Flexible) Design Manuals and the LAP Manual*** will apply to State administered non-NHS as well as State and local agency administered non-limited access NHS facilities.
- ***FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways and the LAP Manual*** will apply to local agency administered projects on all other local facilities.

- 23 U.S.C. Sections 101-104, 106, 109-116, 123, 127-130, 137, 138, 144, 215, 306, 308, 311, 315, 319, 320
- 23 C.F.R. Part 625 Design Standards for Highways
- 23 C.F.R. 626 Pavement Policy
- 23 C.F.R. 627 Value Engineering
- 23 C.F.R. 630 Pre-construction Procedures
- 23 C.F.R. 635 Material and Product Selection
- 23 C.F.R. 636 Design-Build
- 23 C.F.R. Certification Acceptance
- 23 C.F.R. 645 Utilities
- 23 C.F.R. 646 Railroads
- 23 C.F.R. 650 Bridges
- 23 C.F.R. 652 Pedestrian and Bicycle Accommodations and Projects
- 23 C.F.R. 655 Traffic Operations, Manual on Uniform Traffic Control Devices (MUTCD)
- 23 C.F.R. 658 Truck Size and Weight, Route Restrictions – Length, Width and Weight Limitations
- 23 C.F.R. 750 Highway Beautification
- 23 C.F.R. 752 Landscape and Roadside Development
- 33 C.F.R. 401 Construction of Bridges, Causeways, Dams or Dikes Generally; Exceptions
- 33 C.F.R. 403 Obstruction of Navigable Waters Generally
- 33 C.F.R. 511-524 Alteration of Bridges

5.5.3 Approval Actions for Federally-Funded Projects

Project related approval actions will be taken by FHWA (F), the State (S), or Local Agency (L) as shown below.

Table 6. Approval Actions

Action	Full Oversight	Delegated- State Oversight		Delegated - Local Agency		
	Any System	Interstate	Other Systems	NHS*	State Admin Non-NHS	Local Non-NHS
a. Funds Authorize & Modification	F	F	F	F	F	F
b. Exceptions to Design Stds.	F	F	S	S	S	L
c. Final Design Approval (incl. Preliminary & advanced Detail bridge plan)	F	S	S	S	S	L
d. Buy America wavier	F	F	F	F	F	F
e. Proprietary. Item, public interest finding	F	S	S	S	S	S
f. Proprietary Item, certification statement by contracting agency	S	S	S	S	S	S
g. Plans, Specifications and Estimates Approval	F	S	S	S	S	S
h. Addenda for major changes** to PS&E package or design-build RFP during advertising period	F	S	S	S	S	S

i. State furnished material cost effective determination	F	S	S	S	S	S
j. Concurrence in Award	F	S	S	S	S	S
k. Experimental work plans	F	F	F	S	S	S
l. Tied/Irregular Bids	F	S	S	S	S	S
m. State/Local Force Account	F	S	S	S	S	S

* Actions involving the Interstate cannot be delegated to local agencies
**Major changes are those that significantly affect the cost of the project (>$50,000) or alter the termini, character, or scope of the work.

Table 7. Other Federal Approval Actions

Action	Interstate System	NHS	State Admin Non-NHS	Local Non-NHS
a. Interchange Addition or Modification	F	S	S	L
b. Permanent Access Control Changes	F	S	S	L
c. Construction Access Control Changes including temp. median crossovers	F	S	S	L
d. Change in lane/shoulder use or operation	F	S	S	L
e. Use of ROW with Air Space Agreements	F	S	S	L
f. Intermodal (rail, etc.) use of ROW	F	S	S	L
g. Maintenance Agreements	F	S	S	L

5.5.4 Program Approval Actions

5.5.4.1 Design Monitoring Program

The overall purpose of the design monitoring program is to establish procedures for assuring that projects are designed and PS&E packages are prepared in accordance with applicable rules and regulations. Design monitoring of all Federal-aid projects will be accomplished by FHWA through the project-by-project monitoring of eligibility determinations and environmental document approvals. In addition, all full oversight projects will be monitored through the use of individual project approval actions and project design reviews. All other monitoring of design will primarily be done on a program-wide basis using process review procedures.

It is FHWA policy that FHWA personnel make sufficient reviews of Federal-aid highway projects to assure that they are designed in accordance with applicable standards and in consideration of appropriate cost-effectiveness strategies. The monitoring of non-full oversight projects operations should include the review of a sufficient number of project designs to assure consistency with the terms of the individual Partnership Plan. Design and operation reviews of a sample of completed Federal-aid projects should be made to assure the adequacy of current design practice.

5.5.4.2 Full Oversight

For Federal full oversight projects the primary objectives of the design monitoring program are:

- To maintain a close working relationship between FHWA and FDOT project development personnel.
- To promote early involvement in the joint decision making process.

- To make value added input at appropriate points in the project development process.
- To ensure the integrity of the Interstate system through the review and approval of layouts and Interstate access point additions or modifications.
- To promote context sensitive design concepts and to ensure that environmental commitments are incorporated in construction contract documents.
- To promote improved safety through appropriate use of design standards and guidelines.
- To assure compliance with applicable Federal Statutes, regulations, Executive Orders, and all FHWA Directives and Standards.

5.5.4.3 There are three types of design reviews that will be undertaken by FHWA for full oversight projects.

(1) Initial Reviews: The purpose of initial reviews is to become involved in developing the scope of a project, including development of an environmental document. Early involvement maximizes FHWA's ability to participate in FDOT design decisions where FHWA engineer will be able to determine when major, complex, or unusual design features are involved and whether onsite field inspection and/or a higher level of expertise on specific issues is required. Initial reviews typically occur during the PD&E phase of the project's development.

(2) Intermediate Reviews: These reviews are accomplished during the time the design concepts and major design features are becoming finalized. Intermediate reviews assure that appropriate design considerations are used during project development, to assure that environmental commitments are observed, to assure cost-effective design alternates are considered, and to evaluate the quality of the product. On complex projects a formal onsite plan-in-hand review should be conducted and a review team approach will be considered. Intermediate reviews will coincide with submittal phases for plan reviews outlined in the Plans Preparation Manual.

(3) Plans, Specifications and Estimates (PS&E) Reviews: These are the last reviews in the preparation of project documents, allowing project authorization to take place. The reviews may utilize a checklist approach and should generally not involve a design review.

5.5.4.4 Delegated Oversight Projects

In those instances where FDOT has been delegated the authority to act for FHWA in design monitoring, a similar type of program of independent reviews shall be conducted. FHWA monitoring of non-full oversight projects operations should include the review of a sufficient number of project designs to assure consistency with the terms of the individual Partnership Plan through two additional types of design reviews.

(1) Design Process Reviews: These reviews evaluate the adequacy of the processes and procedures used by FDOT on design activities. Their purpose is to provide oversight and control of design methods, techniques, procedures and policies on a statewide basis. Process reviews can be broad in scope, covering

a major design activity such as preliminary plan development, or PS&E preparation, or they can be more specific, covering such elements as geometrics, pavement design, safety, structures, etc. All process reviews should include a sufficient sampling of actual products and/or projects to assure that the process is producing the intended results.

(2) Design and Operation Reviews: These reviews are undertaken for 90-95% complete construction projects to evaluate the effectiveness of current design policy and detect design features that can be improved. The reviews should be conducted using a team approach with representatives from various functional areas. Projects should be open to traffic before being considered as candidates for a design and operation review.

5.5.5 Design Standards

For all new construction, reconstruction and resurfacing, restoration, and rehabilitation (3R) projects on the NHS, FDOT design standards (i.e., FDOT ***Design Standards***, ***Plan Preparation Manual***, the ***Structures Manual***, other design manuals, and ***Specifications***), approved by FHWA Division Office as meeting or exceeding AASHTO apply. For standards not specifically listed in these manuals, AASHTO design standards, approved by FHWA Headquarters Office, will apply. These standards apply to all NHS projects regardless of funding sources. FHWA Division Office approval is required for all standard plans, amendments, specifications, and general special provisions, intended for use on Federal-aid construction projects on the NHS.

FDOT design standards apply to all work on State administered non-NHS Federal-aid highways. Separate State standards ***(i.e. FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways)***, will apply for local agency administered projects on non-NHS Federal-aid local highways. FDOT agrees to notify FHWA promptly of all major policy changes to these statewide standards.

