NEW MEXICO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROGRAM

Stewardship and Oversight Agreement

Developed in partnership between the Federal Highway Administration, New Mexico Division and the New Mexico Department of Transportation

December 6, 2012

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

Alvin Dominguez, PE
Cabinet Secretary

J. Don Martinez
FHWA, NM Division Administrator

STEWARDSHIP AGREEMENT VERSION TRACKING:

- Initial Plan: 2009
- Revised: 2011
- Revised: 2012

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1.0 PURPOSE, BACKGROUND AND INTRODUCTION, TERMINOLOGY AND SCOPE

1.1 PURPOSE

The Stewardship & Oversight Agreement (SOA) documents the extent to which the New Mexico Department of Transportation (NMDOT) assumes the responsibilities of the Federal Highway Administration (FHWA) and where FHWA retains responsibility for administering the Federal-aid Highway Program (FAHP). Generally, the FAHP is a state administered program and FHWA provides oversight through a risk-based approach at the project and program level.

This Agreement outlines the framework by which FHWA and NMDOT will administer the FAHP to maintain New Mexico's National Highway network, improve operation, improve safety, provide for national security, protect and improve our environment while delivering quality services and transportation products to the traveling public and taxpayers of New Mexico.

Under this Stewardship Agreement, FHWA and NMDOT acknowledgement that they are responsible for the effective and efficient use of Federal funds and will share the responsibility for oversight of programs and projects using FAHP funds. The Stewardship Agreement between FHWA and NMDOT is intended to be a living document and supersedes all previous oversight agreements. In order to ensure that the Agreement stays current; a team from NMDOT and FHWA will review the document periodically or when:

- Significant new legislation, executive orders or other initiatives affecting the relationship or responsibilities of one or both parties to the Agreement occurs.
- Leadership, or leadership direction, changes at the NMDOT or FHWA.
- Priorities shift as a result of audits, public perception, or changes in staffing at either the NMDOT or Division Office.

1.2 BACKGROUND AND INTRODUCTION

FHWA is responsible for all aspects of Federal-aid programs and the provisions of this Agreement do not preclude FHWA's access to and review of a Federal-aid project at any time and do not replace the provisions of Title 23, USC.

Federal funding is provided to assist States to provide transportation services through the FAHP. By law, the nature and the majority of these Federal programs is in the form of Federal assistance for State administered programs. MAP-21 and prior Highway Bills have allowed States to assume the U.S. Department of Transportation's responsibilities for design, plans, specifications, estimates, contract awards, and inspection of FAHP projects. FHWA and NMDOT enter into this SOA pursuant to: Title 23 of the United State Code, section 106(c)(3), to document the State's assumption of responsibilities.

1.3 TERMINOLOGY

In order to ensure that the Stewardship Agreement is consistently interpreted, the following definitions have been established:

Stewardship	The efficient and effective management of the public funds that have been entrusted to the FHWA to deliver the FAHP as well those public funds entrusted in NMDOT for a safe and efficient transportation system. Stewardship reflects FHWA's responsibility for the development and implementation of the FAHP. It involves all FHWA activities in delivering the FAHP, such as leadership, technology deployment, technical assistance, problem solving, program administration and oversight.
Oversight	Means the act of ensuring that the FAHP is delivered consistent with laws, regulations and policies. Oversight is the compliance or verification component of FHWA stewardship activities that ensures high-quality transportation projects. Narrowly focused, oversight activities ensure that the implementation of the FAHP is done in accordance with the applicable laws, regulations, and policies. More broadly focused oversight activities enable NMDOT and FHWA to ensure the effective delivery and operation of the transportation system envisioned in our base statutes.
FHWA project level oversight	Means that FHWA will participate in the project development and construction process during specific milestones to ensure compliance with Federal regulations, policies, procedures, and standards. This will also ensure that Federal dollars are being spent appropriately.
NMDOT project level oversight	Includes assumption of FHWA responsibilities for all reviews and approvals associated with design and construction, including final inspection, of FAHP projects.
Risk-based Approach	Is a joint FHWA/NMDOT risk management process using a tool for focusing limited resources to efficiently manage programs through improved communication.
Risk	Is a future event that may or may not occur and has a direct impact on the program. Applying the principles of risk management to look at decisions being made about delivery of FAHP projects will make it possible to identify threats, opportunities, and assess and prioritize those threats and opportunities. This will serve to identify strategies enabling us to decide how to deal with future issues affecting the FAHP.

1.4 SCOPE

The SOA outlines the roles, responsibilities, and processes in place to ensure that all project and program actions will be carried out according to the appropriate laws, regulations, and policies. These responsibilities also apply to projects administered by local agencies.

