

**STEWARDSHIP AND
OVERSIGHT PLAN**

**THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION**

AND

**THE FEDERAL HIGHWAY ADMINISTRATION
MISSISSIPPI DIVISION**

August 26, 2009

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ACRONYMS

3R	Resurfacing, Restoration, and Rehabilitation
AASHTO	American Association of State Highway and Transportation Officials
CEI	Construction Engineering and Inspection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CPI	Continuous Process Improvement
DBE	Disadvantaged Business Enterprise
EA	Environmental Assessment
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
FIRE	Financial Integrity Review and Evaluation
FMCSA	Federal Motor Carrier Safety Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
HPR	Highway Planning and Research
HPMS	Highway Performance Monitoring System
HSIP	Highway Safety Improvement Program
HSP	Highway Safety Program
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
MBE	Minority Business Enterprise
MDOT	Mississippi Department of Transportation
MPO	Metropolitan Planning Organization
NBIS	National Bridge Inspection Standards
NEPA	National Environmental Policy Act
NHS	National Highway System
NHSD	National Highway System Designation Act of 1995
NHTSA	National Highway Traffic Safety Administration
PE	Preliminary Engineering
PR/PE	Process Review/Program Evaluation
PS&E	Plans, Specifications, and Estimate
ROD	Record of Decision
ROW	Right-of-Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SOP	Standard Operating Procedure
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Equity Act for the 21st Century
TIP	Transportation Improvement Program
USC	United States Code

Section 1 – EXECUTION OF PLAN

Pursuant to 23 U.S.C. 106 (c), the Mississippi Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) agree to follow the procedures set forth in this Stewardship and Oversight Plan to carry out their respective oversight responsibilities in the delivery of Federal-aid projects. This Letter of Agreement supersedes all past agreements, including the Agreement signed November 3, 1998, and shall become effective on the date listed below and remain in effect until superseded.

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the Transportation Equity Act for the 21st Century (TEA-21) of 1998, and the Safe, Accountable, flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 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 the 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 the MDOT 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.

By signing this agreement, the MDOT and the FHWA agree to adhere to the provisions and responsibilities included herein. The MDOT and the FHWA further agree to carry out their responsibilities in a true spirit of cooperation. MDOT agrees that where it assumes FHWA's Title 23 oversight role and approval responsibilities, it is responsible for ensuring that projects are developed and constructed in full compliance with Federal requirements, and that necessary corrective action is taken when actions and approvals are found to be in non-compliance with applicable Federal requirements. The FHWA is available for consultation in such matters or may unilaterally become involved in determining corrective action.

MDOT further understands that nothing contained herein shall relieve it from ultimate accountability for compliance with Federal laws and regulations with respect to the expenditure of Federal-aid highway funds in the State of Mississippi, including those funds passed through to local governments. This agreement does not preclude the FHWA access to and review of Federal-aid projects at any time, and does not replace the provisions of Title 23 United States Code (U.S.C.).

The Stewardship and Oversight Plan 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 Mississippi. MDOT and FHWA agree to use a broad set of performance and compliance indicators, as identified in the Stewardship and Oversight Plan, to track performance trends and to implement countermeasures/actions when the data is not moving in the desired target direction. Performance and compliance indicators will be reported to the FHWA on the times specified in the Stewardship and Oversight Plan. The FHWA Mississippi Division Administrator or the MDOT Executive Director may initiate amendments to this Stewardship and Oversight Plan should essential modifications become apparent to either party.

Andrew H. Hughes
Division Administrator
Federal Highway Administration

Larry L. "Butch" Brown
Executive Director
Mississippi Department of Transportation

Effective Date: 8/26/2009

Section 2 - INTRODUCTION

2.1 Overview

This Stewardship and Oversight Plan outlines the roles and responsibilities of both FHWA and MDOT in the accomplishment of oversight and administration of Federal-aid Highway Projects and Programs. The purpose of the Plan is to provide guidance in clarifying actions, preventing misinterpretations, and avoiding time delays. The Stewardship and Oversight Plan 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 Mississippi. MDOT and FHWA agree to use a broad set of performance and compliance indicators, as identified in the Stewardship and Oversight Plan, to track performance trends and to implement countermeasures/actions when the data is not moving in the desired target direction. This Stewardship and Oversight Plan serves as a continuing plan of project and program oversight responsibilities for each agency covering the following functional areas:

Project Oversight

- Environmental Process
- Right-of-Way (ROW) Process
- Design Process
- Intelligent Transportation System (ITS) Process
- Construction Monitoring Process

Program Oversight

- Bridge Program
- Civil Rights Program
- Financial Management Program
- Maintenance Program
- Materials Quality and Acceptance Program
- Pavement Management and Design Program
- Planning Program
- Research, Development, and Technology Transfer Program
- Safety Program

In addition, the Plan includes stewardship responsibilities for various programs with identified actions by each agency. FHWA will use Program Activities as defined later in this Plan to monitor and evaluate program performance and effectiveness. This Plan incorporates the concept of mutual service standards that include agreed upon formats, procedures and targeted timeframes for MDOT and FHWA actions, including submissions, comments and approvals. The Plan also takes into account the FHWA and MDOT resources and capabilities, and the federal requirements where FHWA has a mandated role in the oversight process. This plan forms the principal basis for monitoring and evaluating the quality of the MDOT's Federal-aid program, and the continued disbursement of federal funds based upon MDOT policies, practices, and staffing resources.

While MDOT can assume the responsibility for FHWA in many Title 23 U.S.C. actions, some Title 23 U.S.C. requirements remain FHWA responsibilities. These program elements include, but are not limited to:

- All Federal responsibilities for planning and programming oversight specified in 23 USC 134 and 135.
- Waivers to Buy America requirements.
- Environmental approvals.
- Civil Rights program approvals.
- Utility Accommodation Procedure
- Special Experimental Project (SEP) methods (FHWA HQ approval required for experimental contracting/project delivery methods)
- Federal air quality conformity determinations required by the Clean Air Act.
- Obligation of funds.
- Addition of access points on the Interstate System.
- Use of Interstate airspace for non-highway-related purposes.
- Hardship acquisition and protective buying.
- Modifications to project agreements.
- Final vouchers.

FHWA will annually perform risk assessments of various program areas for the purpose of prioritizing its program level oversight activities for the coming year. The objective of these risk assessments is to focus the limited resources of the FHWA Division Office on those activities that represent the greatest risk to FHWA in fulfilling its stewardship responsibilities. A portion of the risk assessments will involve an evaluation of MDOT's internal controls, operating procedures, and staffing. By this process, it is expected that the greatest possible confidence level will be achieved for the resources committed. MDOT will be invited to participate in these risk assessments; however, FHWA will make all final determinations of program areas for review.

2.2 Definitions

For the purposes of this agreement, the following definitions apply:

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

Delegated Projects – (Formerly known as “Exempt” Projects) Projects that do not require FHWA to review and approve actions pertaining to design, plans, specifications, supplemental agreements, 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/Compliance Indicators – These indicators track performance trends, health of the Federal-aid Highway Program, and compliance with Federal requirements.

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

3R Project: A project intended to extend the service life of existing highways, bridges, and related appurtenances; and/or restore safe, efficient travel on an existing facility. 3R(resurfacing, rehabilitation, and restoration) work includes the placement of additional surface material and other work necessary to return an existing roadway to a condition of structural or functional adequacy. This may include improving geometric features such as flattening curves, improving sight distance and minor roadway and/or shoulder widening. 3R projects are typically constructed within existing right-of-way, or require only minor acquisitions necessary to enhance safety.

Construction Cost: The cost of a specific project based on the engineer's estimate amount. The construction cost does not include: construction engineering and inspection, preliminary engineering, right-of-way, or utility adjustments.

Force Account: The direct performance of highway construction work by a State transportation department, a city, a county, a railroad, a public utility company by use of labor, equipment, materials, and supplies furnished by them and used under their direct control. 23 CFR 635.203(c)

Preventive Maintenance: In general, any work that 1) prevents the intrusion of water into the pavement or pavement base (crack or joint sealing, underdrains, restoration of drainage systems); 2) prevents deterioration of bridges including painting, scour protection, deck repair, deck drain cleaning, and seismic retrofit; 3) restores pavement rideability by profiling, milling, overlaying, or replacing a portion of the pavement structure.

Section 3 – STEWARDSHIP AND OVERSIGHT OF FEDERAL-AID PROJECTS

This Stewardship and Oversight Plan sets forth the respective roles and responsibilities of each party in the administration and oversight of Federal-aid Highway Projects in the State of Mississippi. As a condition to accepting Federal-aid highway funds, MDOT agrees to follow all applicable project and program requirements.

The MDOT and FHWA will utilize electronic signature procedures for requesting and approving Project Authorizations and Project Agreements for each Federal-aid project eligible for Federal-aid funding. On State Delegated (or Administered) projects, submittal of the project authorization to

FHWA for electronic signature will serve as MDOT's implicit certification that all applicable requirements are satisfied.

3.1 FHWA Responsibilities

The FHWA is ultimately accountable for all Federal-aid highway projects. The FHWA Mississippi Division will fulfill its stewardship role at a project level as follows:

- **Full Oversight Projects** – The FHWA will retain full oversight for the following projects:
 - **Interstate System** (including routes designated as future Interstate) projects with a programmed construction estimate greater than or equal to \$2 million.
 - **NHS** projects with a programmed construction estimate greater than or equal to \$10 million.
 - **Appalachian Development Highway Program** projects , except for those designated as Appalachian Development Highway Program local (APL)

The FHWA will continue to be responsible for the oversight of all Title 23 aspects of these projects including environmental/location, right-of-way and construction phases. On full oversight projects, the FHWA Division Office personnel will, at a minimum, review and approve project designs, approve Plans, Specifications and Estimates, concur in award, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.), conduct project inspections, and prepare a Final Acceptance Report.

The FHWA may elect to delegate projects meeting the established full oversight criteria to best address the highest risk program elements. Also, the FHWA, at its discretion, may elect to retain full oversight on any Federal-aid highway project. Other projects that may be determined to be full oversight on a case-by-case basis are projects using unique contract procedures such as Design/Build projects, construction of unusual bridges or structures, projects of national significance, projects with high costs, or projects presenting other high risks. FHWA will provide notification to MDOT if this decision is made.

- **Involvement on Other Projects** – The FHWA may become involved with any Federal-aid project, including those for which MDOT has assumed oversight responsibility. FHWA oversight of State delegated projects will be through program level activities, such as Process Review/Program Evaluations (PR/PE). Additionally, MDOT may request FHWA involvement. The FHWA will provide technical assistance on major unique and/or unusual structures and on non-federally funded Interstate reconstruction projects. On major unique and/or unusual structures, the FHWA will participate in design activities including a review of final plans. On non-federally funded Interstate reconstruction projects, MDOT will request FHWA to approve final plans, any design exceptions, and any Interstate access modifications. FHWA will also provide engineering support for project development and/or construction activities on other projects when requested by MDOT.

- Technical Assistance – The FHWA Division Office is prepared to provide technical assistance to MDOT or local transportation agencies on any aspect of an eligible Title 23 project including intermodal transportation projects. Technical assistance activities will be decided on a case-by-case basis in consultation with MDOT, other partners and the Division office. The FHWA Division Office will continue to focus their time and effort on improving processes and procedures, in cooperation with the MDOT.
- Non-Title 23 Responsibility – FHWA will continue to be responsible for the oversight of applicable non-Title 23 requirements. Such oversight will be conducted through a combination of both project and program level activities. Applicable non-Title 23 requirements include, but are not limited to:
 - National Environmental Policy Act (NEPA) of 1969
 - Section 4 (f) of the DOT Act of 1966
 - Civil Rights Act of 1964
 - Uniform Relocation Assistance and Real Properties
 - Acquisition Policies Act of 1970
 - Disadvantaged Business Enterprise Program (DBE)
 - Clean Air Act Amendments of 1990

The FHWA will manage and provide oversight of Mississippi’s Federal-Aid programs in various ways. The methods used will be:

- Routine day-to-day program actions and other interaction.
- MDOT from time to time will ask for Division participation on MDOT task forces, teams, implementation committees, reviews, attendance at MDOT meetings, etc.
- PR/PE reviews on program areas as needed and determined in accordance with the Division’s risk assessment process and/or other high importance program areas. PR/PE reviews and CPI activities will be utilized as the primary methods of program oversight. PR/PE reviews comprise the process of comprehensively reviewing and evaluating State and or local agency policies, procedures, practices and controls for the development and implementation of Federal-aid projects and programs.
- The Division office Financial Integrity Review and Evaluation (FIRE) Program to assess the financial aspects of programs and projects.
- Involvement in the development of and ultimately the formal acceptance or approval of various State policies, procedures, and manuals utilized during the development and implementation of Federal-aid projects.