5.5.6 Business Standards

Table 8. Design Monitoring Process Actions and Review Timeframes

WORK ACTIVITY	FULL FEDERAL OVERSIGHT PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS OFF THE NHS	
	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION
Preliminary and intermediate design plans	Submit 15 days before FHWA response due	Review and Comment (10 Days)	Prepare and Comment	None	Prepare and Comment	None
Design Exceptions	Submit 20 days before FHWA response due	Make determination (15 Days)	Approve	None	Prepare and Approve	None
Engineering and Operations Analysis (Necessary for Interstate Access Modification)	Submit 20 days before FHWA response due	Make determination (15 Days to Approve or forward to HQ for Approval)	Prepare	Make determination (15 Days to Approve or forward to HQ for Approval)	N/A	N/A

WORK ACTIVITY	FULL FEDERAL OVERSIGHT PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS OFF THE NHS	
Value Engineering Annual Summary	Submit 15 days before FHWA response due	Make determination and forward to HQ (10 days)	Complete	Make determination and forward to HQ (10 days)	Not Required	None
Public Interest Finding (Special Products, Sole Source Specs, Proprietary Items, etc.)	Submit 15 days before FHWA response due	Make determination (10 Days)	Prepare and Approve	None	Prepare and Approve	None
Proprietary Items, Self-Certification	Prepare and Approve	None	Prepare and Approve	None	Prepare and Approve	None
Bridge Preliminary Plan Review (TS&L, structure type, & foundation review) for projects with bridge costs greater than $10 million	Submit 15 days before FHWA response due	Make determination (10 days)	Prepare	Provide Technical Assistance	Prepare	Provide Technical Assistance
Addenda for major changes** to PS&E or design-build RFP	Submit 5 days before FHWA response due	Make determination (5 days)	Prepare and Approve	none	Prepare and Approve	None
Plans, Specifications and Estimates (PS&E)	Submit 15 days before FHWA response due	Make determination (10 Days)	Prepare and Approve	None	Prepare and Approve	None
New/revised Design Standards (Drawings, Manuals, Std. Specifications)	Submit 20 days before FHWA response due	Minor Revision: None Major Revision: Approve (15 days)	Prepare	Minor Revision: None Major Revision: Approve (15 days)	Prepare	None

** See ***Section 5.5.3*** for definition of major changes

5.5.7 Performance Indicators

- Constructability grade on plans after construction project is completed.
- Percent change from Initial Estimate to Official Estimate.
- Percent change from Official Estimate to the awarded Low Bid.
- Percent of avoidable design errors (vs. construction cost).
- Percent of projects actually let compared to the number of projects planned.
- Number of plan revisions on projects let in Central Office.

5.6 CONSTRUCTION

5.6.1 Program Overview

FHWA is required to assure compliance with Federal-aid contract provisions on all projects that utilize Federal-aid funds. Federal responsibility includes assurance that specific procedures are followed in the advertisement and award of Federal-aid contracts. FHWA specific contract administration responsibilities in accordance with Federal law include (but are not limited to):

- Project Authorization
- Competitive Bidding
- Contract Awards
- ***FHWA Form 1273*** provisions

By law, FHWA is responsible for the inspection of construction projects utilizing Federal aid funds. The primary purpose of FHWA review and administration in construction is to protect the public investment, assure effective quality controls, and to verify that the project is completed in accordance with the plans, specifications and special provisions. Federal regulations allow the delegation of FHWA construction review, oversight and administration responsibilities, except those based on ***non-Title 23 USC*** Federal requirements to the state DOT. FHWA specific construction monitoring responsibilities include partnership in the following areas (but not limited to):

- Quality Control and Improvement
- Contract Claims
- Change Orders
- Payment to Contractor
- Time Extensions
- Liquidated damages

5.6.2 Applicable Laws, Regulations, and Procedures

- 23 U.S.C. Sections 106, 114, 121 apply to all Federally funded NHS projects
- 23 C.F.R. Sections 635, 637,640 apply to all Federally funded NHS projects
- 23 C.F.R., certain provisions apply to Federally funded non-NHS projects
- FHWA Technical Advisory 5080.4 (TA 5080.4), Preparing Engineer's Estimate and Reviewing Bids
- FDOT Construction Projects Administration Manual (CPAM), Topic No. 700-000-000

5.6.3 Program Approval Actions

- FHWA will have specific approval authority for the authorization and obligation of Federal-aid funds for all Federal-aid projects.
- FHWA will approve FDOT ***Standard Specifications*** and ***Supplemental Specifications*** on a program basis to facilitate project approvals.

5.6.4 Project Approval Actions

- FHWA will approve all project and construction authorizations.
- FHWA will approve project agreements, modified project agreements and final vouchers on all projects.
- FHWA will conduct routine project and final inspections on FHWA Oversight projects.
- For all other Federal NHS and non-NHS projects, FHWA may conduct inspections, including finals, on a statewide sampling basis through QAR or process reviews.

Per the criteria established for each of these procedures, the following chart establishes the contract administration and oversight responsibilities for FHWA (F), FDOT (S), and the Local Agencies (L):

Table 9. Contract Administration & Oversight Responsibilities

Action	Full Oversight	Delegated- State Oversight		Delegated - Local Agency*	
	Any System	Interstate	Other Systems	NHS*	Non-NHS
Construction Fund Authorization, modified project agreements, final vouchers	F	F	F	F	F
Changes/Extra Work/ Claims/Eligibility	F&S**	S	S	S	S
Non-Participation Approval	F	S	S	S	S
Project Inspections	F	S	S	S	S&L
Final Inspection	F	S	S	S	S&L
Final Acceptance	F	S	S	S	S

* Actions involving the Interstate cannot be delegated to local agencies
**Prior FHWA approval is required for major changes and claims, those that exceed $50,000 in value

The following chart establishes responsibilities for preparation of project closing documents:

Table 10. Project Closing Responsibilities

Action	Full Oversight	Delegated- State Oversight		Delegated - Local Agency	
	Any System	Interstate	Other Systems	NHS	Non-NHS
Material Certification	S*	S	S	S	L**
List of Change Orders	S*	S	S	S	L**
FDOT Final Accept. Date	S	S	S	S	S
Comparison of Quantities	S*	S	S	S	L**

*Required submission to FHWA.
**Required submission to FDOT

5.6.5 Construction Monitoring Program

The primary objectives of the construction-monitoring program are:

- To maintain a close working relationship between FHWA and FDOT field and Central Office construction staff.
- To evaluate FDOT's control of the projects and the quality and progress of work.
- To promote improvements.
- To assure that projects are completed in reasonably close conformance with the approved plans and specifications and approved changes.

5.6.6 Business Standards

Table 11. Construction Process Summary Table

WORK ACTIVITY	FULL FEDERAL OVERSIGHT PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS OFF THE NHS	
	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION
Concurrence in Contract Award	Recommend and submit 10 days before FHWA response due	Review and Concur (5 days)	Approve	None	Approve	None
Rejection of bids	Recommend and submit 10 days before FHWA response due	Review and Concur (5 days)	Approve	None	Approve	None
Supplemental Agreements	Recommend and submit 15 days before FHWA response due	Review & make determination (10 days)	Approve	None	Approve	None
Claims Settlements	Recommend and submit 20 days before FHWA response due	Approve (15 days)	Coordinate with the AG's office	None	Coordinate with the Office of Inspector General	None
Time Extensions & Suspension of work	Recommend and submit 15 days before FHWA response due	Approve (10 days)	Approve	None	Approve	None
Executed Contract	Prepare and Approve	Information	Approve	None	Approve	None
Initial Construction Inspections	Information	Conduct and Prepare Report (10 days)	Conduct	None	Conduct	None
Intermediate Construction Inspection	Information and/or action	Conduct and Prepare Report (10 days)	Conduct	None	Conduct	None
In-depth Construction Inspection	Information and/or action	Conduct and Prepare Report (10 days)	Conduct	None	Conduct	None

WORK ACTIVITY	FULL FEDERAL OVERSIGHT PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS ON THE NHS		STATE ADMINISTERED PROJECTS OFF THE NHS	
	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION	FDOT ACTION	FHWA ACTION
Final Construction Inspection	Information and/or action	Conduct and Prepare Report (10 days)	Conduct and Prepare Report	None	Conduct & Prepare Report	None
State Construction Engineer's Certificate of Final Acceptance	Prepare, Approve, and Submit to FHWA	Accept	Prepare and Approve	Information	Prepare & Approve	None
Materials Certification	Prepare	Information	Prepare and Approve	Information	Prepare and Approve	None
Labor Compliance	Check payrolls monthly	Review as needed	Check payrolls monthly	None	Check payrolls monthly	None
Buy America Waiver	Recommend and submit 20 days before FHWA response due	Approve (15 days)	Prepare	Approve	Prepare	Approve

5.6.7 Performance Indicators

- % Cost Increase Over Original Amount; Target < 10%
- Percent of contracts (completed) with <10% cost increase.
- Percent of contracts (completed) with <20% time increase.
- CEI costs as percent of construction budget.
- % Time Increase of Original Days; Target < 20%

5.7 MAINTENANCE

5.7.1 General Overview

Title 23 U.S.C. defines maintenance as, "…the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for safe and efficient utilization of the highway." ***Title 23 U.S.C.*** further requires a State transportation department to maintain each project constructed with Federal-aid funds until such time that it no longer constitutes a part of the Federal-aid system. It is FHWA's role to see that maintenance of Federal-aid projects is adequate and to provide technical assistance in disseminating information on successful maintenance techniques.