FHWA utilizes the Program of Oversight Initiatives (POI) which captures risk-based initiatives associated with its oversight responsibilities to respond to various reviews and audits, and to insure reasonable and consistent oversight. The POI is prepared annually as a part of FHWA's performance planning process.

The FHWA and NMDOT administer the FAHP through continuous program/project evaluation, and utilize a number of management tools to monitor the health of the FAHP such as NMDOT and FHWA Process Review program, NMDOT OIG Audits, and FHWA's Financial Integrity Review and Evaluation (FIRE) Program. Program and process reviews are conducted annually based on perceived risk.

Additionally, FHWA and NMDOT will jointly review and evaluate the program Performance Compliance Indicators. This review will be performed by the applicable Program Managers from both NMDOT and FHWA to ensure the FAHP is delivered in accordance with applicable laws, regulations, policies, and consistent with good business practices.

The FHWA and/or NMDOT will provide oversight and stewardship on the following FAHP programs:

Project Execution Progression

- Planning & Air Quality
- Environment
- Right of Way
- Design (Project Development)
- Consultant Services Administration
- Pavement Design and Management
- Construction & Contract Administration

Support Programs

- Civil Rights
- Financial Management
- Local Public Agency
- Research
- Safety
- Structures
- Traffic Operations (ITS)

1.4.1. Reporting Responsibilities

FHWA and NMDOT have agreed to report annually on Program Area Stewardship / Oversight Indicators. Annual reporting will be prepared by NMDOT by the end of ***each calendar year***. Additionally, each program area has different reporting requirements that are detailed in the section 3.0 Responsibility by Program Area.

2.0 PROJECT OVERSIGHT

Under 23 USC, FHWA is ultimately accountable for all programs under the FAHP; however, the State will assume responsibility for most project-level activities associated with 23 USC §106 (designs, plans specifications, estimates, contract awards, and inspection of projects), since it is a federally assisted State administered program.

The NMDOT recognizes its responsibility and accepts authority for managing FAHP funds and accepts the additional risk associated with its authority. Non-compliance with Federal requirements may have consequences in terms of FAHP participation. These consequences are usually determined on a case-by-case basis. Federal reimbursement is only allowable under authority provided by Congress. This authority is expressed through legislation or implementing regulations. When conditions, legislation, or regulations are not satisfied on a particular project or program, the authority to use Federal funding is lost. Non-participation is not a punitive action.

The FHWA will continue to take a risk based approach to oversight and may review and approve project designs, approve Plans, Specifications and Estimates, concur in award, review addenda's and special provisions, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.) and project inspections for NHS projects determined to be higher risk. Additionally, FHWA in consultation with the NMDOT may become actively involved with any Federal-Aid transportation project when unique circumstances arise or when program or process reviews are being conducted.

FHWA will monitor project compliance where the State has assumed FHWA responsibilities through program reviews, process improvement studies and verifications. Throughout this monitoring, FHWA can provide technical assistance to the NMDOT or local agencies on any aspect of an eligible Title 23 project on a case-by-case basis. The purpose of this oversight is to improve processes and procedures, in cooperation with the NMDOT.

2.1 PROJECT SCREENING CRITERIA

The method for selecting FHWA oversight involvement at the project level is risk based and determined by the completion of the form in Appendix A (which rates different elements of the project). Additional information on determination of oversight involvement for projects can be found in Section 3.0 (Responsibility by Program Area).

2.2 PROJECT RESPONSIBILITIES

Stewardship and oversight responsibilities, including those that are assumed by the NMDOT, and those responsibilities retained by FHWA are detailed by Program Area in Section 3.0 (Responsibility by Program Area) of this agreement which includes the manner in which assumed authorities are carried out by NMDOT. NMDOT's assumption of the FHWA's responsibilities applies to all projects. Areas where FHWA has retained responsibilities are areas the FHWA New Mexico Division Office has determined to be high risk based on risk assessments.