3.2 MDOT Responsibilities:

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

- Interstate Projects – MDOT assumes oversight responsibility for Interstate System projects with a construction estimate less than \$2 million and others that the Division elects to delegate

to MDOT. All Interstate projects must comply with all Title 23 U.S.C. and non-Title 23 U.S.C. requirements.

- Other NHS Projects (not on the Interstate System, not designated to become Interstate, or not on Appalachian Development highways) – For NHS projects not on the Interstate System or Appalachian Development Highways, MDOT 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 projects on the NHS with a construction estimate less than \$10 million . All NHS projects must comply with all Title 23 U.S.C. and non-Title 23 U.S.C. requirements.
- Non-NHS Projects – MDOT 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 projects not on the NHS. 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.
- Local Agency Projects – The MDOT is responsible for ensuring that appropriate written 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. MDOT is responsible for ensuring that all Federal-aid projects administered by local agencies comply with all applicable Federal and State requirements and are administered in accordance with the FHWA approved Local Public Agency (LPA) manual. MDOT is not relieved of this responsibility even though the project may be administered by a local agency.

An Agency Agreement will be executed between MDOT and the local agency to outline the responsibilities of both MDOT and the local agency. The MDOT retains responsibility under Federal law and regulations for all delegated activities and 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. As such, if the local agency is not following prescribed requirements, MDOT's recourse would be to remove Federal-aid funds from the project.

The following program elements, along with others as specified in the FHWA approved Local Agency Program procedures, will not be delegated to local agencies:

- NEPA/Environmental approval
- Sole Source Approval
- Approval of Force Accounts
- Buy America Waivers

- Design Exception approval
- Certification of Right of Way and utilities
- Approval of Engineering Plans
- Approval of DBE Goals
- Approval and Audit of Labor compliance
- Final Inspection
- Project Acceptance

For those projects that MDOT has agreed to assume oversight responsibility, MDOT will follow all applicable FHWA policies, regulations, Title 23, and non-Title 23 requirements.

Section 4 – STEWARDSHIP ROLES AND RESPONSIBILITIES FOR SPECIFIC FUNCTIONAL PROGRAM AREAS

4.1 Environmental Process

In accordance with Section 1309 of TEA-21, the 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. These laws and regulations include NEPA and implementing regulations of the Council on Environmental Quality (CEQ) 40 CFR 1500 and FHWA 23 CFR 771; Section 4(f) of the Department of Transportation Act and implementing regulations 23 CFR 771; Section 106 of the National Historic Preservation Act and implementing regulations 36 CFR 800; Section 404 of the Clean Water Act; and Section 7 of the Endangered Species Act, as well as others.

For all projects that require an action to be taken by FHWA, the Mississippi Division and MDOT 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 or project complexity and will depend on the project environmental documentation class.

Table 1 shows a list of MDOT and FHWA project actions related to the environmental process. The successful administration of the Federal-aid Highway Program is predicated upon MDOT'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 MDOT prior to being forwarded to FHWA. FHWA's goal is to respond to all submissions as soon as possible and within timeframes shown in the tables.

Table 1. Environmental Process Actions and Review Timeframes

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Environmental related Authorizations and Agreements (including	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS –All Projects (7 days)	Executed Authorization & Agreements

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
modifications) for Federal-aid funds			
Programmatic Categorical Exclusions	Prepare and Approve	None	Approved CE
Environmental Document (CE, EA, and EIS) Classification request	Prepare and submit to FHWA project initiation letter including the following: <ul style="list-style-type: none"> • Classification Request • Preliminary Purpose and Need • Logical Termini / Study Area • Previous Planning/Location studies, etc. • Known sensitive resources and potential fatal flaws • List of resource agencies with jurisdiction 	Reviews and determines appropriate class of Environmental Documentation (concur with in 10 days or request additional information)	Written Determination of Document type
Non-Programmatic Categorical Exclusions	Prepare and submit to FHWA	Review and Comment or Approve (10 days)	Approved CE
¹ Re-evaluation of Categorical Exclusions	Prepare and Approve	None	Approved CE
Project Initiation Meeting (EA and EIS)	Host Meeting	Participate in Meeting	Discussion of timeframes, schedule, and expectations
Draft Environmental Assessment	Prepare and submit to FHWA for review	Review and Comment (10 days)	Comments provided / approved for public availability
Environmental Assessment	Prepare and submit to FHWA for approval	Approve EA (15 days)	Approved EA
Finding of No Significant Impact (FONSI)	Prepare draft FONSI and submit to FHWA	Issue FONSI (15 days)	FONSI
¹ Re-evaluation of EA	Prepare and Submit for FHWA review	Review and Comment or approve (15 days)	Approved re-evaluation
Notice of Intent (EIS)	Prepare draft and submit to FHWA for review	Prepare Notice of Intent and forward for publication in the Federal Register	Publication in Federal Register
Coordination Plan (EIS)	Prepare and submit to FHWA	Review and tentatively approve (10 days)	Present as scoping meeting with cooperating and participating agencies for concurrence
Draft Environmental Impact Statement	Prepare and submit to FHWA for review/approval	Review and comment or approve (20 days)	Approved DEIS
Final Environmental Impact Statement	Prepare and submit to FHWA for approval	Request Legal Sufficiency review and review/approve FEIS	FEIS

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
		(30 days)	
Record of Decision (ROD)	Prepare draft and submit to FHWA for review	Prepare and Issue ROD (10 days)	ROD
Supplemental Environmental Impact Statement	Prepare and submit to FHWA for approval	Approve SEIS (20 days)	SEIS
¹ Re-evaluation of EIS	Prepare and Submit for FHWA review	Review and Comment or approve (10 days)	Approved re-evaluation
Programmatic Section 4 (f) Evaluation	Prepare and submit to FHWA for approval	Approve Programmatic Section 4 (f) Evaluation (10 days), including the de minimis determination. (10 days).	Approved Section 4 (f) Evaluation
Draft Section 4 (f) Evaluation	Prepare and submit to FHWA for review and circulation	Review Draft Sec 4 (f) Evaluation (10 days). Distribute to Dept. of Interior for comment and submit for a Legal Sufficiency review	Comments on Draft Sec 4(f) Evaluation and Legal Sufficiency
Final Section 4 (f) Evaluation	Prepare and submit to FHWA for approval. Send to DOI after FHWA approval.	Approve Final Section 4 (f) Evaluation	Final Section 4 (f) Evaluation
Section 106 Adverse Effect Determination	Prepare and submit to FHWA	Make determination and forward to the Advisory Council on Historic Preservation (10 days)	Adverse Effect Determination
Section 106 Memorandum of Agreement	Acquire other approvals, Approve, and Submit to FHWA for approval	Sign MOA and Submit to ACHP (10 days)	Executed Section 106 MOA
Environmental related Consultant services contracts, Supplemental Agreements, and Time Extensions	<u>Full Oversight Projects:</u> Prepare and submit to FHWA for approval <u>State Delegated projects:</u> Prepare and approve	<u>Full Oversight Projects:</u> Review and provide comments or approve (10 days) State Delegated Projects: None	Appropriate Contract for project
Environmental related Master Agreements , federally funded Work Assignments, Supplemental Agreements, and Time Extensions	<u>Master Agreements:</u> Prepare and submit to FHWA for approval <u>Full Oversight Work Assignments greater than or equal to \$100,000</u> Prepare and submit to FHWA for approval <u>Full Oversight Work Assignments less than \$100,000 and State Delegated Work Assignments:</u> Prepare and approve	<u>Full Oversight Projects:</u> Review and provide comments or approve (10 days) <u>State Delegated projects:</u> None	Appropriate Contract for project

¹ A re-evaluation of a Draft EIS is required if an acceptable final document has not been submitted within 3 years of the date of the draft EIS circulation, 23 CFR 771.129(a). A re-evaluation of a Final EIS is required if major steps to advance the action have not occurred within 3 years after approval of the final EIS, final EIS supplemental, or the last major Administration approval or grant, 23 CFR 771.129(b). A re-evaluation of a Categorical Exclusion, an Environmental Assessment or a Finding of No Significant Impact (FONSI) is required if three years have elapsed since document approval, last federal action, or if there has been a change that alters validity of document.

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Environmental program:

1. Environmental Protection Agency (EPA) EIS Ratings

Indicator: The rating that EPA provides on draft EIS documents.

Reporting Instrument: A list of all DEIS documents completed in the reporting period identifying the EPA rating along with a project description.

Reporting Frequency: Annually by October 14 for the FY

2. Completion Time for Environmental Documents

Indicator: Completion time for an EA measured from the date of the project initiation (written determination of document classification) to FONSI. Completion time for an EIS measured from the date of the NOI to issuance of the ROD.

Reporting Instrument: A Division maintained list of EAs and EISs completed identifying the length of time.

Reporting Frequency: Annually by October 14 for the FY.

4.2 Right-of-Way Process

All Federal, State, and local public agencies (and others receiving Federal financial assistance for public programs and projects requiring the acquisition of real property) must comply with the policies and provisions set forth in the Uniform Act and its amendments. The current regulations implementing the Uniform Act were first published in the Federal Register of March 2, 1989, and are codified in the Code of Federal Regulations, Title 49, Part 24. These regulations contain the standards and procedures that acquiring agencies must follow in their appraisal, acquisition, and relocation assistance programs. Additionally, state and local public agencies using federal funds for transportation programs administered under Title 23 U.S.C. must adhere to the regulations contained in Title 23 U.S.C. 710 in the administration of their Right-of-Way (ROW) programs.

The following oversight functional areas involving the Federal-aid ROW program are covered under 49 CFR (24), which has no provision for exemptions under Title 23 U.S.C.:

- Appraisal / Appraisal Review
- Acquisition
- Relocation

The work activities listed below are covered under 23 CFR (parts are listed in parenthesis) and require specific approval and/or oversight by FHWA:

- State ROW operations manual (710.201)
- ROW authorization (710.307)
- Air rights on the interstate (710.405) & NHS (710.201)
- Airspace leases/joint use agreements (710.407)
- Sale/transfer of excess ROW (710.409)
- Early acquisition, protective buying, and hardship (710.501 & 503)
- Functional replacement (710.509)
- Federal land transfers (710.601)
- Highway beautification (750)
- Indirect costs (part 710.203 (d) subpart B)

The work activities listed below are covered in 23 CFR 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 (710.203 (b))
- Real property donations (710.505)

In addition, adherence to Mississippi State Code must be taken into consideration. Even though there are no exemptions under the law for any functions covered in 49 CFR 24, for practical purposes there are two levels of review of those elements. One level depends on whether the project involves ROW acquisition and has Federal-aid in other phases of work but none in ROW. The second level depends on whether there is Federal-aid in the ROW project phases. Although the ROW regulations must be followed under both levels, there is less concern about the reasonableness of the actual dollar expenditures in those projects containing no Federal-aid in the ROW. The primary concerns with these projects are to protect the rights of property owners and displaced persons.

For the second level of projects, there is a dual concern for the rights of property owners and displaced persons and the stewardship of the federal dollars. Continuous review of the State's activities has proven to be an effective means of assuring that the rights of owners and displaced persons are protected as well as monitoring the expenditure of federal funds. This will be continued under this stewardship plan. Process reviews and program evaluations will be conducted when needs or trends are identified at either of the above project levels. The reviews will be conducted jointly with MDOT personnel whenever possible.

Local Public Agencies (LPAs), i.e., cities and counties, are required to comply with the Uniform Act and its governing regulations found in 49 CFR 24 in the same manner as MDOT. As stipulated in 23 CFR 710.201(b), MDOT is responsible for assuring that ROW projects by local public agencies are completed in compliance with Federal and State laws and regulations. FHWA in conjunction with MDOT-ROW staff will review LPA projects on an as need basis.