Routine maintenance is not eligible for Federal-aid. Preventive maintenance activities are eligible for Federal-aid provided FDOT demonstrates to FHWA's satisfaction that the activity is a cost-effective means of extending the useful life of a Federal-aid highway. Bridge inspection costs are eligible including those performed as part of asset maintenance contracts. This section of the ***Partnership Agreement*** pertains to maintenance activities and the management of maintenance activities that are

required to be accomplished by FDOT (or caused to be accomplished by FDOT) to fulfill its responsibility under ***Title 23 U.S.C.***

5.7.2 Applicable Laws, Regulations, and Orders

- 23 U.S.C. Section 116
- 23 U.S.C. Section 129
- 23 C.F.R. Section 635

23 U.S.C. Section 116 requires the state to maintain, or cause to be maintained any project constructed with Federal-aid funds whether on or off the NHS. FHWA is responsible for maintenance monitoring of all Federal-aid projects.

> **Note:** The requirement of **23 *C.F.R. Section 635, Subpart E***, that a State's annual certification that an Interstate was being maintained in accordance with Interstate maintenance guidelines was eliminated under ***TEA-21 Section 1306(a)***.

5.7.3 Program Approval Actions

Other than the ***Section 129 Certification Statement for Roads with Toll Agreements***, there are no reporting or approval actions to FHWA associated with maintenance activities or the management of maintenance activities that are required to be accomplished by FDOT (or caused to be accomplished by FDOT).

5.7.4 Project Approval Actions for Asset Maintenance Contracts (that include federal funding for bridge inspection)

(1) FDOT submits to FHWA the scope and cost components (Average unit cost per inspection type, and load rating based on historic actual unit costs) for the eligible bridge inspection work included in FDOT's Asset Maintenance Contracts (AMC).
(2) FHWA reviews and approves the average unit cost per inspection type and load rating.
(3) FHWA reviews and approves the amount authorized for bridge inspection cost.
(4) FHWA reimbursement is based on the unit cost per inspection type, with consideration of annual inflation rate, multiplied by the actual number of bridges inspected.
(5) FDOT provides quarterly report that shows the actual number of each type of bridge inspection and load rating performed.
(6) FDOT provides an annual report to FHWA documenting FDOT's experiences incorporating bridge inspection into the AMC's.

5.7.5 Monitoring

5.7.5.1 Routine maintenance

FHWA maintenance monitoring activities are a continuous process as FHWA staff observes highway conditions during their routine travel activities. Maintenance

deficiencies observed during official travel will be reported or documented to the appropriate FDOT personnel. Follow-up activities, if necessary, will be performed by FHWA representatives.

FDOT will offer FHWA an opportunity to participate in post construction reviews. These reviews will focus on identifying and correcting any design deficiencies that would require abnormally heavy maintenance.

5.7.5.2 Preventive Maintenance

FHWA Preventive Maintenance (PM) monitoring activities will be done on a programmatic basis. In-depth maintenance reviews, as appropriate, may be developed and conducted. The items included in process reviews will be influenced by either FHWA or FDOT's observations of perceived strengths and/or weaknesses in FDOT's PM program or activities. Deficiencies observed will be reported to the appropriate FDOT personnel. Follow-up activities, if necessary, will be performed by FHWA.

FHWA staff may assist FDOT in developing preventative maintenance programs, identifying and approving eligible activities, and providing information on best practices, procedures, and technologies.

5.7.5.3 Asset Maintenance Contracts for Bridge Inspections - FHWA Asset Maintenance Contracts (AMC) monitoring activities may be completed on a contract or programmatic basis. In-depth reviews, as appropriate, may be developed and conducted. The items included in process reviews will be influenced by either FHWA or FDOT's observations of perceived strengths and/or weaknesses in FDOT's AMC. Deficiencies observed will be reported to the appropriate FDOT personnel. Follow-up activities, if necessary, will be performed by FHWA.

5.7.6 Business Standards

Table 12. Maintenance Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Routine Maintenance Of Federal-aid highways	Adequately maintain highways	Conduct windshield and PR/PE reviews and in-depth inspections	Division will provide all findings to appropriate FDOT personnel
Federally funded PM (individual activities)	Identify individual PM activities or projects for Federal eligibility	Review and Approve (10 days)	List of Approved Activities
23 U.S.C. Section 129 Certification Statement for toll roads	Submit annually to FHWA by September 30	Review and make determination (10 days)	Free up excess toll revenues for other ***Title 23 U.S.C.*** activities obligations
PM Technology Transfer	Identify and Propose technology transfer activities	Assist FDOT in identification, marketing, and implementation	Improved PM program

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Asset Maintenance Contract (AMC) eligible Local bridge inspections work	Submit to FHWA scope and estimated cost (average unit cost) components per inspection type, and load rating.	Review and make determination	Establish approved activities and authorization amount
AMC Bridge Inspections	Submit to FHWA a quarterly AMC report showing numbers of types of inspections, and load ratings performed by March 1, June 1, Sept 1, and Dec 1 of each year.	Review and comment	Establish federal reimbursement amount
AMC reimbursement cost	Submit voucher to FHWA based on average unit cost per inspection type and actual number of bridges inspected	Review and make determination	Reimburse for activities
AMC Bridge Inspection Evaluation Annual Report	Submit to FHWA a report of FDOT's advantages, disadvantages, or problems in utilizing AMC by Dec 1 of each year.	Review and comment	Evaluate AMC's under SEP-14

5.7.7 Performance Indicators

- Maintenance condition rating >80 for state system.

5.8 EMERGENCY RELIEF (ER)

5.8.1 Program Overview

Emergency Relief (ER) is a special program that uses non-formula funds for the repair or reconstruction of Federal-aid highways that have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program supplements the resources of States, their political subdivisions, or other Federal agencies to help pay for unusually high expenses resulting from extraordinary conditions.

ER funds are not intended to cover all damage repair costs nor interim emergency repair costs that will necessarily restore the facility to pre-disaster conditions. Disasters must be of such magnitude as to be considered extraordinary to be considered for ER funding. To be considered extraordinary, the estimated Federal portion of the damage must exceed a threshold of $700,000. Individual sites must have estimated repairs in excess of $5,000 in total cost to be eligible.

5.8.2 Applicable Laws, Regulations, and Procedures

- 23 C.F.R. Section 668
- Title 23 U.S.C. Section 125

5.8.3 Program Approval Actions

(1) FDOT must specifically request assistance under the ER program for each natural disaster or catastrophic event. This should be initiated with a letter of intent to seek ER funds as soon as it is evident that there is eligible damage. (See FHWA ***ER Manual*** for sequence of events.)
(2) FHWA will respond to written requests for ER assistance with a letter of acknowledgement and brief instructions on how to proceed.
(3) Following an FDOT/FHWA/Local Public Agency (if applicable) site-by-site inspection, FHWA and FDOT will jointly prepare a ***Detailed Damage Inspection Report (DDIR)*** to support the request to FHWA Headquarters for an ER funding allocation. Depending on the extent of damage, FHWA may elect to perform a sampling of site inspections rather than visit every site.
(4) FDOT submits a formal request to FHWA Division for funding. After review FHWA Division submits a request to Headquarters for an ER allocation.
(5) FDOT compiles the program of projects and formally submits the projects to FHWA for approval.

5.8.4 Project Approval Actions

(1) FHWA's Acknowledgement Letter will establish a date of eligibility for the event such that the emergency repairs and protective measures can be undertaken immediately. This type of work is normally categorically exempt in NEPA by definition. Contracts to do this type of emergency repair may be accomplished with abbreviated procedures; however, this permission will be indicated on emergency section of the completed DDIR for each site.
(2) FHWA will inform FDOT of the projects which are to be considered full oversight by FHWA and which projects are to be state oversight. Because of the nature of the ER program, thresholds and criteria used normally to determine federal oversight may not be applicable for a particular disaster or damaged site.
(3) For ER permanent repair projects, normal Federal-aid procedures and requirements will apply. NEPA must be completed, the PS&E must be approved & funds must be authorized before the project is advertised.
(4) All ER projects that do not fall into the category of emergency repairs required to protect the facility from further damage or keep the route open for the safe flow of traffic, require the normal environmental approval per the established programmatic agreements between FHWA and FDOT.

5.8.5 Monitoring

- FHWA will conduct periodic and final inspections of all ER projects requiring federal oversight.
- FHWA will conduct final inspection of other ER projects (state oversight, LAP) using a sampling method.