The FHWA will continue to assume responsibility for Federal actions for all projects pertaining to responsibilities under Title 23, USC, that do not involve designs, plans, specifications, estimates, contract awards, and project inspections, and will also continue to assume responsibility for Federal action for all projects required under laws outside of Title 23 USC, including, but not limited to activities required under:

- the Clean Air Act and related amendments
- the National Environmental Policy Act (NEPA) of 1969 and other related environmental laws and statutes

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Civil Rights Act of 1964 and related statues, including Disadvantaged Business Enterprise Program (DBE)
- Department of Transportation Act of 1966
- Americans with Disabilities Act (ADA)

Approval of the use of agency force account procedures on Federal-aid projects states that contracts which utilize a method of award other than the lowest responsive bid or force account as defined in:

23 CFR § 635B, the Directive Order 50601.1 (dated March 12, 2012)

(http://www.fhwa.dot.gov/legsregs/directives/orders/50601.htm)

The following actions require the approval of FHWA regardless of project funding or project oversight involvement level to NMDOT:

- All Federal responsibilities for planning and programming oversight specified in 23 USC § 134 Metropolitan Planning & § 135 Statewide Planning.
- Federal air quality conformity determinations required by the Clean Air Act.
- Obligation of FAHP funds.
- Waivers to Buy America requirements (FHWA Washington Headquarters approval required as noted in Mr. Horne's March 13, 2008 memorandum).
- SEP-14/SEP-15 methods (FHWA Washington Headquarters approval required for experimental contracting/project delivery methods).
- Civil Rights program approvals.
- Environmental approvals except those specifically delegated under SAFETEA-LU § 6004 & § 6005.
- Addition of access points on the Interstate System (IACR).
- Use of Interstate airspace for non-highway related purposes.
- Hardship acquisition and protective buying.
- Modifications to project agreements.
- Final vouchers.
- Toll authority. (Not Applicable to NM – per Guidance, July 2011)
- Disposal of Interstate Right of Way
- Design exceptions affecting Interstate highways (13 controlling criteria)
- Changes in Interstate Land Use or Operations

2.3 IMPLEMENTATION OF OVERSIGHT AGREEMENT

The NMDOT and FHWA agree to manage the implementation of this agreement by development of a joint Stewardship and Oversight Committee (SOC) which will oversee the FAHP in its entirety. The SOC is the responsibility of the State, with joint representation by NMDOT and FHWA. At a minimum, the SOC will:

- Review and or revise the Stewardship Agreement based on program health throughout the year.
- Will conduct an assessment of the Agreement, no less than annually and facilitate actions to address program weaknesses.
- Meet semi-annually, rotating focus topics based on the oversight functions and strategic planning cycle.

- Is currently assessing the development of a Performance Indicators Dashboard. The Dashboard will be comprised of critical performance and compliance indicators contained within this Agreement, and any additional measures deemed appropriate to meet State mandates. The Dashboard will reside on NMDOT website.

2.3.1 Stewardship and Oversight Committee Membership

The SOC membership will include, at a minimum, FHWA Assistant Division Administrator, FHWA's Field Operations Team Leader, FHWA's Planning Team Leader, FHWA's Financial Manager, FHWA's Program Management Analyst, NMDOT Chief Engineer, NMDOT Deputy Secretaries (Programs and Infrastructure, Highway Operations, and Business Support), NMDOT Operations Engineer, NMDOT State Construction Engineer, NMDOT Director Program Management, and NMDOT Strategic Planning and Performance Manager. Ad hoc membership will be at the discretion of the SOC based on results from oversight activities.

2.4 CONFLICT RESOLUTION PROCESS

NMDOT and FHWA agree to resolve disagreements at the lowest possible level. If a disagreement cannot be resolved at the lowest level, then the Conflict Resolution hierarchy process listed below in Table 2.4-1 will be followed. The cells within the same row represent equivalent levels within the organizations. Any of the bulleted positions within the cells below can participate in the discussion at their level. If other agencies are involved, personnel from equivalent organizational levels will be included in the conflict resolution process.

Table 2.4-1 Conflict Resolution Process

NMDOT	FHWA	Days to Escalate
Regional Manager Environmental Program Manager Engineering Support Manager Project Manager District Construction Engineer	FHWA Operations Engineer FHWA Program Manager NMDOT Construction Liaison Engineer (acting on behalf of FHWA)	5 working days
District Engineer Chief Engineer Highway Operations Engineer Comptroller	FHWA Planning & Programming Team Leader FHWA Field Operations Team Leader NMDOT State Construction Engineer FHWA Financial Manager	3 working days
Deputy Secretary	Assistant Division Administrator	2 working days
Cabinet Secretary	Division Administrator	2 working days

When both parties at the lowest organizational level of the agencies have agreed to escalate, a meeting date will be established within 5 working days. At that time, the District Engineer or NMDOT's Chief Engineer will meet with FHWA's Field Operations Team Leader/State Construction Engineer to discuss the issues and come up with a resolution. If an agreement cannot be reached, then the issue will be

escalated to the next level and a meeting date established within 3 working days. At that time, NMDOT's Deputy Secretary will meet with FHWA's Assistant Division Administrator to discuss the issue and come to a resolution. If an agreement cannot be reached, the issue will be escalated to the highest level, with the NMDOT Cabinet Secretary and FHWA's Division Administrator, and a meeting date established within 2 working days. At that time, the agencies will come to resolution.