Table 2 shows a list of MDOT and FHWA project actions related to the right-of-way process. Periodic product evaluations such as reviews of conveyance instruments and maps, examination of

right of way parcel files or other work products will be conducted to ensure that the current process is producing quality products in conformance with policy. If any problems are identified, a process review may be scheduled. Process reviews will be the method for evaluating compliance and effectiveness in each of the program areas.

Certain ROW activities are not covered specifically by either 49 or 23 CFR but are a combination of sound business practice and the occasional national emphasis areas, which affect the ROW program. Joint reviews of these topics and their application will be conducted as needed.

Table 2. Right-of-Way Process Actions and Review Timeframes

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
ROW Authorizations and Agreements (including modifications) for Federal-aid funds (23 CFR 635.309)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS. Oversight projects (10 days) Delegated project (7 days)	Authorization & Agreements
ROW Certification (23 CFR 710.311 }	<u>Oversight Projects:</u> Prepare and submit to FHWA on Oversight projects. <u>Delegated projects:</u> Certification statement included in FMIS authorization request.	Review and provide comments as necessary (7 days)	ROW Certificates
Air Rights (23 CFR 710.405)	<u>NHS</u> – Prepare and submit request to FHWA <u>Non- NHS</u> – Approve	<u>NHS</u> - Review and provide comments or approve (7 days)	Airspace Agreement
Leases/joint use agreements (23 CFR 407)	<u>NHS</u> – Prepare and submit request to FHWA <u>Non- NHS</u> - Approve	<u>NHS</u> - Review and provide comments or approve (7 days)	Lease/Agreements
Disposal of Excess ROW (23 CFR 710.409)	NHS, Non-NHS & Less than fair market value – Prepare and submit request to FHWA	Review and provide comments or approve (7 days)	Property Sale and Revenue to Transportation Fund
Access Control – Disposal and Changes Transfer (23 CFR 710.401)	<u>NHS</u> – Prepare and submit request to FHWA <u>Non- NHS</u> - Approve	Review and provide comments or approve (7 days)	Disposition/Change
Federal Land Transfer (23 CFR 710.601)	Prepare and submit request to FHWA	Review and provide comments or approve (10 days)	Transfer Deeds
Early Acquisition, Hardship, Protective Buying (23 CFR 710.501, (23 CFR 710.503)	Prepare and submit request to FHWA	Review and provide comments or approve (10 days)	Property Ownership
ROW related Consultant services contracts, Supplemental Agreements, and Time Extensions	<u>Full Oversight Projects:</u> Prepare and submit to FHWA for approval. <u>State Delegated projects:</u> Prepare and approve.	<u>Full Oversight Projects:</u> Review and provide comments or approve (10 days) <u>State Delegated projects:</u> Periodic PR/PE	Appropriate Contract for project
ROW related Master	<u>Master Agreements:</u>	Review and provide	Appropriate Contract for

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Agreements, federally funded work assignments, Supplemental Agreements, and Time Extensions	Prepare and submit to FHWA for approval <u>Full Oversight Work Assignments greater than or equal to \$100,000:</u> Prepare and submit to FHWA for approval <u>Full Oversight Work Assignments less than \$100,000 and State Delegated Work Assignments:</u> Prepare and approve	comments or approve (10 days)	project

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the ROW program:

1. Conditional Certifications

Indicator: Number of Federal-aid projects with conditional ROW Certifications (evaluated on statewide basis)

Reporting Instrument: A list of all Federal-aid projects authorized in the reporting period and the number of projects with conditional ROW Certifications

Reporting Frequency: Annually by October 14 for the FY

2. Condemnations

Indicator: Percentage of condemnations not exceeding 25% of the parcels acquired during the reporting period (evaluated on statewide basis)

Reporting Instrument: Uniform Act Relocation Assistance and Real Property Acquisition Statistical Report as required by 49 CFR 24, Appendix B

Reporting Frequency: Annually by October 14 for the FY

4.3 Design Process

The purpose of a design monitoring program is to establish procedures for assuring that Federal-aid projects are designed in accordance with 23 CFR Part 625 Design Standards for Highways, 626 Pavement Policy, 627 Value Engineering, 630 Pre-construction Procedures, 633 Required Contract Provisions, 645 Utilities, 646 Railroads, 650 Bridges, 652 Pedestrian and Bicycle Accommodations and Projects, 655 Traffic Operations, 771 Environmental Impact and Related Procedure, and 772 Noise. It is FHWA policy that FHWA personnel make sufficient reviews of Federal-aid projects to assure they are designed in accordance with applicable standards and in consideration of appropriate cost-effectiveness strategies. All projects on the NHS, regardless of funding source, must follow FHWA approved AASHTO design standards.

For Federal-aid projects on the NHS, including the Interstate System, the primary objectives of the design monitoring program are:

- To promote improved safety through appropriate use of design standards and guidelines.
- To make value added input at appropriate points in the project development process, with emphasis on early involvement in the project decision making process.
- To maintain a close working relationship between FHWA and MDOT project development personnel.
- To ensure the integrity of the Interstate system through the review and approval of Interstate access point additions or modifications.
- To promote context sensitive solutions concepts
- To ensure that environmental commitments are incorporated into projects.

The types of design reviews that will be undertaken by FHWA include:

Early Planning Reviews: Early involvement maximizes FHWA's opportunity to participate in design decisions with the goals of promoting safety and preserving human and natural environment. FHWA's participation in developing possible transportation solutions or concept development meetings, prior to any public meetings, should be included on Federal-aid projects of a scope that is likely to require an Environmental Assessment or Environmental Impact Statement, or a FHWA full oversight project.

Intermediate Reviews (Conceptual Plans, Field Review Plans and Office Review Plans): These reviews are appropriate during the time the design concepts and major design features are being developed and finalized. The purposes of intermediate reviews are to assure that appropriate design considerations are used during layout development, to assure that environmental commitments are observed, to assure cost-effective design alternates are considered, to maintain communication with the highway agency, and to evaluate the quality of the product. On complex projects an onsite plan-in-hand review should be conducted and a review team approach considered. FHWA will participate in intermediate reviews after a project has been designated as full-oversight..

Plans, Specifications and Estimate (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 if there was adequate FHWA involvement during the intermediate reviews leading up to the final plans. These reviews are required on all FHWA oversight projects to assure that the project is ready for authorization.

Design Process Reviews/Program Evaluations (PR/PE): These are reviews that evaluate the adequacy of the processes and procedures used by MDOT on design activities. Their purpose is to provide oversight and control of design methods, techniques, procedures and policies on a statewide or area wide basis. Process reviews can be broad in scope, covering a major design activity such as conceptual studies, 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. As appropriate, State delegated and FHWA full oversight projects will be included in the sample of projects inspected as a part of process reviews.

Design and Operation Reviews: These reviews are undertaken for recently completed 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.

On Federal-aid projects where MDOT has the delegated authority to act for FHWA in design monitoring, a similar type of program of independent reviews will be conducted. MDOT administered projects are subject to joint FHWA-MDOT process reviews and inspections and must comply with applicable Federal requirements. For Federal-aid projects off the NHS, the objective of the design monitoring program is to ensure that non- Title 23 U.S.C. requirements are met.

Along with the general items listed above for FHWA project review, the following are specific requirements for bridge projects:

- For new or reconstruction bridge projects on the Interstate system (bridges that carry interstate traffic and interchange bridges), preliminary bridge plans as well as final plans, specifications and estimates (PS&E) will be submitted to FHWA for review.
- For new or reconstruction bridge projects that carry traffic over the Interstate Highway regardless of funding source, preliminary bridge plans will be submitted to FHWA for the purpose of evaluating horizontal and vertical clearances on the Interstate system.
- FHWA may elect to retain full oversight on Federal-aid projects involving unusual structures. Unusual structures may include tunnels, structures featuring new or complex wall systems, structures that involve complex stream stability countermeasures, or designs that are atypical or unique. Unusual bridges may include unique foundation problems, complex designs with unique features, bridges with exceptionally long spans, or bridges being designed with procedures that depart from currently recognized acceptable practices.
- FHWA will be available for technical assistance on all Federal-aid and non-Federal-aid bridge projects.

Table 3. Design Monitoring Process Actions and Review Timeframes

WORK ACTIVITY	FHWA FULL OVERSIGHT PROJECTS		STATE DELEGATED PROJECTS ON THE NHS		STATE DELEGATED PROJECTS OFF THE NHS	
	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION
Design Authorizations and Agreements (including modifications) for Federal-aid funds (23 CFR 635.309)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (10 days)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (5 Days)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (5 days)
Preliminary and intermediate design plans	Prepare and submit to FHWA	Review and Comment (10 Days)	Prepare and Comment	None	Prepare and Comment	None
Design Exceptions ¹	Prepare and submit to FHWA	Approve (10 Days)	Prepare and Approve (approval applies to non-interstate only)	Approve (approval applies to interstate only)	Prepare and Approve	None
Engineering and Operations Analysis for new or modified Interstate Access ²	Prepare and submit to FHWA	Review and comment or Approve (15 Days to Approve or forward to HQ for Approval)	Prepare and submit to FHWA	Review and comment or Approve (15 Days to Approve or forward to HQ for Approval)	N/A	N/A
Value Engineering Annual Summary	Prepare and submit to FHWA	Review and comment or Approve and forward to HQ (10 days)	Prepare and submit to FHWA	Review and comment or Approve and forward to HQ (10 days)	Not Required	None
Public Interest Finding (Special Products, Sole Source Specs, Proprietary Items, etc.)	Prepare and submit to FHWA	Review and comment or Approve (10Days)	Prepare and submit to FHWA	Review and comment or Approve (10 Days)	Prepare and Approve	None
Bridge Preliminary Plan Review (TS&L, structure type, & foundation review) for projects with bridge costs greater than \$10 million	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and submit to FHWA	Provide Technical Assistance ³	Prepare	Provide Technical Assistance ³
Design Consultant services contracts, Supplemental Agreements, and Time Extensions	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and Approve	None	Prepare and Approve	None

WORK ACTIVITY	FHWA FULL OVERSIGHT PROJECTS		STATE DELEGATED PROJECTS ON THE NHS		STATE DELEGATED PROJECTS OFF THE NHS	
	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION
Design related Master Agreements	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and submit to FHWA	Review and comment or Approve (10 days)
“Full Oversight” Work Assignments greater than or equal to \$100,000	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and Approve	None	Prepare and Approve	None
“Full Oversight” Work Assignments less than \$100,000 and State Delegated projects	Prepare and Approve	None	Prepare and Approve	None	Prepare and Approve	None
PS&E	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and Approve	None	Prepare and Approve	None
New/revised Standard Drawings and Specifications	Prepare and submit to FHWA	Review and comment or Approve ⁴ (10 days)	Prepare and submit to FHWA	Review and comment or Approve ⁴ (10 days)	Prepare	None
Roadway Design Manual (including 3R standards)	Prepare and submit to FHWA	Review and comment or approve (10 days)	Prepare and submit to FHWA	Review and comment or approve (10 days)	Prepare and submit to FHWA	Review and comment or approve (10 days)

¹ FHWA approves design exceptions for all Interstate and Appalachian Development Projects. This includes both full oversight and State delegated projects. Chief Engineer approves all other design exceptions.

² Engineering and Operations Analysis is required for new or modified Interstate Access. This includes both full oversight and State delegated projects.

³ FHWA must approve for all bridges over the Interstate regardless of funding source

⁴ FHWA must approve New Standard Drawings for use on NHS projects

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Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Design program:

1. For all Federal-aid projects, percent of PS&E’s that have all necessary documentation at day of advertisement.
2. Percent of interstate access modifications that demonstrate reduced congestion. Goal 100%.
3. Value Engineering annual summary done in accordance with federal requirements.

4.4 Intelligent Transportation Systems (ITS) Projects

The applicable legislation for ITS projects is 23 CFR 940 Intelligent Transportation System Architecture and Standards. This section of 23 CFR describes the regulations that must be followed for projects that contain ITS components.