- FHWA's and FDOT's Office of Inspector General (as mutually agreed) will perform audits on a sample of projects to review the contracts, pay item eligibility, and the adequacy of invoice documentation.

5.8.6 Business Standards

- FHWA will respond to an FDOT Letter of Intent to seek ER funds within 10 working days with an Acknowledgement Letter.
- FDOT and FHWA will complete a reasonable survey of the damage and a DDIR within 4 to 8 weeks of the event. This may vary depending on the area of impact of the disaster and will be extended if another event occurs within this same period.
- FHWA will respond to FDOT requests for ER disaster eligibility supported by the ***Damage Survey Report*** within 10 days to provide an eligibility determination.
- FDOT will execute emergency and permanent contracts to repair ER eligible sites in compliance with federal regulations.

Table 13. Emergency Relief Program

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Identify need for emergency relief funds in the even of a natural disaster or catastrophic event	Document intent to apply for federal emergency relief funds by submitting written request to FHWA	Acknowledge FDOT application letter and notify FHWA HQ of initial damage estimate	FDOT request will register on FHWA HQ list of states requiring federal emergency relief funds
Document damage via formal damage survey report and DDIRs	Perform damage survey of affected sites to prepare final estimate for funding request	Perform damage survey and review FDOT request; determine ER eligibility of sites	Send final estimate needed for emergency repairs to FHWA HQ; list of emergency-eligible and permanent repair projects generated
Reimbursement of emergency repair work projects	Ensure federal regulation compliance and provision of supporting documentation for ER project invoices	Review of reimbursement invoices and supporting documentation for compliance with federal regulations	Timely and complete reimbursement payments to FDOT

5.8.7 Performance Indicators

- Unexpended dollar balance of ER projects previously authorized in prior years.

5.9 SAFETY

5.9.1 Program Overview

FDOT has the responsibility for carrying out the State's Highway Safety Improvement Program. FHWA exercises its oversight responsibilities through review of the annual programs, review of program processes, and review of annual reports. FHWA and FDOT will work together on safety issues related to geometric design, roadside safety, safety appurtenances, the highway safety improvement program, work zone safety and

traffic control, pedestrian safety and bicycle safety, safe routes to school program, High Risk Rural Road Program, and the Florida Strategic Highway Safety Plan (SHSP).

The following is a general description of the "core" Highway Safety Improvement Program (HSIP) requirements.

5.9.1.1 To obligate "core" safety funds FDOT must have in effect an HSIP under which FDOT:

(1) Leads Florida's efforts in the development and implementation of a Strategic Highway Safety Plan (SHSP) that identifies and analyzes highway safety problems and opportunities to reduce fatalities and serious injuries;
(2) Produces a program of projects or strategies to reduce identified safety problems;
(3) Coordinates the evaluation of the SHSP on a regular basis to ensure the accuracy of the data and priority of proposed improvements;
(4) Submits an annual report to FHWA Division.

5.9.1.2 The SHSP plan developed by the State of Florida: a)analyzes and makes effective use of state, regional or local crash data; b) addresses engineering, management, operation, education, enforcement, and emergency medical services in evaluating safety improvements; c) considers safety needs and high fatality segments of public roads in the State; d) considers results of State, regional or local transportation and highway safety planning processes; e) describes a program of projects or strategies to reduce or eliminate hazards; f) is approved by the Governor or responsible State agency; and g) is consistent with the requirements of ***23 U.S.C. Section 135(c), Statewide Planning Process***.

As part of the SHSP, the State shall have in place a crash data system with the ability to: a) perform safety problem identification and countermeasure analysis; b) identify hazardous locations sections or elements that constitute a danger to motorists, bicyclists, and/or pedestrians; c) establish the relative severity of these locations; d) adopt strategic and performance-based goals; e) advance the capabilities of the State for traffic records data collection, analysis, and integration; f) determine priorities for the correction of hazardous road locations, sections, and elements as identified through crash data analysis; and g) establish an evaluation process to assess results achieved by improvement projects.

As a condition for obligating HSIP funds, under ***23 U.S.C. Section 148(c)(1)(D)***, FDOT will prepare an annual report. In addition to reporting the evaluations and activities of the HSIP, and rail-highway crossing safety improvement programs, the report will describe not less than 5 percent of the most severe safety needs on public roads.

5.9.2 Applicable Laws, Regulations, and Procedures

- 23 U.S.C. Section 130, Railroad/Highway Crossing Program requirements apply to all public rail-highway grade crossings on public highways.

- 23 U.S.C. Section 152, Hazard Elimination Program requirements apply to all hazardous or potentially hazardous locations and elements on public highways.
- 23 C.F.R. Section 924, 23 U.S.C. Section 148 Highway Safety Improvement Program requirements apply to the planning, implementation and evaluation procedures for highway safety elements on all highways.
- 23 C.F.R. Section 630, Traffic Safety in Highway and Street Work Zones requirements apply to all Federal-aid highway construction projects.
- 23 C.F.R. Section 625, Design Standards for Highways requires that all 3R projects enhance safety and include the goal to provide the highest practical and feasible level of safety for the highway transportation system.
- 23 U.S.C. Section 402, 23 C.F.R. Sections 1200 and 1204, apply to the Highway Safety Program which may contain NHTSA and non-construction FHWA activities. The funding is administered by NHTSA.

5.9.3 Program Approval Actions

FHWA will make program approval actions for the safety programs and administrative requirements including:

- The Highway Safety Improvement Program (HSIP), including the Railroad/Highway Crossing, High Risk Rural Roads (HRRR), and Hazard Elimination Programs - Annually.
- Highway Safety Plan – Annually, FHWA reviews for compliance the Highway Safety Plan (HSP) prepared by the Florida Governor's Office of Highway Safety for the obligation of funds apportioned under ***23 U.S.C. Section 402***.
- ***23 U.S.C. Section 159 Certification*** – Annually, FHWA accepts certification by the Governor of Florida that the State of Florida has a law and is applying a law which meets the requirements of ***23 U.S.C. Section 159*** for the revocation or suspension of drivers licenses of individuals convicted of drug offenses.
- The procedures and annual report for traffic safety in highway and street work zones. An annual Work Zone Safety Assessment will be conducted by FHWA with FDOT and Maintenance of Traffic Committee that will be submitted to headquarters.

5.9.4 Project Approval Actions

The project related approval actions are included in the design and construction sections of this plan.

5.9.5 Monitoring

Individual project monitoring activities are included in the design ***(Section 5.5)*** and construction ***(Section 5.6)*** sections of this plan. Program-wide process reviews will also be utilized. FDOT will perform annual statewide reviews on traffic safety in work zones

and programmatic improvements to the policies and processes for the maintenance of traffic through work zones, (Including improving Crash Record and Training for all FDOT employees that were involved in Work Zone and Contractors), and submit an annual report to FHWA. FDOT will evaluate and submit an annual report for the HSIP in accordance with the annual instructions.

5.9.6 Business Standards

Table 14. Safety Programs

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
HSIP Report (including HRRP) Rail-Highway Crossing Report 5 Percent Report	Prepare annual program and report, and Submit to FHWA (no later than by 8/31 annually)	Review and comment on the program and annual report. Submit to HQ by Sept. 30	HSIP Program Approval and Report
23 U.S.C. §159 Certification (Drug Offender's License Suspension Certification)	Prepare annual certification and Send to FHWA (no later than Jan 1)	Review certification, and Forward to FHWA HQ. Take appropriate action	Law enacted, opposition stated, or funds withheld
Work Zone Safety and Mobility Process Review	Conduct Process Review every two years	Conduct review for conformance of ***23 C.F.R. §630 Subpart J Final Rule***	Assessment of work zone procedures
National Cooperative Highway Research Program(NCHRP) 350 (NCHRP 350 Testing Criteria)	Comply with ***NCHRP 350*** and AASHTO/FHWA agreement	Actions and Process reviews	Crashworthy devices installed
MUTCD (Traffic Control Devices on all public roads)	FDOT practices comply with MUTCD	Actions and Review of MUTCD issues ongoing	Uniformity of Traffic Control Devices
MUTCD Requests to Experiment	Submit experimental work plan to FHWA Division	Review, if acceptable forward with recommendation to FHWA Headquarters. (10 days to review)	Acceptable request to experiment leading to a MUTCD change

5.9.7 Performance Indicators

- Statewide Highway fatality rate.
- Statewide Number of highway fatalities.
- Percent of annual safety funds obligated.