Mediation and facilitation may be used at any level to help expedite resolution. Mediation will be at agreement between FHWA and NMDOT executive staff as needed. Documentation of all disagreements and resolutions shall be provided to all involved agencies and included in the project file.

The FHWA supports NMDOT in spending FAHP funds appropriately. When in the public interest, FHWA will make use of available regulatory flexibility. The FHWA will provide an explanation of the rationale and decision-making process when flexibility does NOT exist.

2.5 MISCELANEOUS STIPULATIONS

Advance Construction

Use of Advance Construction procedures to ensure future federal reimbursement of funds for a project is considered use of Federal-Aid funds (per 23 CFR 630 subpart G).

Bonding

The New Mexico Department of Transportation (NMDOT) operates a Federally-assisted Grant Anticipation Revenue Vehicle (GARVEE) Program. These GARVEEs are governed by a joint NMDOT/FHWA Memorandum of Understanding (MOU) dated June 22, 2010, which prescribes the requirements for operating the GARVEE Program in New Mexico. All GARVEE projects anticipated to be reimbursed with Federal funds will be considered Federal-Aid projects.

Special Experimental Projects (SEP-14/SEP-15) Approval

FHWA Headquarters' SEP-14/SEP-15 approval is necessary for any non-traditional construction contracting technique that deviates from accepted operational practices approved under current statutes. Any contract which utilizes a method of award other than the lowest responsive bid or force account as defined in 23 CFR 635B should be evaluated under SEP-14.

Access of FHWA Software Systems (UPACS)

The User Profile and Access Control System (UPACS) is the security control system that manages user authentication and associated access rights for individuals needing entry into one of FHWA's applications. Each FHWA user needs an Agency issued Personal Identity Verification (PIV) card and associated PIN to access UPACS. All NMDOT users require both an Operational Resource Consultants (ORC) login ID and a UPACS Profile in order to access UPACS. Due to the personal nature of these login requirements, User IDs and passwords may not be shared. Each user MUST have their own User ID in order to access the system. Please contact the local UPACS Sponsor if you need UPACS assistance.

3.0 RESPONSIBILITY BY PROGRAM AREA

The following subsections of Section 3 describe the functional/program stewardship and oversight areas that are subject to this Stewardship Agreement. This section provides information on how NMDOT and FHWA are organized and will address required reviews, specific working relationships, and efforts relating to management systems.

Included in each section are two tables: 1) Program Area Control Standards/Document and 2) Program and Project Action Responsibilities. This will help to delineate the actions that are required through the 23 Code of Federal Regulations (CFR) and related memorandums, policies, or guidance for administering the FAHP.

Under this Stewardship/Oversight Agreement, the NMDOT division and district offices are responsible for facilitating the preparation of statewide policy and procedural directives, providing technical assistance, conducting continual technical training, and providing quality assurance (QA) in all program areas. The division and district offices may be responsible for project production. The NMDOT regional design offices and district offices are responsible for preparing the complete construction packages including; project scoping, schedules, estimates, all certification documents, agreements, plans and specifications, supplemental specifications, addenda, notice to contractors, local entity agreements, and overall management of the individual projects.

The FHWA New Mexico Division is responsible for the stewardship and oversight of the Federal-Aid Highway Program in New Mexico. FHWA Operation Engineers are responsible for project level stewardship and oversight through risk-based project level activities. FHWA Operation Engineers and other Program Managers are responsible for stewardship and oversight activities by relating policy, providing technical assistance, working with other federal agencies, guiding their programs, on a statewide basis, and for ensuring quality assurance (QA) of the entire Federal-Aid Highway Program in New Mexico. FHWA Team Leaders and Management are responsible for ensuring the Operations Engineers and Program Managers receive the appropriate resources and leadership so that they may conduct an efficient and effective QA program.

3.1.0 PLANNING & AIR QUALITY

The relevant laws pertaining to planning are found in: 23 U.S.C. 134 and 135; 23 CFR Part 450. The FHWA and the Federal Transit Administration (FTA) Region VI Office are jointly responsible for required approval actions such as: Certification of the metropolitan planning process in each Transportation Management Area at least once every four years as well as yearly review and approval of the State Transportation Improvement Program (STIP), the Planning Annual Work Program, and amendments.

Transportation Planning also includes data collection and reporting, which are included under: 23 *CFR* § 420.105(b) which 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 FAHP 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."