ITS Regional Architecture - 23 CFR 940.9 An ITS regional architecture shall be developed to guide the development of specific projects and programs.

Systems Engineering Analysis - 23 CFR 940.11 All ITS projects shall be based on a systems engineering analysis. The applicable regional ITS architecture shall be used in the development of ITS projects. The analysis should be on a scale commensurate with the project scope.

Project Administration - 23 CFR 940.13 Prior to authorization of Federal-aid funds for construction or implementation, the project sponsors shall demonstrate that ITS projects conform to the system engineering and conformity requirements provided in 23 CFR 940.11 and that there is a commitment to the operations, management and maintenance of the overall system.

Table 4. Intelligent Transportation System Process Summary Table

ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Systems Engineering Analysis Report	<u>FHWA Full Oversight:</u> Prepare/review and Submit <u>State Delegated:</u> Prepare and Approve	<u>FHWA Full Oversight:</u> Approve (10 days) <u>State Delegated:</u> None	Analysis Report
ITS Consultant services contracts, Supplemental Agreements, and Time Extensions	<u>FHWA Full Oversight :</u> Prepare and submit to FHWA <u>State Delegated Projects:</u> Prepare and approve	<u>FHWA Full Oversight:</u> Review and Approve (10 days) <u>State Delegated:</u> None	Approved Consultant contracts
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

Note:

The FHWA will retain full oversight for ITS projects meeting the following criteria:

- Interstate System projects (including those on routes designated as future Interstate) with a construction estimate greater than or equal to \$2 million.
- NHS projects with a construction estimate greater than or equal to \$10 million.
- Appalachian Development Highway Program projects

All other ITS projects are to be State Delegated, where as, MDOT is to act on behalf of FHWA in ensuring that all 23 U.S.C. or 23 C.F.R. requirements are met. In addition, FHWA reserves the right to conduct reviews, as appropriate, to confirm that the Federal-aid program is being administered in accordance with the applicable laws and regulations and may

request full oversight of any ITS project funded through Federal-aid funding. For ITS Congressional Earmarks, FHWA will monitor pre-award activities to ensure that the project being pursued meets program purposes, non-Federal match, and other requirements. Once the project is approved and a project agreement executed, Federal oversight will be conducted as identified in the above Table 4.

Performance/Compliance Indicators - To ensure that all agencies with federally funded ITS projects have “Ready For Use” Regional ITS Architecture (RA) or Project Architectures in conformance with 23 CFR 940, the MDOT will submit to the FHWA Division Office a semi-annual report, no later than March 31 and August 31, listing all ITS programmed projects. The list will include:

- Project description
- Fiscal year programmed
- Amount funded
- Project location
- Status of the region’s regional ITS architecture
- Whether the project listed in the region’s regional ITS Architecture. If the region has no regional ITS architecture, the date the region’s first ITS project advanced to final design.

4.5 Construction Authorization and Monitoring Process

FHWA Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall not be given until all of the following conditions have been met in accordance with 23 CFR 635.

- PS&E is complete and ready for advertisement
- ROW Certification
- Utilities Certification
- Railroad Agreements obtained
- Permits obtained
- Environmental documents approved and appropriate environmental commitments have been included in the PS&E.

Occasional exceptions may be made to the ROW, utility, and railroad requirements above when meeting one or more of these conditions are not “feasible or practical.” In these cases, the PS&E must adequately account for these exceptions.

For full oversight projects, MDOT will provide all required documentation to FHWA Division Office at least 10 business days prior to the date authorization is requested. All documentation will be provided to FHWA in a single submittal. A PS&E Project Checklist should be used to facilitate this submittal. If it is not feasible or practical to submit any required documentation with the submittal, a status of this documentation will be provided with the submittal. FHWA will review the project documentation to assure that all project requirements are met. For projects on the NHS with state delegated oversight, the MDOT will ensure that all applicable requirements have been met and that the project was developed in compliance with this agreement and all applicable laws and standards.

In general MDOT has responsibility for the construction of all Federal-aid projects and for ensuring that such projects receive adequate supervision and inspection to ensure that Projects are completed in

conformance with approved plans & specifications. The primary objectives of the FHWA construction-monitoring program are:

- To evaluate MDOT 's control of the projects and the quality and progress of work
- To maintain a close working relationship with MDOT construction staff
- To promote quality improvements
- To promote work zone safety
- To assure that projects are completed in reasonably close conformance with the approved plans and specifications and approved changes
- To ensure incorporation of environmental commitments

FHWA will use the following types of inspections to obtain these objectives:

- Process Review/Product Evaluation (PR/PE) - comprehensive reviews to evaluate MDOT's procedures and controls. The purpose of a PR/PE is to provide oversight of MDOT construction and materials management activities and to determine compliance with Federal-aid requirements on a statewide or District wide basis.
- Inspection-In-Depth - a thorough on-site review to evaluate a specific contract item, combination of items, or major phase of a project. Inspections-in-depth may be accomplished on an individual project basis or on several projects with the findings summarized as a District wide or statewide review.
- Project Inspection - an on-site review to evaluate MDOT's activities, the quality and progress of the work, incorporation of environmental commitments, and if appropriate, to follow up on findings from previous inspections.
- Final Inspection - A review to determine the extent to which MDOT has exercised its control to assure that the project has been completed in reasonably close conformance with the plans, specifications, and authorized changes, including implementation of environmental commitments.
- Operational Review - The intent of these inspections is to observe a recently completed project with a multi-disciplinary team to identify opportunities for improvement that may be incorporated in future projects. These reviews also provide the opportunity to identify items that worked very well in addition to noting deficiencies.

Title 23 requirements apply to all projects on the NHS regardless of oversight process. Non-Title 23 requirements apply to all projects and are subject to review regardless of oversight process.

Table 5. Construction Process Summary Table

ACTIVITY	FHWA FULL OVERSIGHT PROJECTS		STATE DELEGATED PROJECTS ON THE NHS		STATE DELEGATED PROJECTS OFF THE NHS	
	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION
Construction Authorizations and Agreements (including modifications) for Federal-aid funds (23 CFR 635.309) providing authority to advertise for bids	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (10 days)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (5 Days)	Prepare and submit to FHWA in FMIS	Electronic Signature in FMIS (5 days)
Construction Engineering Consultant services contracts, Supplemental Agreements, and Time Extensions	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and Approve	None	Prepare and Approve	None
Construction related Master Agreements for CE&I Consultant services	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and submit to FHWA	Review and comment or Approve (10 days)
“Full Oversight” Work Assignments greater than or equal to \$100,000, Supplemental Agreements, and Time Extensions	Prepare and submit to FHWA	Review and comment or Approve (10 days)	Prepare and Approve	None	Prepare and Approve	None
“Full Oversight” Work Assignments less than \$100,000, State Delegated projects, Supplemental Agreements, and Time Extensions	Prepare and Approve	None	Prepare and Approve	None	Prepare and Approve	None
Concurrence in Contract Award	Prepare and Recommend	Review and Concur (5 days)	Approve	None	Approve	None
Rejection of bids	Recommend	Review and Concur (5 days)	Approve	None	Approve	None
Supplemental Agreements	Prepare and Approve	Review & Approve (5 days)	Approve	None	Approve	None
Claims Settlements	Coordinate with the AG’s office and FHWA.	Approve prior to settlement(10 days)	Coordinate with the AG’s office	None	Coordinate with the AG’s office	None
Time Extensions & Suspension of work	Approve	Approve (10 days)	Approve	None	Approve	None
Executed Contract	Prepare and Approve	Information	Approve	None	Approve	None
Conduct Construction Inspections (Initial, Intermediate, and In-depth)	Information	Conduct and Prepare Report (10 days)	Conduct and Prepare Report	None	Conduct and Prepare Report	None

ACTIVITY	FHWA FULL OVERSIGHT PROJECTS		STATE DELEGATED PROJECTS ON THE NHS		STATE DELEGATED PROJECTS OFF THE NHS	
	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION	MDOT ACTION	FHWA ACTION
Final Construction Inspection	Conduct jointly with FHWA	Conduct and Prepare Report (10 days)	Conduct and Prepare Report	None	Conduct and prepare Report	None
Final Acceptance Report	Information and/or action	Conduct and Prepare Report (10 days)	Conduct and Prepare Report	None	Conduct and prepare Report	None
State Construction Engineer's Certificate of Final Acceptance	Prepare, Approve, and Submit to FHWA	Accept	Prepare and Approve	Information	Approve	None
Materials Certification	Prepare	Approve (10 days)	Prepare and Approve	Information	Prepare and Approve	None
Labor Compliance	Check payrolls	Review as needed	Check payrolls	None	Check payrolls	None
Buy America Waiver	Prepare	Approve (10 days)	Prepare	Approve (10 days)	Prepare	Approve (10 days)

Performance/Compliance Indicators

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Environmental program:

1. Percent of change orders that contain necessary supporting documentation for the (1) reason for the change, (2) the cost(s) of the change, and (3) any additional contract time that may be necessary for the change. Goal = 100 percent.
2. Project cost and time overruns.

4.6 Bridge Program

Part 650, Subpart C of 23 CFR established the National Bridge Inspection Standards (NBIS) that apply to all bridges that carry vehicular traffic, are greater than 20 feet in length and are located on a public road. Subpart D establishes the procedures for administering the Highway Bridge Replacement and Rehabilitation Program (HBRRP). The program was established to replace and rehabilitate deficient bridges.

MDOT Bridge Division is responsible for managing the Bridge Inspection Program and load rating evaluation of state owned bridges. MDOT is responsible for performing bridge safety inspections and bridge maintenance for state maintained bridges in each district. MDOT is responsible for the statewide NBI (National Bridge Inventory) for state owned bridges and manages its bridge inspector certification program and the state NBIS quality control/assurance program. The Office of State Aid Road Construction (OSARC) is responsible for the inspection and load evaluation of all county and

city owned bridges. OSARC is responsible for the statewide NBI for locally owned bridges and manages the county bridge inspector certification program and the local NBIS quality control/assurance program.

A NBIS compliance review will be conducted once each year. The reviews include the following major NBIS elements: program size, organization, qualifications of personnel, inspection frequency, inspection procedures, inventory, maintenance, bridge management and quality control/assurance. The review includes an evaluation of a sampling of bridge inspection reports and bridge files, interviews with the Program Managers and Bridge Inspector Team Leaders, and field reviews of selected bridges. A NBIS review report conforming to the FHWA standard format is prepared annually by the Division Bridge Engineer. The final report is submitted to FHWA HQ, and copies of the report are provided to MDOT and OSARC.

Eligibility for the HBRRP program is based on bridge inspection and inventory data submitted annually to FHWA Office of Bridge Technology by MDOT with the assistance of OSARC. A selection list of eligible structures is furnished by FHWA to MDOT and the OSARC. MDOT and OSARC may select any eligible bridge on the selection list for replacement or rehabilitation under HBRRP program. Additionally, MDOT and State Aid may also use these apportioned funds for bridge preservation type projects provided that a systematic approach is exercised. The distribution of HBRRP funds to each State is based on unit cost data for bridges and the area of deficient bridges contained in the bridge inventory. Unit cost data is prepared annually by MDOT and OSARC and is reviewed and submitted by FHWA. Not less than 15 percent of the apportioned funds shall be expended for projects located off the Federal-aid system.

Table 6. Bridge Program Summary Table

WORK ACTIVITY	MDOT/OSARC ACTION	FHWA ACTION	OUTCOME
Bridge Inspection Program (State, County and Cities)	Conduct inspections. Perform Load Ratings. Update NBI and send data to FHWA annually by April 1. Participate in review annually	Annually process bridge data and furnish error listing. Review error listing and resolve differences. Conduct review annually.	Annual update of NBI. Annual review report complete.
Bridge Replacement & Rehabilitation Program (HBRRP)	Select and design projects. Furnish unit cost data annually to FHWA by April 1. Request eligibility approval for candidates not on FHWA Selection list	Provide list of eligible projects. Validate eligibility of HBRRP projects. Review and submit unit cost data annually. Technology Transfer.	MDOT receives their share of HBRRP funds based on cost and area of deficient bridges. Deficient bridges are replaced, rehabilitated or receive preventative maintenance applications.