5.10 BRIDGE

5.10.1 Program Overview

FHWA is responsible for administering the Highway Bridge Program (HBP). The purpose of the Program is to replace or rehabilitate public highway bridges over highways, railroads, waterways, or other topographical barriers, when it has been determined that a bridge is deficient because of structural or physical deterioration, or functional obsolescence. Reimbursable scopes of work include:

- Replacement,
- Rehabilitation, and
- Bridge Preventive Maintenance

FHWA is responsible for administering the ***National Bridge Inspection Standards (NBIS)*** and ***National Bridge Inventory (NBI)***. The ***NBIS*** requires that all highway bridges carrying public roads over 20 feet in length be inspected.

The ***NBIS*** also requires FDOT to ensure that all public highway bridges within its borders, including county and municipal owned bridges, are inspected in accordance with the ***NBIS***. FDOT has responsibility of the inspection of all public vehicular bridges within the state, except for those that are federally owned, tribally owned, and bridges not carrying public roads.

All bridges over 20 feet in length are also required to be listed on FDOT's inventory, and their inventory information is to be submitted annually to FHWA to be included in the ***NBI***. Other Federal-aid highway funds administered by FHWA may also be used to construct or rehabilitate bridges.

Federal HBP funds may also be used for preventive maintenance for Federal-aid bridges on the National Highway System (with pre-approval by FHWA) based on systematic benefit/cost analyses. Other eligible items include:

- Seismic retrofits,
- Scour evaluations, and
- Scour countermeasures

5.10.2 Applicable Laws, Regulations, and Procedures

- 23 U.S.C. Section 144, Highway Bridge Replacement and Rehabilitation Program
- 23 U.S.C. Section 151, National Bridge Inspection Program
- 23 C.F.R. Section 650, Bridges, Structures and Hydraulics
- FHWA ORDER 5520.1, Preliminary Plan review & Approval
- Section 335.074, Florida Statutes, "Safety Inspection of Bridges"

5.10.3 Program Approval Actions

- FHWA will conduct NBIS Review annually and make an annual determination of the State and Local Agencies' compliance with the NBIS.
- FHWA will review and forward to Headquarters an FDOT prepared bridge unit costs for Federal-aid and non Federal-aid Bridges annually.
- Innovative Bridge Research and Deployment Program Candidates and application is prepared by FDOT and submitted to FHWA Division office for review.

5.10.4 Project Approval Actions

For all bridge projects FHWA will approve project authorizations and modifications thereto.

5.10.4.1 FHWA Oversight Bridge Projects

Bridge plans (including BDR package, 30%, 90% and 100%) should be submitted to FHWA Division Structural Engineer by FDOT Central Structures Design Office for Category II bridges, and by the District Structures Design Engineer for Category I bridges.

5.10.5 Monitoring

- FDOT will submit bi-annual Bridge Inspection Frequency and Load Posting Compliance reports by March 15 and Sept 15 annually.
- FDOT will submit bi-annual follow-up reports on corrections to March 15 and Sept 15 Bridge Inspection Frequency and Load Posting Compliance reports by June 15 and Dec 15, annually.
- FDOT will submit bi-annual Bridge Scour Evaluation Status reports by March 27 and October 27 annually. The status of plans of action for scour critical bridges and the status of reclassification of bridges with unknown foundations shall be included in the bi-annual report.
- FDOT will submit bi-annual strategic reports on bridge deficiencies in term of deck area, etc. and bridges with vertical clearances less than, or equal to 16 ft over and under Strategic Highway Network (STRAHNET) by March 1 and Sept 1, annually.
- FDOT will submit District Maintenance QAR reports to FHWA.
- FDOT districts will submit monthly critical deficient bridge lists to FHWA.
- FDOT will submit an annual bridge inventory report to FHWA by Sept 1.
- FDOT will submit the annual Deficient Bridge list (DBL) report by Sept 1.
- FDOT Central Structures Design Office will submit Structural Design QAR reports to FHWA.
- FDOT State Construction Office will submit Structures & Geotechnical Construction Process & Progress Review reports to FHWA

5.10.6 Business Standards

Table 15. Bridge Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Bi-Annual Bridge Inspection Frequency and Load Posting Compliance reports.	FDOT submits report to FHWA by March 15 and Sept 15.	Review	Monitoring NBIS Compliance
Bi-Annual Bridge Scour Evaluation Status reports including POA and unknown foundations status report	FDOT submits report to FHWA by March 27 and October 27.	Review	Monitoring NBIS Compliance, POA implementation, and unknown foundation status.
Bi-Annual Strategic reports on Bridge Deficiencies	FDOT submits report to FHWA by March 1 and Sept 1.	Review	Monitoring deficient bridges in Florida.
District Maintenance QAR reports	State maintenance Office provides District QAR report to FHWA	Review and for Information	Monitoring NBIS Compliance
Structural Design QAR report	FDOT Central Structures Design Office will submit District Structural Design QAR	Review and for Information	Improve design process

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Structures & Geotechnical Construction Process &	FDOT State Construction Office will submit Structures & Geotechnical Construction	Review and for Information	Improve construction & design quality and
Monthly Critical Deficient Bridge list	FDOT districts will submit monthly lists	Review and for Information	Monitoring NBIS Compliance and
Annual Bridge Inventory report	FDOT will submit an annual report every July	Review and for Information	Monitoring NBI related Information
Annual Bridge Work Plan	FDOT will submit an annual report every June	Review and for Information	Monitoring bridge condition and
Bridge Units Cost	FDOT will submit an annual report for new and replaced Bridges on Federal-aid and	Review and make recommendation to HQs	For HBP Apportionment
NBI Annual update	FDOT will submit annual NBI to FHWA Headquarters Bridge Office by April 1st.	Review and make determination	HBP Apportionment and NBI accuracy
Submit BDR packages, 30%, 90% and 100% plans	FDOT Structures Design Office will submit CAT 2 Bridges. District Structures Design	Review and make determination	Maintain quality of bridge plans

5.10.7 Performance Indicators

- Percent of deficient deck area compared to national target goals.
- Ninety percent of State system bridges having a condition rating of 6 or above meets target.
- 100 percent of all bridges with posted weight-limits to be replaced within 6 years.
- Percent of number of bridges (including NHS & non-NHS) with unknown foundations in the NBI inventory

5.11 ITS & Traffic Operations

5.11.1 Program Overview

FDOT works cooperatively with FHWA in development and implementation of Intelligent Transportation Systems (ITS) initiatives in Florida. FDOT has established a multi- disciplinary ITS Team, of which FHWA is a member, to provide a technical screening and ITS oversight function.

FDOT and FHWA work cooperatively with the Metropolitan Planning Organizations (MPOs) to promote ITS planning, regional architecture use, and adoption and integration of ITS at the regional (or metropolitan) and local levels. FDOT and FHWA will work cooperatively to assure that ITS projects are consistent with the National ITS Architecture, incorporate ITS Standards, and are fully integrated.

A primary ITS goal of FDOT is to ensure that transportation facilities operate efficiently and that no opportunities to provide integrated ITS features are overlooked during reconstruction. FDOT and FHWA have formed partnerships in support of safety and congestion relief initiatives with other State and local agencies, including fire and law enforcement.

5.11.2 Applicable Laws, Regulations, and Procedures

- 23 C.F.R. Section 940, ITS Architecture & Standards
- 23 C.F.R. Section 655, Traffic Operations is applicable to Federal-aid traffic operation improvement projects and the uniform application of traffic control devices applies to all streets and highways.

5.11.3 Program Approval Actions

- FHWA will conduct annually a Traffic Incident Management Self Assessment on the top 75 metropolitan areas nationally. There are currently 8 in the State of Florida.

5.11.4 Project Approval Actions

Oversight responsibilities are outlined in ***Section 5.6***, for construction of ITS projects. ITS earmark projects may have full FHWA oversight. Non-earmark ITS projects follow the oversight criteria outlined in ***Section 5.6***.

5.11.5 Monitoring

Individual project monitoring activities are included in; the design and construction sections of this plan. Program-wide process reviews will also be utilized to assess the ITS program.

5.11.6 Business Standards

Table 16. Intelligent Transportation System Process Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Systems Engineering Analysis Report	Full Federal Oversight: Prepare/review and Submit State Administered: Prepare and Approve	Full Federal Oversight: Approve (10 days) State Administered: None	Analysis Report
Regional ITS Architectures (All)	Prepare and Approve Ready for use	Concurrence as Ready for Use (45 days)	Regional ITS Architecture
Update of Regional Architecture (All)	Prepare and Approve Ready for Use	Concurrence(15 days)	Updated Regional Architecture

5.11.7 Performance Indicators

- Freeway incident duration
- Freeway reliability (FDOT new measure beginning July 2014).