3.1.1 Planning and Air Quality Method of Operation

NMDOT has responsibility for transportation planning per Federal laws (23 USC 134 and 23 USC 135) and regulations (23 *CFR* 420, 23 *CFR* 450, 23 *CFR* 460, and 23 *CFR* 470; and 49 CFR provisions). These laws establish the planning requirements to be conducted by NMDOT in cooperation with internal and external planning partners. State law and federal law, ensures that planning is conducted according to USDOT standards and requirements. At a minimum the state must develop a comprehensive, multimodal 20 year transportation plan that integrates and consolidates the regional transportation plans developed by the urban and non-urban regions of the state, a Planning Annual Work Program, and a four year STIP.

NMDOT, FHWA, RPOs, MPOs, and FTA work together closely and coordinate on issues pertaining to state and regional transportation planning in addition to periodic coordination meetings and discussions. These include:

- Administration of Congestion Management Air Quality (CMAQ) program –Air Quality conformity
- Development of annual State Planning and Research (SPR)
- Development of Consolidated Planning Grants (optional)
- Development of Statewide and Regional Transportation Plans
- Planning and environmental linkages activities
- Public Involvement and consultation efforts for transportation planning process
- Quarterly reviews of Unified Planning Work Programs (UPWPs)
- Review MPO certification every 4 years
- Sustainability/livability initiatives
- Technical assistance to MPOs and RPOs

The method of operation for NMDOT and FHWA Stewardship Agreement objectives will be met through:

- Quarterly meetings (or more frequent as needed to provide adequate oversight) that will be held between NMDOT Planning Staff and FHWA to review NMDOT's progress in meeting work objectives contained in the Planning Annual Work Program.
- Technical Assistance provided to MPOs and RPOs as needed to carry out the FAHP and their Work Programs.
- Control Standards / Documents

- Development of the appropriate policies, procedure, and tracking mechanisms that guarantee and effective, efficient, and transparent delivery of the FAHP.

3.1.2 Planning & Air Quality Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on FAHP projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.1-1 Planning & Air Quality CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Annual Work Program / UPWP Policies and Procedures	NMDOT	New Document Pending 2013	NMDOT Planning Division Director	NMDOT Cabinet Secretary	TBD	23 USC 134 23 USC 135 and regulations
MPO Quick Reference Guide (GTG)	NMDOT	2010 Update Pending 2013	NMDOT Planning Division Director	NMDOT Cabinet Secretary	http://dot.state.nm.us/content/dam/nmdot/planning/MPO_Handbook.pdf	NMDOT Management Tool
Public Involvement Process (PIP)	NMDOT	July 2007 Update Pending 2013	NMDOT Planning Division Director	NMDOT Cabinet Secretary	http://website (not a working link to this on the website)	23 USC 450.210(a)(2)
RPO Handbook	NMDOT	July 2010 Update Pending 2013	NMDOT Planning Division Director	NMDOT Cabinet Secretary	http://dot.state.nm.us/content/dam/nmdot/planning/RPO_HANDBOOK.pdf	NMDOT Management Tool
STIP/TIP Policies & Procedures	Program Mgmt.	2/9/12	NMDOT Program Management Division Director	NMDOT Cabinet Secretary	http://dot.state.nm.us/content/dam/nmdot/STIP/Approved_STIP-TIP_Procedures.pdf	23 USC 134 23 USC 135 and regulations
Tribal / Local Gov't Handbook (LGAU)	NMDOT	October 2007 Update Pending 2013	NMDOT Planning Division Director	NMDOT Cabinet Secretary	Hardcopy	NMDOT Management Tool

3.1.3 Planning and Air Quality Program Implementation & Methods of Oversight

NMDOT is committed to implementing projects that address the State's Transportation needs identified in the Long Range Transportation Plan. Factors that are expected to improve and influence successful implementation are:

- Air quality improvements through reduction of mobile source emissions
- Annual Work Plan Review
- Certification acceptance of metropolitan areas with population over 200,000 every 4 years
- Congestion control
- Demonstration of conformity to the applicable emissions budgets identified in the State Implementation Plan
- Fiscally constrained plans, including accurate projections of revenues and expenditures
- Fiscally constrained TIP and STIP amendments
- Percent of STIP Advanced projects/programs

- Reduction of congestion through use of Transportation Control Measures (TCM) and Travel Demand Management (TDM)

3.1.4 Planning & Air Quality & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.1-2 Planning & Air Quality P&PAR (Update: October 2012)