Performance/Compliance Indicators

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Bridge program:

1. Deficient deck area.
2. Compliance with the NBIS Regulations as evaluated as part of the annual NBIS Review.
3. Implementation of LRFD and LRFR.
4. Plan of Actions (POAs) developed/implemented for all scour critical bridges MDOT and OSARC will report status of POAs development bi-annually.
5. Reduction in coded unknown foundations.

4.7 Civil Rights Program

The FHWA Division Office is committed to effectively implement and enforce civil rights programs within MDOT in its planning, design, construction, and management of the multimodal transportation system. MDOT 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 and the codified Federal regulations that outline these acts.

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

The purpose of FHWA oversight is to monitor the implementation and effectiveness of MDOT's Office of Civil Rights program areas that include affirmative action/equal employment opportunity, 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 MDOT initiated civil rights meetings and review activities. FHWA will review and approve MDOT's programs on an ongoing basis through process and program reviews, and through active participation in continuous program evaluation and improvement. Appropriate FHWA representatives will actively participate in MDOT 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 MDOT to help identify trends and provide feedback and recommendations for improvement to MDOT.

Table 7. Civil Rights Program Summary Table

WORK ACTIVITY	MDOT 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 Approve. 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 October 31. External reports based on FFY. Internal reports based on SFY)	Review and Approve. (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.
Title VI Program Update	Prepare and Submit (no later than Annually in June)	Review and Approve. (10 days)	Updates accurately reflect MDOT's Title VI Program.
DBE Program Plan Update	Prepare and Submit (No later than August 1)	Review and Approve. 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 Approve. 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 (No later than November)	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

Federal Guidelines Governing the Civil Rights Programs:

Titles VI and VII of the Civil Rights Act
 23 CFR 200, 230 (Subpart C, Appendix A (Part I and II)
 49 CFR Parts 21 (Title VI), 23, 26,
 23 USC 140 (a-c), 109(h), 144
 Executive Orders 12898, 11246, 13296, 13256, 13166, 13216
 USDOT Orders 5610.2, 4710.8, 4720.7, 1000.12
 Rehabilitation Act of 1973
 Americans with Disabilities Act Accessibility Guidelines (ADAAG)/ADA
 FHWA Contract Provision 1273
 Federal Aid Highway Acts of 1968 (Section 22), 1970 (Section 110) and 1973.
 23 CFR 1.9 and 1.36
 Civil Rights Restoration Act of 1987

42 USC 2000(d)

Compliance/Performance Indicators:

MDOT will report the compliance and monitoring of these indicators through their annual Title VI, Title VII and DBE plan update. The following performance indicators will be used to assess the health of the Environmental program:

1. Percent of minority representation in MDOT's workforce.
2. Percentage of Federal dollars used for transportation related contract awards and commitments performed by Disadvantaged Business Enterprises (DBE's).
3. Number of projects that Title VI staff has identified Environmental Justice (EJ) issues.
4. Number of formal complaints filed in all sections of Civil Rights.
5. Number of people, staff and subrecipients trained each year.

4.8 Financial Management Program

The correctness and propriety of all Federal-aid claims are the primary responsibility of MDOT whether the primary cost documentation originates within MDOT or with some third party. This responsibility is fulfilled by MDOT maintaining adequate operating policies and procedures and a sound accounting system with proper internal controls together with suitable audit activities. It is FHWA's responsibility to assure such processes are in place and providing desired results as well as to provide technical assistance and advice in funding and financial areas. FHWA provides assistance and maintenance to MDOT for the electronic data sharing and electronic signature environment.

Office of Management and Budget (OMB) Circular A-133 was issued pursuant to the Single Audit Act of 1984 (P.L. 98-502) and Amendments of 1996 (P.L. 104-156) for the purpose of setting forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards. The U.S. DOT Office of Inspector General is the cognizant agency for audit responsibilities of the MDOT.

The Mississippi State Auditor's Office is responsible for auditing MDOT for purposes of the Single Audit Act. The MDOT Internal Audit Division is responsible for auditing MDOT's operations as requested by MDOT management, the Mississippi Transportation Commission, or FHWA; and also in accordance with the Internal Audit Division's workplan. FHWA may provide technical advice and assistance to MDOT and auditors as appropriate and advise MDOT of requirements imposed by Federal laws, regulations or provisions of contracts.

Federal-aid reimbursement to MDOT for costs incurred is found in 23 U.S.C. 121. In accordance with 23 CFR 1.9(a), Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State Law, the regulations in 23 CFR, and policies and procedures prescribed by FHWA. The FHWA Mississippi Division provides oversight of Cost Reimbursable Contracts, pursuant to 23 CFR Part 140, 49 CFR Part 18, and OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments). Likewise, FHWA must comply with the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA). Reimbursement to MDOT is made through an electronic signature Federal-aid Rapid Approval and State Payment System (RASPS). The

Single Audit Act does not preclude FHWA from performing program reviews and these activities are undertaken by FHWA to facilitate oversight of the current billing process. These routine financial management reviews may be conducted on MDOT's accounting systems and records to assure conformance with applicable laws, regulations, and government-wide accounting principles and standards. Also, to maintain an adequate system of management control and to promote effective program delivery and efficiency, FHWA promotes the conduct of joint FHWA-State DOT, Quality Financial Management Initiatives (QFMI). The employment of these mechanisms will provide reasonable assurance that only allowable costs are reimbursed, thus ensuring the integrity of the Federal-aid program. Further these joint cooperative efforts between FHWA and MDOT will help to establish opportunities for continuous improvements specifically in areas with any potential compliance weaknesses.

MDOT may be reimbursed for the federal share of eligible Construction Engineering & Inspection (CE&I) costs as described in 23 CFR 140.703(b). MDOT will review the CEI rate used on projects annually to determine that the CE&I limitation as described in 23 CFR 140.205 has not been exceeded.

Occasionally, there are exceptions to the processing of claims via the electronic current billing process and in these instances hand vouchers are prepared and sent to the FHWA Division for processing the payment. The FHWA Division reviews and forwards the claims for payment.

The Cash Management Improvement Act of 1990 (31 CFR Part 205) prescribes rules and procedures for the transfer of funds between the federal government and the states for federal grant and other programs. The U.S. Treasury and the State of Mississippi have entered into an agreement to describe its funds transfer procedures. FHWA's involvement is to provide assistance and guidance to MDOT to facilitate compliance and to assist in the implementation of cash management improvements.

The Financial Integrity Review and Evaluation Program (FIRE), FHWA Order 4560-1b requires each Federal-aid Division office to establish an effective oversight program to ensure that Federal funds are properly managed and effectively used in accordance with Federal policies. Under This program, each Federal-aid division office is required to perform in support of the Federal Highway Administration's annual certification of internal and financial controls to support the financial statements, a grant financial management process review in response to the performance of a annual risk assessment (the purpose of the grant financial management process review is to assess one key State process to determine that (1) the process complies with Federal requirements, (2) the process complies with generally accepted accounting principles and standards and internal controls, and (3) areas of opportunity are identified for process improvement). The FIRE program includes a review of randomly selected billing transactions provided by FHWA Headquarters that verifies the eligibility and accuracy of costs billed to FHWA, verify costs were incurred after FHWA approval, verify costs were charged to the correct project, verify costs were approved by the appropriate State / local official, and verify that MDOT has sufficient supporting documentation to substantiate the billing.

The Fiscal Management Information System (FMIS) is FHWA's major financial information system. 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. Electronic data

sharing allows MDOT to transact FMIS data electronically and FHWA to review and approve the data. This process provides faster approvals and better control of funds. Both MDOT and FHWA have the ability to access FMIS information to obtain current funding and project related reports.

The Federal-aid Highway Program is made up of a series of separately funded categories, each having its own specific and separate funding as described in 23 U.S.C. Each of the programs has certain activities for which that funding may be used and are described in law. When an Authorization Act establishes a program, it sets certain ground rules under which the program operates. These rules include the amounts of funds available to the program for each fiscal year; period of availability; Federal participation ratio; fund source; type of authority; and a listing of eligibility activities. In order to be more responsive to Federal budget policy, a limit is placed on total obligations that can be incurred during the fiscal year (called obligation limitation). The FHWA Mississippi Division, in their role of administering and delivering the Federal-aid highway program, has a responsibility to provide information, guidance, and assistance to MDOT. Although this oversight is ongoing, when a new Authorization Act modifies existing programs, or adds or eliminates programs, then FHWA has a responsibility to advise MDOT that significant changes in the program have been made and that appropriate financing procedures are implemented by MDOT.

Advance construction (23 U.S.C. 115) has been an effective tool in innovative financing to advance a project's construction time line. These projects must meet the same requirements and proceed in the same manner as a regular Federal-Aid project, except for the following: FHWA authorization does not constitute any commitment of Federal funds and MDOT will not be reimbursed until the project has been converted.

MDOT is responsible for funds management, which includes monitoring un-obligated balances of the various funds to ensure funds are being used effectively and lapsable funds are limited. This would also include a review of older projects that have had no activity for possible release of funds for use on other eligible federal projects. FHWA will evaluate the effectiveness of this program annually.

MDOT maintains the official records for Federal projects. Supporting documentation will be retained by MDOT for three years after the final voucher and will include (but not limited to): the final contractor pay estimate, material certification, projects' agreement / modification, statement of over-runs and under-runs, and final Right of Way certificate in accordance with current requirements. Supporting documentation retained by MDOT will be available upon request to FHWA.

In accordance with SAFETEA-LU Section 1904, MDOT is responsible for assuring that they have a Project Management Plan and Financial Plan (with annual updates) for Major Projects. Major Projects are those projects receiving Federal financial assistance with an estimated cost of \$500 million or more or projects that have been identified by the DOT Secretary as being "Major" as a result of special interest. Project Management Plans and Finance Plans for Major Projects shall continue to be developed by MDOT and submitted to the FHWA Division Office. The Division will approve the Project Management Plans prior to NEPA completion and Finance Plans prior to authorization of Federal-aid funds for construction. In addition, projects with a total cost between \$100 million and \$500 million, while not classified as Major Projects, require the preparation of Finance Plans that must be made available to FHWA upon request.

Improper Payments Review - reviews of randomly selected billing transactions provided by FHWA Headquarters that verifies the eligibility and accuracy of costs billed to FHWA, verify costs were incurred after FHWA approval, verify costs were charged to the correct project, verify costs were approved by the appropriate State / local official, and verify that MDOT has sufficient supporting documentation to substantiate the billing.

Table 8. Financial Management Program Summary Table

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Current Billing	Submits electronically to FHWA as often as desired.	Financial Manager approves electronically (2 days)	Electronic Financial Transfer (EFT) payment posted to MDOT's account
Project Authorizations and Modified Authorizations	Submits approved request using electronic signature.	Review and approve Full Oversight (10 days) State Delegated (5 days)	Electronic signed project agreement
Final Vouchers	Submit hard copy Final Voucher to FHWA	Review, approve, and electronically close out project in FMIS (15 days)	Project closed out
Transfer of Funds between categories and between agencies.	Review and recommend approval of transfer request to FHWA/FTA.	FHWA review/approves funds transfers, prepares worksheet and sends to HQ Finance to adjust funding records. (5 days)	Funds transferred as requested
Project Funds Management/Monitoring of Inactive Obligations	Compliance with Final Rule, 23 CFR Part 630. Review inactive projects for potential release of funds	Review balance of unexpended obligations and inactive projects.	Balance of unexpended obligations at or below 5% of annual apportionments
Audit Findings	Assure that audit findings relating to Transportation are resolved.	Monitor activities to ensure that corrective actions are taken.	Audit findings are resolved timely.

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Major Projects	<p>For \$100M to \$500 M projects; prepare Financial Plan prior to construction authorization, submit to FHWA.</p> <p>For projects \$500 M or greater; prepare and submit Project Management Plan (prior to NEPA completion) and Annual Financial Plan (prior to construction authorization) to FHWA prior to construction authorization. Prepare and submit annual updates.</p>	<p>For \$100M to \$500 M projects; review finance plans.</p> <p>For projects \$500 M or greater; review and approve Project Management Plan and Annual Finance Plan.</p>	Plans approved by FHWA.
Improper Payments	Assure that adequate controls are in place to detect improper payments	Conduct review of randomly selected billing transactions.	Improper payments detected. Only allowable costs billed.