5.12 RESEARCH AND TECHNOLOGY TRANSFER

5.12.1 Program Overview

The purpose of the program is to implement the provisions of ***23 U.S.C. Section 502*** for research, development, technology transfer, programs, and studies undertaken with FHWA planning and research funds. The main requirements under ***23 C.F.R. Section 420*** are to create a SPR Work Program, monitor planning and research activities, submit performance and expenditure reports, conduct peer reviews, develop and maintain an FHWA approved research and development manual, and maintain program certification.

FHWA exercises its oversight responsibilities through review of the annual program prior to approval actions, review of individual proposals, and review of annual reports. Division participates in ongoing program activities such as routine technical and policy meetings, participation in peer exchanges, and participation in technology transfer events, etc. FDOT has considerable flexibility in the use of funds and determination of eligible activities that meet the requirements of ***23 C.F.R. Part 420***.

5.12.2 Applicable Laws, Regulations, and Procedures

- 23 U.S.C. applies to all technology transfer activities.
- 23 C.F.R. Part 420, Planning and Research Administration

5.12.3 Program Approval Actions

- Annually, review Local Technical Assistance Program work plan.
- Annually, Florida Transportation Technology Transfer Center will prepare a Program Assessment Report and Center Assessment Report for submittal to FHWA headquarters. No action required by FHWA Division.
- FHWA will approve Statewide Planning and Research Program – Part 2 Research and Development

5.12.4 Project Approval Actions

FHWA takes no project approval actions other than approving the federal authorization for the annual plan.

5.12.5 Monitoring

The research and technology transfer program will be monitored through the various oversight methods, including program reviews.

5.12.6 Business Standards

Table 17. Research, Development and Technology Program

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Statewide Planning & Research (SPR) Work Program	Prepare and Submit Annual Program Draft – submitted by 5/15 Final – submitted by 6/15	Approved within 15 calendar days, no later than 6/30	Authorized and Funded Program
SPR Work Program Amendments	Submit to FHWA as needed	Review, comment, and approve (10 days)	Addition/reduction of contributions to existing projects and participation in new projects
FDOT Research Manual	Prepares in coordination with FHWA as noted in ***23 C.F.R. §420.209***	Review, Comment (if appropriate), and Approve (20 days)	Documentation that describes the management, process, and procedures for selecting and implementing RD&T activities
Certification of SPR Research Program	Prepare certification statement with SPR Work Plan submittal (by 6/15)	Review, Comment, and Approve with SPR Work Plan (by 6/30)	Certified compliance with ***23 C.F.R. §420.209***

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Projects Using Experimental Features	Collects and disseminates information about projects	Disseminate information and encourage implementation of successful features	Evaluation and implementation of new technologies

5.12.7 Performance Indicators

None

5.13 PAVEMENTS AND MATERIALS

5.13.1 Program Overview

23 C.F.R. Section 626 requires that pavements be designed in accordance with current and predicted traffic needs in a safe, durable and cost effective manner. The regulations do not specify the procedures to be followed to meet this requirement. FDOT is expected to use a design procedure that is appropriate for their conditions.

Subsection (a) of 23 U.S.C. 109 requires that FHWA ensure that the plans and specifications for all proposed Federal-aid highway projects provide for facilities that will adequately serve the existing and planned future traffic in a manner that is conducive to safety, durability, and economy of maintenance. To fulfill this requirement for all Federal-aid highway projects, FHWA's prime objectives are to:

- Maintain a close working relationship with FDOT materials and construction staff.
- Promote improvements when new approaches or technologies are developed and where deficiencies are identified.
- Ensure that the materials incorporated in the construction work and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.

Furthermore, FHWA is required, by means of an approved quality assurance program, to assure the quality of materials incorporated into Federal-aid highway projects on the National Highway System (NHS). For Federal-aid projects on the NHS, the primary objectives are to:

- Assure that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.
- Provide oversight of construction materials and compliance with Federal requirements on a statewide basis.
- Assure adequate and qualified staff to maintain FDOT's quality assurance responsibility as part of its Quality Control/Quality Assurance (QC/QA) program.
- Assure compliance with, and assist in, maintaining FDOT Transportation Technician Qualification Program.

5.13.2 Applicable Laws, Regulations, and Orders

- Title 23 U.S.C. Sections 106, 109, 114

- 23 C.F.R. Section 625.4 Standards, policies, and standard specifications
- 23 C.F.R. Section 626 Pavement Policy
- 23 C.F.R. Section 635 Construction and Maintenance
- 23 C.F.R. Section 637 Construction Inspection and Approval

5.13.3 Program Approval Actions

- FDOT Construction and Material Specifications are approved by FHWA on a program basis to facilitate project approvals.
- Supplemental Specifications are approved by FHWA on a program basis.
- Each State must develop a quality assurance program that will assure that materials and workmanship incorporated into each Federal aid highway construction project on the NHS are in conformity with the requirements of the approved plans and specifications. The program must be approved by FHWA.
- FDOT programs under development are reviewed and commented on by FHWA. All concerns are addressed prior to final implementation.
- The support documents detailing adequate infrastructure to effectively implement the program ***(i.e. Construction Project Administration Manual, Materials Manual, Construction Aggregate Manual, and Soils and Foundations Handbook)*** are approved by FHWA.
- Changes affecting goals of implemented programs and major changes in implemented processes affecting effectiveness, resources, roles & responsibilities directly affect Quality Assurance Program. These changes are approved by FHWA. Changes made to increase effectiveness, changes to the details of the processes and programs, and changes to the guidelines do not affect the Quality Assurance Program, and may not require formal approval.

5.13.4 Project Approval Actions

- FHWA will approve changes in project specifications for materials on FHWA Oversight projects.
- FHWA will approve Supplemental Specifications for specific FHWA Oversight projects.

5.13.5 Monitoring

FHWA will monitor FDOT's Quality Assurance Program through construction inspections on FHWA Oversight projects, as well as process reviews.

Monitoring of the Quality Assurance Program - FHWA will monitor the acceptance and testing of materials in accordance with FDOT's ***Construction and Material Specifications*** and FDOT ***Sampling, Testing, and Reporting Guide*** on Federal- aid projects through construction inspections, the material certification letters and process review annual reports. FDOT will audit the projects for processes governed by sampling and testing. FDOT will issue a ***Material Certification*** letter which will include all project based processes. System based processes (e.g. Independent Assurance Program, Verification of select QPL products) where sampling and testing is not project based, will be audited annually by FDOT and annual reports will be submitted to FHWA.

Monitoring of the processes - FHWA will monitor effectiveness of changes through quality assurance reviews of the changes. FDOT will review changes in the first year of implementation. This review will focus on effectiveness of the implemented measures and if they resulted in meeting the goals of the changes. These reviews will also identify if a detailed review would be necessary at later date. FHWA may participate in reviews. The results of the reviews will be shared with FHWA and an improvement plan will be developed jointly by FHWA and FDOT.

5.13.6 Business Standards

Table 18. Pavement Management and Design Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Pavement Management System (PMS)	Develop and Implement	Review, Comment, and Make recommendations for consideration	PMS best practices are used and quality data collected and used
Pavement Design Guide, Policy and Procedures	Develop	Review, Comment, Make recommendations for consideration, and Approve. Conduct process reviews.	Pavement Manual

Table 19. Materials Acceptance Program Summary Table

WORK ACTIVITY	ALL FEDERAL AID PROJECTS		
	FDOT ACTION	FHWA ACTION	OUTCOME
Quality Assurance Program	Prepare Develop, implement, monitor and revise	Approve	Quality Assurance Procedure for Construction
Qualified Technician Program	Prepare and revise	Approve	
Qualified Laboratory Program	Prepare and revise	Approve	
AASHTO accreditation inspection reports	Maintain accreditation, Submit inspection report, Approve outside testing facility	Review for acceptable results and file comments as necessary	
Independent Assurance Program	Prepare and revise	Approve	

5.13.7 Performance Indicators

- Percent of state highway system lane miles that achieve a condition rating: Percent >6.5 for ride, cracks and rutting is above target.
- Percent of Interstate system miles that achieve a condition rating: Percent >6.5 for ride, cracks and rutting is above target.
- Statewide Lanes Miles Contracted for Resurfacing: Number of miles planned versus miles actually let.
- Percent of materials in place meeting the specifications – FDOT Laboratory information management system (LIMS).

5.14 CIVIL RIGHTS

5.14.1 Program Overview

FHWA is committed to effectively implementing and enforcing civil rights programs within FDOT in its design, planning, construction, and management of the multimodal transportation system. FDOT is obligated to ensure nondiscrimination in all programs and activities, and in the provisions of all services and benefits, as a basis for continued receipt of FHWA funds according to ***Titles VI and VII of the Civil Rights Act***, ***the Civil Rights Restoration Act,***

***Section 504 of the Rehabilitation Act**, **the Americans with Disabilities Act**,* and the codified Federal regulations that outline these acts.