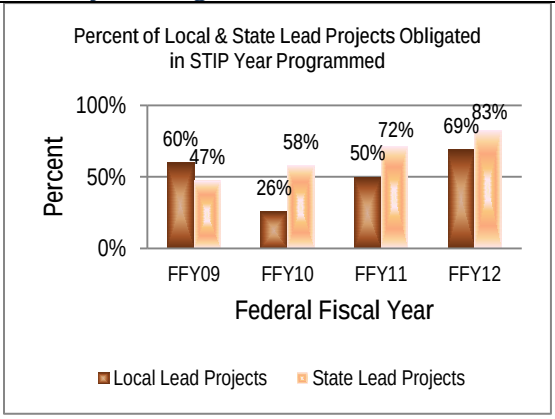
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Actions / Remarks
Air Quality					
CMAQ funds eligibility determination	FHWA HQ CMAQ guidance memo 10/31/06	As requested by State	Planning Division Director	Environment	NMDOT develops and FHWA reviews for eligibility
CMAQ funds report (UPACS*)	FHWA HQ CMAQ guidance memo 10/31/06	Annually by Feb 1st	Planning Division Director	Environment	FHWA develops and inputs into UPACS
Discretionary funds application (FHWA)	FHWA HQ memo soliciting applications	Periodic (usually annually, date varies)	Engineering Program Manager	Planner	NMDOT develops and submits to FHWA
Functional classification of highways/streets	23 *CFR* 470.105, 470.115	As needed or as revised by State	STIP Coordinator & Plng Division Director	Planner	NMDOT develops and submits to FHWA for approval
Heavy Vehicle Use Tax Payment Certification	23 *CFR* 669.7	Annually by July 1	NMDOT	Planner	NMDOT reports and submits to FHWA
Heavy Vehicle Use Tax Payment Review	23 *CFR* 669.21 & FAPG NS 23 *CFR* 669	Every 3 years	NMDOT	Planner	NMDOT reports and submits to FHWA
Obligated Projects Annual List	23 *CFR* 450.332	Annually, no later than 90 days after September 30th.	STIP Coordinator & Plng Division Director	Planner	NMDOT develops; FHWA concurs
Planning Certification (FHWA/FTA TMA)	23 *CFR* 450.334	Every 4 yrs.	Planning Division Director	Planner	FHWA / FTA review and certify the review
Highway					
Air Quality Agency agreements (MPO/State)	23 *CFR* 450.314	As needed or revised by MPO / State in conjunction with conformity determination	Planning Division Director	Planner	MPO / NMDOT submit to FHWA / FTA
Boundary Changes (Metro planning area)	23 *CFR* 450.312	As needed / revised by MPO/State	Planning Division Director	Planner	NMDOT reports and submits to FHWA
Certification of MPO planning process (MPO/State)	23 *CFR* 450.334	Required with every STIP amendment	STIP Coordinator & Plng Division Director	Planner	NMDOT develops; FHWA concurs
Fuel report (PR 511M) prepared monthly	Chapter 2 of FHWA Guide to Reporting Highway Statistics	Monthly. Also, a review of Motor Fuel Data reporting is done every 3 years.	NMDOT	Planner	NMDOT reports and submits to FHWA
Highway statistics reports (various)	FHWA Guide to Reporting	Most annually, one biennially	Planning Division	Planner	NMDOT reports and submits to FHWA