Performance and Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Financial Management program:

1. Single Audit Report Findings – Action plan to resolve Single Audit findings relating to Finance will be developed by MDOT and submitted to FHWA within thirty days of issuance of the Single Audit Report. All findings resolved within six months of issuance of Single Audit Report.
2. Quarterly, FHWA Financial Manager meets with MDOT Financial Management Division and MDOT Programming Division to discuss compliance of FIRE requirements and provide written report on the current status of all FIRE activities.
3. Ensure the balance of unexpended obligations on inactive projects do not exceed 5% of the State’s annual apportionment.

4.9 Maintenance Monitoring Program

In accordance with 23 U.S.C. 116 (applicable to all Federal-aid highways), States are required to maintain, or cause to be maintained any project constructed as part of a Federal-aid system. FHWA is responsible for maintenance monitoring of all Federal-aid projects.

[Note: requirement of CFR 635, Subpart E, requiring State’s annual certification that Interstate was being maintained in accordance with Interstate maintenance guidelines was eliminated under TEA-21 Section 1306(a)]

A Preventive Maintenance (PM) activity shall be eligible for Federal assistance if the State demonstrates to FHWA that the activity is a cost-effective means of extending the useful life of Federal-aid bridges and highways. FHWA staff will assist MDOT in developing PM programs, identify and approve eligible activities, and provide information on best practices, procedures, and technologies.

FHWA staff will observe highway conditions during their routine travel activities. They may also perform in-depth maintenance reviews, as appropriate. Any significant findings will be discussed with appropriate MDOT officials. The oversight activities of the State’s routine maintenance program will apply to NHS and non-NHS routes. FHWA maintenance monitoring activities will be a continuous process. Maintenance deficiencies observed during official travel will be reported to the appropriate MDOT personnel. Follow-up activities, if necessary, will be performed by FHWA representatives.

Additionally, FHWA may occasionally participate in post construction reviews with MDOT personnel. These reviews will focus on identifying and correcting any design features that would require abnormally heavy maintenance.

FHWA Bridge Engineer will monitor the State’s NBIS program (see Bridge Program section).

The Preventive Maintenance (PM) program may include all eligible maintenance activities within Federal-aid Highway Right of Way. If Federal funds are planned on being used statewide for maintenance activities, the State will develop statewide PM programs for eligible activities for FHWA approval. In the absence of a statewide program, MDOT will seek FHWA approvals on a project or by activity basis when Federal funding is proposed. FHWA would review the activities and provide its determination on effectiveness. The oversight activities of MDOT’s PM program will apply equally to NHS and non-NHS routes. FHWA will review and monitor MDOT’s PM program and projects for Federal-eligibility. FHWA PM monitoring activities will be done mostly on a programmatic basis. Process reviews may be developed and conducted. The items for process reviews will be influenced by either FHWA or MDOT’s observations of perceived strengths and/or weaknesses in PM program or activities. Deficiencies observed will be reported to the appropriate MDOT personnel. Follow-up activities, if necessary, will be performed by FHWA.

Table 9. Maintenance Monitoring Program Summary Table

WORK ACTIVITY	MDOT 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 MDOT personnel

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Federally funded PM (individual activities)	Identify individual PM activities or projects for Federal eligibility	Review and Approve (10 days)	List of Approved Activities
Federally funded PM (program)	Develop annual PM program of eligible projects.	Review and Approve Program as needed. Assist MDOT in developing and implementing PM	Approved and Implemented Annual PM Program
Monitor Federally funded PM accomplishments	Prepare Accomplishment Report	Review and Recommend changes to Plan, Information	Annual Report and Improved Program
PM Technology Transfer	Identify and Propose technology transfer activities	Assist MDOT in identification, marketing, and implementation	Improved PM program
Emergency Preparedness	Prepare program/plans	Review and Concur	EP program/plan
Emergency Relief (ER) Program	Conduct site review and prepare application for ER funds.	Conduct site review with MDOT staff. Write DDIR. (10 days)	Site approval and ER fund allocation

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Maintenance program:

1. All preventative maintenance activities are in accordance with FHWA letter dated February 2, 2005 and MDOT PM policy dated February 4, 2005 Statement of compliance included on all PM authorizations.

4.10 Materials Acceptance Program

The Materials Acceptance Program (MAP) is structured around 23 CFR 637. The overall purpose of the MAP is to assure the quality of materials and construction in all Federal-aid highway projects on the National Highway System. The MAP is comprised of a quality control program for the supplier and the quality assurance program for the agency.

For Federal-aid projects on the NHS, the primary objectives of the MAP are as follows:

- To maintain a close working relationship with MDOT materials and construction staff.

- To promote improvements when new approaches or technologies are developed and where deficiencies are identified.
- To assure that materials incorporated in projects, and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.
- To provide oversight of construction materials, and compliance with federal requirements on a statewide basis.
- To assure adequate and qualified staff to maintain MDOT's quality assurance responsibility as part of its Quality Control/Quality Assurance (QC/QA) program.

FHWA will monitor MDOT's MAP for construction of full federal oversight projects. For state delegated projects, MDOT will monitor the MAP for construction as if FHWA were fully involved.

FHWA will review and approve MDOT's MAP on an as needed basis. The MAP includes the Quality Control (QC) program, the Quality Assurance (QA) program, the Independent Assurance Program, Materials Certification, the Qualified Laboratory Program, the Technical Certification Program, and the Schedule of Materials Control. Additionally, by being a member of the individual task forces, teams, committees, FHWA will have an ongoing involvement in the development and implementation of the MAP. In general, FHWA will monitor the implementation and effectiveness of the MAP through process reviews. Individual process reviews will be identified in the FHWA Division Office's annual Performance Plan.

Table 10. Materials Acceptance Program Summary Table

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Schedule of Materials Control	Prepare and revise	Approve	Approved Schedule
Qualified Technician Program	Prepare and revise	Approve	Approved Program
Qualified Laboratory Program	Prepare and revise	Approve	Approved Program
AASHTO accreditation inspection reports, use of outside testing facility	Maintain accreditation, Submit inspection report, Approve outside testing facility	Review for acceptable results and file comments as necessary	Approved Program
Independent Assurance Program	Prepare and revise	Approve	Approved Program

Performance and Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Financial Management program:

1. Laboratories are qualified in accordance with 23CFR 637 Subpart B.
2. Quality Assurance and Independent Assurance programs are in place and identifying out of specification material and personnel who are performing these tests.

4.11 Pavement Management and Design Program

The FHWA Mississippi Division provides ongoing support in development and implementation of the Pavement Management System (PMS). FHWA participates in various meetings to ensure that pavement related activities, including new and rehabilitated pavement design and construction, pavement management, research, technology transfer, HPMS, vehicle weight enforcement program, etc., are well coordinated among the functional administrative areas of the Division office.

FHWA will review MDOT’s pavement design/rehabilitation procedures, policy and guidelines on an ongoing basis. Additionally, by being a member of the individual task forces, teams, and committees, FHWA will have an ongoing involvement in the development, update and implementation of pavement design procedures.

In general, FHWA will monitor the implementation, operation and effectiveness of the PMS and MDOT’s pavement design through process reviews and on-going involvement. The FHWA Division will conduct oversight of the PMS and Design of pavements.

Table 11. Pavement Management and Design Program Summary Table

WORK ACTIVITY	MDOT 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
Project Selection for Annual System (all federal-aid) Preventive Maintenance Program and Interstate Rating Committee	Select Projects	Participate, Make recommendations for consideration	List of Projects
Selection of Preferred Pavement Alternatives	Prepare Alternatives and Make Selection	Review, Assist, and Make recommendations for consideration	Approval
Conduct joint review of paving projects	Prepare Report	Review, Comment, and Make recommendations for consideration. Conduct process reviews.	Approval
Pavement Design Policy and Procedures	Develop	Review, Comment, Make recommendations for consideration, and Approve. Conduct process reviews.	Approval

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Financial Management program:

1. Pavement Condition Surveys completed on the entire system every two years.
2. Number of lane miles per year receiving a preservation treatment.

4.12 Planning Program

Transportation planning activities are legislated under SAFETEA-LU Section 134 – Metropolitan Planning, and Section 135 – Statewide Planning. The most current implementing regulations that apply are found in 23 CFR 450. FHWA Mississippi Division Office and FTA Region 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 Unified Planning Work Program (UPWP) and its amendments, and review and approval of the State Transportation Improvement Program (STIP) and its amendments and transportation conformity. SAFETEA-LU requires an opportunity for early and continuous public involvement in the development of the State Transportation Improvement Program (STIP). Funding flexibility and expanded project eligibility under SAFETEA-LU have given decision makers more options to address transportation priorities. Public involvement in transportation issues and decision making is vital because of expanded eligibility and diversity.

Transportation Planning also includes data collection and reporting, which is included under Section 420 of 23 CFR. Section 420.107(b)(2) requires that “...State Transportation Agencies shall provide data that support FHWA’s responsibilities to the Congress and to the public. These data include, but are 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.”

Management and Monitoring Systems are included under Section 500 of 23 CFR. Section 500.105(b) states: “States shall develop, establish, and implement a Traffic Monitoring System that meets the requirements of Subpart B (Section 500.201-204).”

FHWA provides technical expertise and assistance through participation in committees and meetings set up by the MPOs and MDOT that address data collection and analysis issues as well as coordination on individual topics of interest such as (1) Congestion Management, (2) Environmental Justice, (3) Air Quality Conformity, (4) Multimodal and Intermodal Coordination, (5) Freight Issues. In addition, FHWA conducts reviews of planning processes and products such as Highway Performance Monitoring System (HPMS) data, Heavy Vehicle Use Tax Enforcement, etc.

FHWA participates in statewide and MPO planning activities as necessary to develop a planning finding as part of the STIP approval.

Table 12. Planning Program Summary Table

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Statewide 20 Year Long Range Transportation Plan	Prepare as outlined in 23 CFR 450.214 and Forward as MDOT updates	Use as basis for STIP approval per 23 CFR 450.216	STIP development is based on this official plan
Metropolitan 20 Year Long Range Transportation Plans	Review the MPO approved plan (per 23 CFR 450.322) and Forward to FHWA and FTA	Use as basis for STIP approval per 23 CFR 450.324	STIP development is based on this plan
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 66 days in advance of STIP expiration) as part of STIP approval per 23 U.S.C. 135 and 23 CFR 450 Subparts A,B,&C	MDOT is able to proceed with authorization of Federal-Aid projects.
Updates of Public Participation Plan for STIP	Prepare as outlined in 23CFR450.210	Review, comment, and approve (15 days)	Approved Plan
Metropolitan Transportation Improvement Program (TIP)	Review and Approve per 23 CFR 450.312 reference to 23 CFR 450.324 through 330. Send to FHWA no later than the STIP submittal.	As a part of STIP submittal, review TIPs for inclusion into STIP, See STIP approval.	TIPs Accepted For Inclusion in STIP.
STIP Approval	Prepare and Submit per 23 CFR 450.216 and 450.220 including certification. No later than 8/30.	Review and make joint planning finding with FTA (initiated 66 days in advance of STIP expiration). Review and Approve STIP jointly with FTA. 45-day review and comment period on STIP. Send approval letter if issues are resolved. Otherwise, 45-day review period initiated for revised document	Letter of Approval Signed By FHWA & FTA.
STIP Amendments	Prepare and submit per 23 CFR 450.216 and 450.220 according to procedures as defined in the 2005 FHWA/FTA/MDOT MOA.	Review and Approve (21 days)	Approved STIP Amendment By Endorsement of Request.
State Planning & Research (SPR Part I) Work Program	Prepare and Submit Bi-Annual Program (no later than 8/15)	Approval within 20 days, no later than 10/1	Authorized and Funded Program
SPR Part I 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
Annual SPR Part I Performance & Expenditure Report	Submit to FHWA before 1/1 for previous Fiscal Year	Review, comment, and approve (15 days)	Approved Report

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Quarterly SPR Part I Performance and Expenditure Report	Submit to FHWA within 30 days of end of previous Quarter	Review, comment, and approve (15 days)	Approved Report
Approval of Planning Studies/Reports before Publication	Submit to FHWA per 23 CFR 420.1176(e)	Review, comment, and approve (15 days)	Publication of Report or Study
HPMS Data Submittal/Process Review	Prepare and Submit per HPMS field manual; Conduct Annual Review	Review apportionment data and Make approval recommendation	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
Heavy Vehicle Use Tax (HVUT) Compliance Review (Every Three Years)	Cooperate and participate with FHWA in Review	Develop recommendations and report that details finding of compliance review	Fully certified HVUT Process
FHWA Grant and Specialty Programs <ul style="list-style-type: none"> • TCSP • Scenic Byways • Value Pricing • Federal Lands • NCPDD/CBI • Other Programs 	Apply for and Administer funds	Review and Approve grant applications. Submit to MDOT identified lists of funded projects. Administer and authorize projects and obligate funds.	Approved grant and specialty program projects
Public Road Mileage Certification	Prepare and Submit certification as outlined in 23 CFR 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 adopted plan and forward to FHWA with effort made by 8/1 (per 23 CFR 450.314 and 23 CFR 450.334)	Review and approve UPWPs per 23 CFR 450.314. Written response (20 days)	FHWA responds to MDOT's request for transfer of PL funds and authorizes program
Annual Self-Certification of non-Transportation Management Areas (TMAs) (50,000 to 200,000)	Review and Recommend approval when UPWPs submitted to FHWA	Concur with MDOT's recommendation for approval of self-certification	Fully 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. Develop recommendations and report that details finding of certification status.	Fully certified MPO and planning finding
Transportation Air Quality (AQ) Conformity Determinations	Participate in interagency consultations. Review TIP and plan conformity analysis and provide comments (per 40 CFR 93.106) as needed.	Coordinate review of AQ conformity analysis with FTA and EPA. Make joint conformity determination with FTA (33 days).	All AQ maintenance areas in conformity.