FHWA Division Civil Rights Specialist reviews (and approves FWHA required documents) all civil rights program work plans and program documents and provides comments and recommendations to FDOT. FHWA Division Civil Rights Specialist may participate in committees and teams set up by FDOT that address civil rights concerns about equal access, goal setting and affirmative action in employment and contracting opportunities.

5.14.1.2 The purpose of FHWA oversight is to monitor the implementation and effectiveness of FDOT's Civil Rights Office program areas that include internal affirmative action/equal employment opportunity, contract compliance, small business development, Disadvantaged Business Enterprise (DBE), ***Americans with Disabilities Act (ADA)*** and the ***Title VI Compliance Programs***. FHWA will be an advocate of the civil rights program and provide training, technical assistance, and active participation in FDOT initiated civil rights meetings and review activities. FHWA will review and approve FDOT's programs on an ongoing basis through process, quality assurance, and program reviews, and through active participation in continuous program evaluation and improvement. Appropriate FHWA representatives will actively participate in FDOT initiated reviews, task forces, and other civil rights initiatives upon request and to the extent feasible. Finally, FHWA will analyze civil rights reports submitted by FDOT to help identify trends and provide feedback and recommendations for improvement to FDOT.

5.14.2 Applicable Laws, Regulations, and Procedures

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d, et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Section 504 of the Rehabilitation Act of 1973 of 1973 (49 CFR 27);
- Age Discrimination Act of 1975;
- Americans With Disabilities Act of 1990 (28 CRF 35 & 49 CFR 37);
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- 23 CFR Part 230;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency).

The provisions of this ***Agreement*** do not modify ***FHWA's non-Title 23 USC program oversight*** and project approval responsibilities for activities such as required by the ***Uniform Relocation Assistance and Real Property Acquisitions Act of 1970***, and the ***Civil Rights Act of 1964*** and related statutes, unless expressly permitted by ***SAFETEA-LU Sections 6004 and 6005***. These include: ***Civil Rights Act of 1964***; ***Americans with Disability Act of 1990***; ***Civil Rights Restoration Act of 1987***; ***Executive Order 12898***; ***Section 504 of the Vocational Rehabilitation Act of 1973***; and various parts of ***Title 49 C.F.R.***

5.14.3 Program Approval Actions

The responsibility for approving the core basic State Civil Rights Program documents and determining whether their implementation is in compliance with law and regulation rests with FHWA. Based on current US Department of Justice and US Department of Transportation regulations, FHWA has been delegated enforcement authority under the ***Americans with Disability Act (ADA)*** and is required to monitor the compliance of the self-evaluation and Transition Plan of Federal-aid recipients. (The definition of recipient in ***49 C.F.R. Section 27*** includes sub-recipients.) ***ADA*** Transition Plans will be monitored as part of FHWA oversight of program access generally, beyond a project specific requirement. Most public agencies are covered by both ***ADA*** and ***Section 504***, since any amount of federal money accepted by a public entity requires the entire program to be accessible to persons with disabilities.

5.14.4 Project Approval Actions

Not applicable for the Civil Rights program.

5.14.5 FHWA Monitoring

Title 23 U.S.C. outlines specific information that must be available for the review and analysis by the United States Comptroller General in their efforts to determine the impact of administering the DBE program. In order to satisfy these requirements, State DOTs are required to maintain a bidder's list and to collect and report DBE commitment and achievement data as well as actual payments to DBEs to FHWA Division Offices, semi-annually.

FHWA will monitor civil rights activities on an ongoing basis through open communication with FDOT; reviews of required reports and program updates prepared by FDOT; project-by-project and item-by-item reviews associated with Federal approval actions required by laws, regulations and special requests. In addition, FHWA will monitor civil rights activities on a program-wide basis and in conjunction with management reviews in other various disciplines (planning, environment, right of way, design, consultant contracting, etc.).

5.14.6 Business Standards

Table 20. Civil Rights Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
DBE Semi-annual Report Awards/Commitment	Prepare and Submit by the following dates: December 1 (for the period of April 1 – Sep 30) and June 1 (for the period of Oct 1 – May 31)	Review and make determination. Submit to FHWA HQ (10 days)	DBE reports accurate, complete and timely; DBE commitment is based on accurate data assessment.
Annual Contractor Employment Report – ***PR 1392***	Prepare and Submit (no later than September 30)	Review and File. Submit to FHWA HQ (when requested)	Annual report is accurate, complete and timely.
State Internal EEO and Contract Compliance External Program Reports (***Title VII Plans***)	Prepare and Submit (no later than December 31. External reports based on FFY. Internal reports based on SFY)	Review and make determination. (10 days)	Plan is accurate, complete and timely.
State Internal Employment Practice EEO-4 Report	Prepare and Submit (no later than August 1)	Review and File. Submit to FHWA HQ (10 days)	Report is accurate, complete and timely.

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Title VI Program Update	Prepare and Submit (no later than Annually November 1)	Review and make determination. (10 days)	Updates accurately reflect FDOT's Title VI Program.
DBE Program Plan Update	Prepare and Submit when significant changes occur	Review and make determination. Submit to FHWA HQ (20 days)	Updates accurately reflect appropriate program changes.
DBE Program Goals and Methodology	Prepare and Submit (No later than August 1)	Review and make determination. Submit to FHWA HQ (20 days)	Goals incorporate appropriate statistical analysis and are based on complete, accurate data.
Historically Black College/Minority Institution of Higher Education Plan/Report	Collaborate with FHWA. Prepare and Submit, when requested	Review, Augment, and Submit to FHWA HQ (10 days)	Report reflects positive relationships with educational institutions.
Contractor Compliance Review Schedule and Reports	Prepare and Submit (upon completion)	Review, Respond as necessary, and File	Schedule and reports timely and accurate
DBE and OJT Supportive Service Work Requests/Reports	Prepare and Submit (Quarterly in response to request from FHWA)	Review and Approve. Submit to FHWA HQ for funding approval. Advise FDOT of funding decision.	Requests are adequately supported by data and appropriately submitted.
On-the Job Training Goals	Prepare and Submit (no later than March 1 for upcoming construction season)	Review and make determination (10 days)	OJT goal is based on appropriate projection of construction program and is timely submitted.
FDOT ADA Annual Accomplishments and Upcoming FY Goals Report	Prepare and submit annually (no later than November 1)	Reviews as basis for FDOT compliance with requirements of section 504 and ADA	Report includes goals and accomplishments of all Districts

5.14.7 Performance Indicators:

- For closed contracts, compare actual payments made to DBE's to commitments.
- Document Good Faith efforts to meet economic parity where there is a need.
- Number of DBE's working as Primes and subs on FDOT contracts.
- Number of on the job (OJT) trainees and OJT graduates.
- Percent of DBE/SS statement of work performance measures met.

5.15 PROFESSIONAL SERVICES (CONSULTANT) CONTRACTING

5.15.1 Program Overview

FDOT is utilizing more professional services consultant contracting to deliver the work program as transportation system improvement needs have increased, and FDOT in-house staffing has decreased. As a result, consultant services are utilized in almost all program areas to supplement FDOT staff. Consultant services are used to perform project identification and selection planning, project specific planning, project development and environment (pre-design), design, right-of-way, and construction CEI. In addition consultant services are used to supplement state staff in certain administrative and program management roles.

FHWA is responsible for monitoring state procedures, reviewing the results of process reviews, reviewing selected consultant contracts, and approving the use of Federal-aid funds. FHWA works cooperatively with FDOT to assure that Federal-aid requirements are met and that the appropriate changes are made to improve the program.

5.15.2 Applicable Laws, Regulations, and Procedures

- 23 C.F.R. Section 172 Administration of Engineering and Design Related Service Contracts
- 23 C.F.R. Section 420 Planning and Research Program Administration
- 49 C.F.R. Part 18 (Common grant rule) Uniform Administrative Requirement for Grants & Cooperative Agreements to State and Local Governments
- Federal Acquisition Regulations (FARS)

5.15.3 Program Approval Actions

FHWA reviews and approves FDOT's consultant selection process in conformance with ***23 C.F.R. Section 172***. FHWA reviews and approves any changes to FDOT Consultant Selection Procedure.

FHWA reviews and approves FDOT's QAR process of the Districts to validate that the requirements for oversight and delegated projects meet the Federal-aid requirements. The QAR process includes the review of a statistical sampling of professional services consultant contracts.

FHWA accepts the cost/time limitations for miscellaneous minor professional services contracts (also known as District-wides) of $1.5 million overall contract limit, $300,000 per task assignment, and contract term of five years (exception: planning state-wide and planning district-wide contracts). No new task assignments should be started after the five year term ends (with the exception of post design work) unless the new task assignments are submitted with a justification to FHWA for approval as an exception to the approved process. FHWA approval is not required to extend contracts beyond five years to complete task assignments previously authorized before the end of the five year limit.