	Highway Statistics	(per FHWA guidance)	Director		
Highway taxes and fees report	FHWA HQ memo of request	Periodic (usually biennially)	NMDOT	Planner	NMDOT reports and submits to FHWA
HPMS data review (UPACS*)	FHWA HPMS Field Manual	Annually	Planning Division Director	Planner	NMDOT reports and submits to FHWA
HPMS data submission (UPACS*)	FHWA HPMS Field Manual	Annually by June 15th	Planning Division Director	Planner	NMDOT reports and submits to FHWA
Interstate additions & revisions	23 *CFR* 470.111, 115	As requested by State	Planning Division Director	Planner	NMDOT reports and submits to FHWA
Metropolitan Transportation Planning Organizations (MPO) Designation and Re-designation	23 *CFR* 450.310	As needed / revised by MPO / State	Planning Division Director	Planner	NMDOT reports and submits to FHWA
Mileage Certification Public roads	23 *CFR* 460.3 & FAPG NS 23 *CFR* 460	Annually by June 1st	Planning Division Director	Planner	NMDOT develops; FHWA concurs
Motor Fuel Tax (MFT) Evasion Project funds request	FHWA HQ memo soliciting applications	Periodic (usually annually)	NMDOT	Planner	NMDOT reports and submits to FHWA
NHS revisions	23 *CFR* 470.113, 115	As requested by State	Planning Division Director	Planner	NMDOT develops; FHWA concurs
PM2.5 and Mobile Source Air Toxics	MOMOS February 3, 2006 and March 29, 2006. 71 FR. 12468. 23 CFR 771.129	As needed	Planning Division Director	Planner	NMDOT develops; FHWA concurs
SPL/PL program performance/expenditure reports	23 *CFR* 420.117	Annually by Sept. 30	Planning Division Director	Planner	NMDOT submits; FHWA reviews
SPR & PL funded work programs; Unified Planning Work Program for Transportation Management Areas (TMA) LTAP Work Plan and budget	23 *CFR* 450.308	Annually by May 15	Planning Division Director	Planner	NMDOT develops and submits; FHWA / FTA review and approve
State certification of their planning process	23 *CFR* 450.218	Required with every STIP amendment	Planning Division Director	Planner	NMDOT submits and FHWA approves
State PL funds formula	23 *CFR* 420.109	As needed or as revised by State	Planning Division Director	Planner	NMDOT submits and FHWA approves
State planning process (Public Involvement Process or PIP)	23 *CFR* 450.210(a)(2)	As needed or as revised by State	STIP Coordinator & Plng Division Director	Planner	NMDOT develops FHWA/FTA receive for informational purposes
TIP and corollary STIP amendments for attainment areas	23 *CFR* 450.324 – 330	Required with every STIP amendment	STIP Coordinator & Plng Division Director	Planner	NMDOT submits and FHWA approves
TIP conformity determination for non-attainment	23 *CFR* 450.324, 330	Every 2 years	Planning Division Director	Planner	NMDOT submits and FHWA approves
Transportation plan for attainment metropolitan areas	23 *CFR* 450.322	Every 4 yrs. or in conjunction with conformity reviews	Planning Division Director	Planner	NMDOT submits and FHWA approves

Tribal Government Consultation process	23 *CFR* 450.210(c)	As needed or as revised by State	Planning Division Director	Planner	NMDOT submits and FHWA approves
Twenty (20) Yr. Statewide Transportation Plan (Long Range Transportation Plan)	23 *CFR* 450.214	As needed	Planning Division Director	Planner	NMDOT develops (at a minimum updated after Census taken)
Urban area boundaries	23 *CFR* 470.105	As needed or as revised by State	Planning Division Director	Planner	NMDOT submits to Governor for Approval; sends to FHWA
Vehicle Size & Weight enforcement certification	23 *CFR* 657.13	Annually by Jan 1	Department of Public Safety	Planner	NMDOT ensures DPS reports and submits to FHWA
Vehicle Size & Weight enforcement plan	23 *CFR* 657.11	Annually by July 1, w/approval by Oct 1	Department of Public Safety	Planner	NMDOT ensures DPS reports and submits to FHWA

3.1.5 Planning and Air Quality Stewardship / Oversight Indicators

The following performance indicators to assess health of NMDOT's Planning and STIP Development Program:

3.1.5(a) Percent of State & Local Projects Obligated in STIP year Programmed	*3.1.5(b) Percent of projects obligated by quarter (goal FFY Q1-Q3 60%, Q4-40%)*
	To Be Developed
3.1.5(c) Cost growth during planning stage	(Intentionally left blank)
To Be Developed	(Intentionally left blank)

3.2.0 ENVIRONMENT

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

3.2.1 Environmental Program Method of Operation

For the environmental function, FHWA maintains ultimate responsibility and approval authority for all activities requiring Federal actions. Interagency coordination and stewardship are maintained through routine contacts in person, by telephone, by electronic mail, and in writing, during the course of transacting normal business operations. Contact normally occurs between FHWA Environmental Program Manager (ENV PM), FHWA Operations Engineers (OEs), and NMDOT Environmental Design Division personnel (NMEDD). The NMEDD, FHWA ENV PM, and OEs assist in coordinating interagency approvals for various environmental resources impacted by projects.

Environmental considerations affect virtually all aspects of transportation. Coordination and interaction with other disciplines is necessary to administer the environmental program. Communication is imperative to successfully ensuring State-wide consistency in intergovernmental working relationships. The NMDOT and FHWA personnel must communicate through appropriate channels within organizations and between organizations. Critical times of communications may occur requiring an urgency that entails adjusting usual protocols or chain of command. Examples might be: public health concerns, declared emergencies, critical safety issues, or violations of permits. Timely reactions by personnel are crucial to positive outcomes.