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Congestion Management Process (CMP) in TMA	Participate with TMA in the development and implementation of CMP. Per 23 CFR 450.320.	Review for compliance during certification review and LRTP review.	Full range of TDM and operational strategies are considered.
CMAQ Improvement Program Annual Report (Maintenance Areas)	Submit to FHWA via website, hardcopy to Division Office (no later than 2/1) per CMAQ regulations. Federal Register 2/23/2000.	Approve Report.	FHWA HQ receives CMAQ annual report as required
CMAQ Improvement Program Project Funds Eligibility Determination (Maintenance Areas)	Review and recommend eligibility to FHWA. Federal Register 2/23/2000	Determine eligibility as part of STIP approval	Proposed CMAQ projects are determined to be eligible
Metropolitan Planning Area Boundary Changes	Prepare and Submit per 23 CFR 450.308	Review, and Coordinate with FTA	Established boundaries for capital project funding
National Truck Network Modifications	Prepare and Submit per 23 CFR 658.11	Review compliance and Approve	National Network for Trucks
Highway Systems (NHS) Functional Classification, and Urban Area Boundary Changes)	Prepare and Submit per 23 CFR 470	Review and Approve (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
PL Distribution Formula and Update	Prepare and submit	Approve (10 days)	Approved Formula
Local Technology Assistance Program (LTAP)	Prepare and recommend to FHWA for approval of yearly Funding Proposal by 12/1	Approve before 1/1	Approved Funding for LTAP Center
Vehicle Size and Weight Enforcement Plan	MDOT will submit Plan per 23 CFR 657 via FHWA Website by 6/15	Approve Plan via website before 7/1	Approved Vehicle Size and Weight Program
Vehicle Size and Weight Certification	MDOT will submit Certification per 23 CFR 657 via FHWA Website by 12/15	Approve Certification via website before 1/1	Apportionment of funds under 23 U.S.C. 104
Heavy Vehicle Use Tax Certification of Enforcement	MDOT will submit Certification per Governor's delegation	Review and Accept annual certification and submit to HQ.	Compliant program
Planning Consultant services contracts, Supplemental Agreements, and Time Extensions	<u>Full Oversight Projects:</u> Prepare and submit to FHWA for approval <u>State Delegated projects:</u> Prepare and approve	<u>Full Oversight Projects:</u> Review and approve (10 days) <u>State Delegated projects:</u> None	Appropriate Contract for project

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
Planning related Master Agreements for Consultant services, Work Assignments, Supplemental Agreements, and Time Extensions	<p><u>“Full Oversight” Work Assignments greater than or equal to \$100,000:</u> Prepare and submit to FHWA for approval</p> <p><u>“Full Oversight” Work Assignments less than \$100,000, State Delegated projects:</u> <u>Prepare and approve</u></p>	<p><u>“Full Oversight” Work Assignments greater than or equal to \$100,000:</u> Review and approve (10 days)</p> <p><u>“Full Oversight” Work Assignments less than \$100,000, State Delegated projects:</u> None</p>	Appropriate Contract for project

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Planning program:

1. Statewide Transportation Improvement Program
Indicator: Percentage of MDOT projects authorized from the current year STIP listing
Reporting Instrument: a report will be generated to show the number of FHWA authorized projects will be compared to the number of projects listed in the approved STIP for that year.
Reporting Frequency: Quarterly

4.13 Research, Development and Technology Transfer Program

The purpose of the program is to implement the provisions of 23 U.S.C. 502 for research, development, and technology transfer programs, and studies undertaken with FHWA planning and research funds. The main requirements under 23 CFR 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.

The FHWA Mississippi Division 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. The MDOT has considerable flexibility in the use of funds and determination of eligible activities that meet the requirements of Section 420 of the CFR.

Table 13. Research, Development and Technology Program

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
SPR Part II Work Program	Prepare and submit annual program (by 9/15)	Approval within 15 days (by 10/1)	Authorized and funded program
SPR Part II Work Program Amendments	Submit to FHWA as needed	Review, comment, and approve within 10 days	Addition/reduction of contributions to existing projects and participation in new projects
MDOT Research Manual	Prepares in coordination with FHWA as noted in 23 CFR 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 9/15)	Review, Comment, and Approve with SPR Work Plan (by 10/1) (15 days)	Certified compliance with 23 CFR 420.209
LTAP Work Plan	Submits to FHWA by December 15	Review, Comment (if appropriate), and Approve (10 days)	Final version of LTAP Work Plan
Projects Using Experimental Features	Collects and disseminates information about projects	Disseminate information and encourage implementation of successful features	Evaluation and implementation of new technologies
Quarterly SPR Part II Performance and Expenditure Report	Submit to FHWA within 30 days of end of previous Quarter	Review, comment, and approve (15 days)	Approved Report
Consultant services contracts, Supplemental Agreements, and Time Extensions	<u>Full Oversight Projects:</u> Prepare and submit to FHWA for approval <u>State Delegated projects:</u> Prepare and approve	<u>Full Oversight Projects:</u> Review and approve (10 days) <u>State Delegated projects:</u> None	Appropriate Contract for project
Master Agreements for Consultant services, Work Assignments, Supplemental Agreements, and Time Extensions	<u>"Full Oversight" Work Assignments greater than or equal to \$100,000:</u> Prepare and submit to FHWA for approval <u>"Full Oversight" Work Assignments less than \$100,000. State Delegated projects:</u> Prepare and approve	<u>"Full Oversight" Work Assignments greater than or equal to \$100,000:</u> Review and approve (10 days) <u>"Full Oversight" Work Assignments less than \$100,000. State Delegated projects:</u> None	Appropriate Contract for project

Performance/Compliance Indicators:

Performance measure reporting will be completed jointly by FHWA and MDOT. The following performance indicators will be used to assess the health of the Research program:

1. Implementation of recommendations from research

Indicator: Percent of recommendations (i.e., spec changes, methodology changes, etc.) implemented or adopted within two years of final research report.

Reporting Instrument: Annual Research Advisory Committee presentation

Reporting Frequency: Annually by September 15th of each year

4.14 Safety Program

Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) includes the program and policy language for implementing the new “core” Highway Safety Improvement Program (HSIP), which is codified as the new Section 148 of Title 23 of the United States Code (23USC148).

MDOT has the responsibility for carrying out the State’s Highway Safety Improvement Program in accordance with Section 148 of Title 23 of the United States Code (23USC148). The FHWA Mississippi Division exercises its oversight responsibilities through review of the annual programs, review of program processes, and review of annual reports. The FHWA and the MDOT 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, and the Mississippi Strategic Highway Safety Plan. In each instance, sharing of knowledge occurs through discussions, meeting/committee/task force participation, and performing periodic reviews.

The following is a general description of the new “core” Highway Safety Improvement Program (HSIP) codified in 23 USC 148 that identify program requirements.

Highway Safety Improvement Program (HSIP): The purpose of the HSIP shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads. To obligate “core” safety funds MDOT must have in effect an HSIP under which the State:

1. Develops and implements 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. Evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements.
4. Submits an annual report to the FHWA Division.

In accordance with 23 USC 148, the SHSP:

- Analyzes and makes effective use of state, regional, or local crash data
- Addresses engineering, management, operation, education, enforcement, and emergency medical services in evaluating highway projects
- Considers safety needs and high fatality segments of public roads in the State
- Considers results of state, regional, or local transportation and highway safety planning processes
- Describes a program of projects or strategies to reduce or eliminate hazards

- Is approved by the Governor or responsible State agency
- Is consistent with the requirements of the Statewide planning process, sec. 135(g)

As part of the SHSP, the State shall:

- Have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis
- Identify hazardous locations sections or elements that constitute a danger to motorists, bicyclists, and pedestrians
- Establish the relative severity of these locations
- Adopt strategic and performance-based goals
- Advance the capabilities of the State for traffic records data collection, analysis, and integration
- Determine priorities for the correction of hazardous road locations, sections, and elements as identified through crash data analysis
- Establish an evaluation process to assess results achieved by improvement projects

As a condition for obligating HSIP funds, under Section 148(c)(I)(D), MDOT will prepare an annual report, in addition to the HSIP and rail-highway crossing safety report, that describes not less than 5 percent of the public road locations exhibiting the most severe safety needs. The legislation requires that the 5 percent reports include an assessment of potential remedies at the locations identified, the estimated costs of the remedies, and impediments to their implementation other than costs.

High Risk Rural Roads Program (HRRP): SAFETEA-LU introduced a new set-aside provision known as the High Risk Rural Roads Program (HRRRP), codified as 23 U.S.C. §148 (f). This program is a component of the HSIP and is set-aside after HSIP funds have been apportioned to the States. Projects may be selected on any public rural major, rural minor, and rural public roads to correct or improve hazardous road locations or features. The State's HSIP, including the HRRR element, shall consider the safety needs on all public roads, whether state or locally owned. MDOT is required to identify HRRR roadways (and expend the HRRR funds) according to the following definition:

"...any roadway functionally classified as a rural major or minor collector or a rural local road –

- On which the crash rate for fatalities and incapacitating injuries exceeds the statewide average for those functional classes of roadway; or
- That will likely have increases in traffic volume that are likely to create a crash rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadway."

Rail-Highway Crossing Safety: Under SAFETEA-LU, rail-highway crossing safety (elimination of hazards and the installation of protective devices at railway-highway crossings) has also been established as a component of the HSIP and is set-aside after HSIP funds have been apportioned to the States. The purpose of this program is to reduce the number of fatalities and injuries at public highway-rail grade crossings through the elimination of hazards and/or the installation/upgrade of protective devices at crossings. Most requirements of the program remain unchanged, including the State is required to conduct and systematically maintain a survey of all highway at-grade crossings to identify those railroad crossings that may require separation, relocation, or protective devices, and

establish and implement a schedule of projects for this purpose. At a minimum, the projects are to provide signs for all railway-highway crossings. [23 USC 130(d)].

Additionally, FHWA has oversight responsibility for the following Highway Safety-related activities.

Safe Routes to School Program: Section 1404 of SAFETEA-LU includes the program language for the Safe Routes to School Program. The purpose of the program shall be to enable and encourage children in primary and middle schools, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, reduce traffic, fuel consumption, and air pollution in the vicinity of schools. For infrastructure related projects, eligible activities are the planning, design, and construction of projects that will substantially improve the ability of students to walk and bicycle to school. These include sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bike parking, and traffic diversion improvements in the vicinity of schools (within approximately 2 miles). Such projects may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

MDOT must set aside from its Safe Routes to School apportionment not less than 10 percent and not more than 30 percent of the funds for non-infrastructure related activities to encourage walking and bicycling to school. Typical non-infrastructure activities include public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and training volunteers and managers of Safe Routes to School programs. In order to receive program funds, MDOT must use a sufficient amount of the funds to fund a full-time position for coordinator of the State's safe routes to school program.