5.15.3.1 Other federally funded FDOT task assignment contacts (non-district wides & non-planning) are subject to the contract term limit of five years, with no monetary threshold. This would include groupings of professional service assignments for substantially similar activities, and continuing contracts for professional services. No new task assignments should be started after the five year term ends (with the exception of post design work) unless the new task assignments are submitted to FHWA for approval as an exception to the five year limit. FHWA approval will not be required to extend contracts beyond five years to complete task assignments previously authorized before the five year limit.

Project specific contracts are not subject to time or monetary thresholds.

Project specific contracts, where work is done as task assignments in order to facilitate design & post-design phase closure, and where the scope and costs for each task are defined at the time of contract execution and FHWA funds authorization, are not subject to the five year limit or any monetary thresholds.

Due to the recurring nature of the services, and in order to promote contract turn-over and ensure open competition, bridge inspection contracts will be subject to a five year limit and no monetary threshold.

Federally funded planning contracts (including planning task assignment type contracts) are subject to a three year term, with no monetary threshold. FHWA approval will be required to extend planning contracts beyond a three year term.

5.15.4 Project Approval Actions

FHWA reviews and approves all consultant contracts used on major projects as defined in ***Section 1.6*** of this agreement. Major projects are defined by FHWA as projects with total costs in excess of $500 million.

FHWA reviews and approves all consultant contracts where a consultant performs in a management role.

FHWA reviews and approves all draft consultant contracts for planning projects.

FHWA reviews and approves all draft planning task work orders.

FDOT provides a copy of executed consultant contracts to FHWA. Contract approval in writing from FHWA is required only for consultant contracts for major projects (> $500 million), for planning contracts, and where the consultant performs in a management role. Individual executed task work orders associated with task assignment contracts (including district-wide) also do not require submittal or approval from FHWA, with the exception of planning task work orders.

5.15.5 Monitoring

FHWA will perform independent process reviews to evaluate the program and will participate in some of FDOT QAR reviews of the Districts. FDOT agrees to review every FDOT District through the QAR process on a two-year cycle.

5.15.6 Business Standards

Table 21. Professional Services Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
FDOT Statewide Consultant Selection Process	Submit for FHWA approval when procedures are changed	Review for consistency with ***23 C.F.R. §172*** and ***49 C.F.R. §18***. and Approve (30 days)	Approved procedure for state wide use on Federal -aid projects
FDOT QAR process to review District consultant contracts – includes project specific and districtwide/task assignment contracts	Annual review of District contracts for conformance with Federal-aid requirements. Annual summary QAR report prepared and sent to FHWA. (Submit by December 31st each year)	Review for problems identified and corrective actions taken. Follow up with FDOT as needed	Annual report is accurate, complete and timely.
FDOT QAR schedule.	FDOT submits biennial QAR schedule to FHWA for review.	FHWA may provide input/recommendations as to which Districts are visited within a particular time frame.	Two year schedule of District QAR visits.

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Consultant contracts on FHWA oversight projects & delegated projects, including Districtwide and other task assignment contracts (exception: planning contracts)	Submit copy of executed contracts to FHWA Transportation Engineer.	Review for conformance and file	Consultant contracts meeting requirements
Consultant contracts on major projects (>$500 million) or for consultant performing in a management role.	Prepare and submit draft contract and cost estimate for FHWA review	Review and approve or comment to FDOT (10days)	Draft contract approved for execution
All federally funded Planning activity consultant contracts (including planning task assignment contracts)	Prepare and submit draft contract and cost estimate (when applicable) for review by FHWA Planning & Intermodal Coordinator.	Review and approve or comment to FDOT (10 days)	Draft contract approved for execution
Planning task work orders	Submit draft planning task work orders to FHWA Planning & Intermodal Coordinator for task work order review & approval.	Review and approve or comment to FDOT (10 days)	Draft task work order approved for execution
Summary list of planning task work orders	FDOT provides annual summary of task work orders funded under each planning task assignment type agreement.	Review for conformance and file	Planning task work orders meeting requirements
Funds approval for all type contracts (oversight, major project, delegated projects, districtwide/task assignment, & planning contracts)	Request funds in FMIS	Approve funds (10 days)	Executed & funded contract

5.15.7 Performance Indicators

- Number of consultant contracts executed versus planned. Target is 95% of planned contracts executed.

5.16 UTILITY WORK

5.16.1 Program Overview

This section addresses the adjustment and relocation of utility facilities on Federal-aid projects. These utility activities are covered in the below referenced federal law and regulations and in State law and FDOT ***Utility Accommodations Manual, Topic No. 710-020-001***.

5.16.2 Applicable Laws, Regulations, and Procedures

- 23 U.S.C. Section 109(l) Accommodation of utilities on the right-of-way of Federal-aid highways.
- 23 U.S.C. Section 123 Reimbursement for the relocation of utility facilities necessitated by the construction of a project on any Federal-aid highway.

Utility regulations are in ***Part 645*** of ***Title 23 of the Code of Federal Regulations (cited 23 C.F.R. Section 645)*** and non-regulatory supplements are contained in

Chapter I, Subchapter G, Part 645 of the ***Federal-aid Policy Guide (FAPG)***.

- Subpart A of part 645 deals with utility relocations, adjustments, and reimbursement.
- Subpart B of part 645 deals with the accommodation of utilities

5.16.3 Program Approval Actions

FHWA reviews and approves FDOT ***Utility Manual*** in accordance with ***23 C.F.R. Section 645***.

5.16.4 Project Approval Actions

FDOT provides FHWA with a ***Utility Certificate*** on oversight Federal-aid projects. Utility agreements and other project documents are approved as part of the ***PS&E Review***.

5.16.5 Monitoring

Utility work will be monitored through the various oversight methods, including process reviews.

5.16.6 Business Standards

Table 19. Utilities Program Summary Table

WORK ACTIVITY	FDOT ACTION	FHWA ACTION	OUTCOME
Utility Authorizations (***23 C.F.R. §645.113***)	Request (Oversight) Approve (non-oversight)	Review and make determination (Transportation Engineer)	Utility Authorization
Utility Accommodation Manual (***23 C.F.R. §645.211***)	Submit manual or changes	Review and make determination	Approved manual or changes
Utility Master Agreement forms	Submit forms or changes	Review and make determination	Approved forms or changes

5.16.7 Performance Indicators

None

5.17 Training

None

5.18 Forms

None

Section 6
APPENDIX

6.1 Appendix A: Glossary

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 FHWA 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.

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 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.

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

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

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

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

6.2 Appendix B: Control Documents - Manuals & Operating Procedures

The following documents are reviewed and approved by FHWA:

Design Standards, No. 625-010-003
Standard Specifications for Road and Bridge Construction and Supplements

Construction Project Administration Manual, No. 700-000-000
Flexible Pavement Design Manual, No. 625-010-002
Pavement Type Selection, No. 625-010-005
Bridge and Other Structures Inspection and Reporting, No. 850-010-030
Bridge Load Rating, Permitting, and Posting Manual, No. 850-010-035
Utility Accommodation Manual, No. 710-020-001
Acquisition of Professional Services, No. 375-030-02
Highway Safety Improvement Program, No. 500-000-100
Right of Way Manual, No. 575-000-000
Contract Compliance Plan – Title VII, Part I (External)
Affirmative Action Plan – Title VII, Part II (Internal)
Disadvantaged Business Enterprise (DBE) Program Plan (Updates, Goals, Methodology, Semi-annual report)
Title VI Program Updates
District Construction Engineer/District Materials Engineers Memorandum's issued by Office of Construction
Materials Manual, No. 675-000-000
Structures Design Guidelines (Structures Manual – Volume I only) and Temporary Design Bulletins
Bid Review, Analysis, and Award Procedures
Quality Assurance Program for Construction Materials

The following documents are coordinated with FHWA for review comments:

Project Development and Environment Manual (PD&E), No. 650-000-001
Plans Preparation Manual, Nos. 625-000-007, 625-000-008
Drainage Manual, No. 625-040-002
Soils and Foundation Handbook, (Section 2.2 of Material Manual), No. 675-000-000
Structures Manual (All Volumes except volume I), No. 625-020-018
Bridge Underwater Operations, No. 850-010-011
District Contracts, No. 375-000-001
Federal-aid Technical Bulletins issued by FDOT Federal-aid Management Office
Local Agency Program (LAP) Manual, No. 525-010-300
Traffic Engineering Manual (e.g. MUTCD supplement), No. 750-000-005
Metropolitan Planning Organization Program Management Handbook
Roadway Classification Inventory Handbook
Construction Aggregate Manual

Operating Agreements

NEPA: Efficient Transportation Decision Making (EDTM) Agreements
Forest Highway Program Project Oversight Agreement