159 Certification (Drug Offender's Driver's License Suspension) [Authority: 23 U.S.C. 159 and 315, 23 CFR 192]. Encourages States to enact and enforce drug offender's driver's license suspensions. States must comply with 23 U.S.C. 159 in order to avoid the withholding of Federal-aid highway funds. By January 1 of each year, the Governor shall submit written notification to FHWA Division Administrator whether the State has enacted and is enforcing a law or whether the State opposes such a law as per 23 U.S.C. 159.

Work Zone Review of Conformance (Work Zone Safety and Mobility) [Authority: 23 U.S.C. 105, 106, 109, 115, 315, 320, 402(a) / Source 43 FR 47140, 10/12/78, 23 CFR 630 Subpart J Final Rule, 09/09/2004]. Provides guidance and establishes requirements for systematically addressing the safety and mobility impacts of work zones and developing strategies to help manage these impacts on all Federal-aid highway projects. The MDOT shall work in partnership with the FHWA in the implementation of its policies and procedures to improve work zone safety and mobility. FHWA and MDOT will review the State's policies and procedures for conformance with 23 CFR 630 Subpart J Final Rule. The State shall maintain compliance with all provisions of the 23 CFR 630 Subpart J Final Rule.

NCHRP 350 (Standards, Policies, and Standard Specifications) [Authority: 23 U.S.C. 109, 315, and 402, Sec. 1073 of Pub. L. 102-240, 105 Stat. 1914, 2012; 49 CFR 1.48 (b) and (n); 23 CFR

625.4(a) Chapter 5.1 - Performance Requirements, 7/93 & 8/28/98 FHWA Policy Memos]. The National Cooperative Highway Research Program (NCHRP) Report 350 established crash testing requirements for highway hardware in both permanent and work zone applications. States must comply with NCHRP Report 350 criteria and the subsequent AASHTO/FHWA agreements dated July 1, 1998.

MUTCD (Manual on Uniform Traffic Control Devices) [Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a) ; Source: 48 FR 46776, 10/14/83; 23 CFR 655 Subpart F]. The MUTCD, approved by FHWA, is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). Where state or other Federal agency MUTCD's or supplements are required, they shall be in substantial conformance with the national MUTCD.

The following activities do not involve an FHWA oversight role with the State. Rather, this is a specific list of activities that FHWA Mississippi Division and the MDOT needs to be aware of, either for funding purposes or for general information.

154 Certification (Open Container Laws) [Authority: 23 U.S.C. 154, 23 CFR 1270, 3/31/00 NHTSA/FHWA Guidance Memo] States must comply with 23 U.S.C. 154 in order to avoid transfer of Federal-aid highway funds. Currently, Mississippi does not comply with law. Mississippi is subject to the transfer of three percent of the funds apportioned to the State under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1). The MDOT will be given until October 30 to notify the FHWA Mississippi Division Administrator if they would like to change the distribution among the Section 104(b)(1), (b)(3) and (b)(4). States may elect to use all or a portion of the transferred funds for hazard elimination activities eligible under 23 U.S.C. 152.

164 Certification (Repeat Intoxicated Driver Laws) [Authority: 23 U.S.C. 164, 23 CFR 1275, 3/31/00 NHTSA/FHWA Guidance Memo]. States must comply with 23 U.S.C. 164 in order to avoid transfer of Federal-aid highway funds. Reporting is to NHTSA. Mississippi is in compliance with 23 U.S.C. 164.

Section 163: 0.08 Blood Alcohol Concentration (BAC) Incentives/Penalties TEA-21 instituted an incentive program to encourage States to establish 0.08 percent BAC as the legal limit for drunk driving offenses. States may use these grant funds for any project eligible under Title 23. Beginning in FY 2004, States not having passed a 0.08 BAC law will be subject to a penalty equal to 2.0% of their Federal-aid apportionments. The penalty increases by an additional 2.0% in each subsequent year to a maximum of 8.0%. Mississippi is in compliance with 23 U.S.C. 163.

Section 157: Seat Belt Use Incentives TEA-21 instituted an incentive program to encourage States to increase seat belt use rates. States must establish their seat belt use rates in accordance with guidelines issued by the Secretary of Transportation. States may use these grant funds for any safety project eligible under Title 23.

Performance/Compliance Indicators:

Given the emphasis on the safety program through SAFETEA-LU, it is important that FHWA be able to demonstrate that the program is being effectively carried out and that the projects being implemented are achieving results. The ultimate measure of the success of this program is a significant statewide decline, in real terms, in the number of fatalities and serious injuries. To ensure that the program is being implemented as intended and that it is achieving its purpose, MDOT will provide annual progress reports on the HSIP implementation and effectiveness in accordance with, and as required by, 23 U.S.C. §148(g). Even though the HRRR Program is a component of the HSIP, information on the HRRR Program will be provided in a separate report through this provision. The report should provide information on the HRRR Program in three parts: basic program implementation information, methods used to select HRRR, and detailed information assessing the HRRR Program. While 23 U.S.C. §148(g) also includes a requirement to address railway-highway crossings, this information should be collected in a separate report required under 23 U.S.C. § 130(g). At the option of the State, the three reports required under Section 148 (the HSIP report including High Risk Rural Roads, the railway-highway crossing report, and the "5% Report" (Section 148 (C) (1) (D)) may be submitted separately or combined into one report with three distinct sections. MDOT will prepare these reports in conformance with FHWA guidance and submit to the FHWA Division by August 31. The Division Office will forward these reports to the FHWA Office of Safety (HSA) by September 30 of each year. The "5 percent reports" will then be made available to the public via posting on the USDOT web site as required by Section 148(g)(3). These reports will be submitted to the FHWA Division electronically.

Table 14. Safety Programs

WORK ACTIVITY	MDOT ACTION	FHWA ACTION	OUTCOME
HSIP Report (including HRRR) 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
Mississippi Strategic Highway Safety Plan (SHSP)	Re-evaluate the data every three years to determine critical emphasis areas,.	Review and comment by Jan. 15.	Updated SHSP ensuring accuracy of data and priority of proposed improvements
159 Certification (Drug Offender's License Suspension Certification)	Department of Public Safety submits certification to FHWA	Review certification and Forward to FHWA HQ.	Compliance with Section 159
Work Zone Safety and Mobility Process Review	Conduct Process Review every two years	Conduct review for conformance of 23 CFR 630 Subpart J Final Rule	Assessment of work zone procedures
NCHRP 350 (NCHRP 350 Testing Criteria)	Comply with NCHRP 350 and AASHTO/FHWA agreement	Actions and Review of NCHRP 350 issues ongoing	Crashworthy devices
MUTCD (Traffic Control Devices on all public roads)	MDOT practices comply with MUTCD	Actions and Review of MUTCD issues ongoing	Uniformity of Traffic Control Devices

Section 5 – CONTROL DOCUMENTS (Policies, Guidelines, Procedures, and Manuals approved or accepted by FHWA for use on Federal-aid projects)

The following table lists the MDOT policies, guidelines, procedures, manuals, standards, rules, and other publications approved or accepted by FHWA for use in administering the Federal-aid Program. FHWA role in reviewing or approving the documents is also identified.

PROGRAM AREA	DOCUMENT DESCRIPTION	MDOT ACTION	FHWA ACTION
Consultant Services Unit	Consultant Operating Procedures	Prepare and Submit	Review and Approve
Environment	MDOT/FHWA 4(f) (Programatic De Minimis, 4F Evaluations)Procedures	Prepare and submit for FHWA review and approval	Review and Approve
Environment	MDOT Public Involvement Procedures	Prepare and submit for FHWA review and approval	Review and Approve
Environment	Mississippi Interagency Agreements (Under development)	Prepare and submit for FHWA and other agency review; Signatory party	Signatory party
Environment	Programmatic CE Agreement	Prepare and submit for FHWA review; Signatory party	Signatory party
Environment	NEPA/Environmental SOP Manual	Prepare and submit	Approve
Right-of-Way	ROW Manual (23 CFR 710.201) ROW Operations Manual and Standard Operating Procedures (23 CFR 710.201)	Prepare and submit	Approve
Right-of-Way	ROW Operations Manual	Prepare and submit	Approve
Right of Way Outdoor Advertising	MDOT Highway Beautification Manual (Outdoor Advertising Regulations)	Prepare and submit	Approve
Right of Way Highway Beautification	Highway Beautification Manual (23 CFR 750.304)	Prepare and submit	Approve
Design	Design Standard Drawings	Prepare and submit	Approve
Design	Standard Specifications for Road and Bridge Construction	Prepare and submit	Approve
Design	MDOT Roadway Design Manual	Prepare and submit	Approve

PROGRAM AREA	DOCUMENT DESCRIPTION	MDOT ACTION	FHWA ACTION
Design	MDOT Survey Manual	Prepare and submit	Approve
Design	MDOT CADD Manual	Prepare and submit	Approve
Design	MDOT Procedure for Managing Traffic Through Work Zones	Prepare and submit	Approve
Design	NPDES Phase II Stormwater Management Plan	Prepare and submit	Approve
Design	Title VI Reference Manual	Prepare and submit	Approve
Research, Development, and Technology Transfer Program	MDOT Research Manual	Prepare and submit for FHWA review and approval	Review and Approve
Planning	2005 STIP/TIP MOA	Signatory party	Signatory party
Bridge Program	MDOT Bridge Inspection Manual	Prepare and submit	Approve
Bridge Program	MDOT Structural Memorandum	Prepare and submit	Approve
Bridge Program	AASHTO design manuals/specifications	N/A	N/A
Bridge Program	Bridge Inspection Reference manual	Prepare and submit	Approve
Bridge Program	Bridge Division's Bridge Design Manual	Prepare and submit	Approve
Bridge Program	State of Mississippi Floodplain Management Regulations	Prepare and submit	Approve
Bridge Program	Procedures For No-Rise Certification For Proposed Developments In Regulatory Floodways	Prepare and submit	Approve
Bridge Program	SCOUR CONSIDERATION AT BRIDGES	Prepare and submit	Approve
Bridge Program	Scour Consideration at Bridges Addendum No. 1	Prepare and submit	Approve
Bridge Program	BRIDGE MEMORANDUM of 3-22-1977 (for dimensions of toe-walls and riprap blankets at bridge ends)	Prepare and submit	Approve
Bridge Program	Correspondence of 9-23-1999 (Bailey to Whitaker), Guidelines for showing DRAINAGE DATA on Plans	Prepare and submit	Approve
Bridge Program	Scour Evaluation	Prepare and submit	Approve

PROGRAM AREA	DOCUMENT DESCRIPTION	MDOT ACTION	FHWA ACTION
	Reports		
Bridge Program	Notes on the Use of the HEC-2 Program	Prepare and submit	Approve
Bridge Program	PRELIMINARY BRIDGE RECOMMENDATIONS AND LAYOUTS	Prepare and submit	Approve
Bridge Program	Bridge memorandum – Freeboard, December 4, 1985	Prepare and submit	Approve
Bridge Program	Depth of Ordinary High Water	Prepare and submit	Approve
Bridge Program	MDOT Bridge Safety Inspection Policy and Procedure Manual	Prepare and submit	Approve
Pavement Management and Design Program	FHWA Pavement distress manual	N/A	N/A
Safety Program	Mississippi Strategic Highway Safety plan	Prepare and Adopt	Review for concurrence.
Local Public Agency	Project Development Manual for Local Public Agencies	Prepare and Submit for FHWA Review and Approval	Review and Approve
Pavement Management and Design Program	MDOT Pavement Design Procedure/Policies	Prepare and Adopt	Review for Concurrence
Pavement Management and Design Program	FHWA SHRP Distress Identification Manual	N/A	N/A
Pavement Management and Design Program	Pavement Management Practices at MDOT	Prepare and Adopt	Approve