In the environmental functional area, there are several diverse factors that influence the quality of the products and services delivered. The environmental certification is the documentation verifying the decision-making process that ultimately leads to a final design. There are three levels of documentation associated with the NEPA certifications performed for Federal Aid transportation projects:

1. Categorical Exclusion (CE) – This is the lowest level of environmental documentation approximately 96% of project NEPA certifications are approved with this level of documentation. With the Programmatic Agreement for Categorical Exclusions dated February 8, 2006, these CE projects may be administered by a CE Checklist or a simple one to two page narrative depending on the scope of work.
2. Environmental Assessment (EA) – This is the tool used for decision-making and eventual environmental certification for projects when it is not immediately known if significant impacts exist. The certification of an EA is a signed Finding Of No Significant Impacts (FONSI). Historically, the New Mexico Division processes between seven to ten EA/FONSI documents per year. This number should decrease with the National endeavor to complete environmental documentation at the lowest level possible, meaning more CE documents. If an EA would determine that significant impacts cannot be mitigated or there is significant controversy, the highest level of environmental documentation is used, an Environmental Impact Statement.
3. Environmental Impact Statement (EIS) – This document is used for the most complex projects and it is known that impacts cannot be completely mitigated or there is controversy at a level indicating a formal public processes at a National stage is necessary to provide the most

transparent picture of the decision-making process. An EIS has not been completed by the NM Division in several years. One EIS document is expected in the next three years. This is the Paseo de Onate corridor and bridge in Espanola.

There are many environmental laws summarized under the umbrella documentation of NEPA. The impacts governing these particular laws are summarized and certified under NEPA documentation:

1. The Endangered Species Act – This law is typically coordinated with our partners at the U.S. Fish and Wildlife Service (FWS) and considers impacts to plant and animal populations threatened with extinction.
2. The National Historic Preservation Act – This law is typically coordinated with our partners at the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP). This law focuses on considerations on understanding, recording, and preserving history, emphasizing important and notable events and materials.
3. The Clean Water Act – This act is typically coordinated with the U.S. Army Corps of Engineers (COE) and the New Mexico Environment Department (NMED) and focuses on maintaining clean water.
4. The Clean Air Act – This act is typically coordinated with the Environmental Protection Agency (EPA) and the NMED and focuses on assuring improved air quality.

In addition these three factors are important aspects of NEPA. First, the timely delivery of specific environmental activities is critical to advancing transportation projects toward successful completion. For NMDOT staff specialists, project compliance activities should be completed on or ahead of the established schedule date. All NEPA documents should be completed in time for review and approval by FHWA prior to the scheduled project advertisement date.

Second, NMDOT's public involvement procedures should conscientiously solicit the views of all affected public and should be implemented in accordance with Executive Order 12898 59 FR 7629, February 16, 1994 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations and Title VI of the Civil Rights Act. The effectiveness of this program can be measured by the number and general tone of both positive and negative public comments received on the environmental documents.

Third, FHWA and NMDOT should constantly strive to improve the existing working relationships with the many resource protection agencies involved in the environmental functional area (the U.S. Fish and Wildlife Service, the U. S. Army Corps of Engineers, the U. S. Environmental Protection Agency, the N. M. Historic Preservation Division of the N.M. Office of Cultural Affairs, the N. M. Department of Game and Fish, the N. M. Environment Department, etc.).

3.2.2 Environmental Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.2-1 Environmental CS/D (Update: October 2012)

DESCRIPTION	BUREAU	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Location Study Procedures	NMDOT (Chief Engineer	August 2000	Design Bureau	NMDOT Cabinet Secretary	Hard Copy	23 CFR 771
NM DO Environmental Program Guidance & Procedures	FHWA NMDOT	February 2006	NMDOT Division Office	FHWA Division Administrator	Hard Copy	23 CFR 771
Programmatic Categorical Exclusion	Design	February 2006	NMDOT Environmental Bureau	FHWA Division Administrator / Bureau Chief	Hard Copy	23 CFR 771.117

3.2.3 Environmental Program Implementation & Methods of Oversight

The FHWA and NMDOT review all environmental documents. The FHWA attends public hearings and other project development meetings on a review-level and as-needed basis. The NMDOT is the primary project level administrator. Both agencies monitor news articles to assess the quality of work being planned and developed by NMDOT. In addition to internal coordination, NMDOT and FHWA will work with other State and Federal reviewing agencies, Native American entities, local and regional governments and the general public to ensure that their views on the environmental function are considered in developing areas for quality improvement.

Under this Stewardship Agreement, NMDOT and FHWA personnel work together as partners to continually review, evaluate, and improve the environmental program. The main emphasis areas of the Agreement are strengthening the environmental function by sharing information and correcting identified weaknesses. The NMDOT's Environmental Design Division and FHWA's ENV PM will host routine meetings for Department, Division, and appropriate resource agency personnel to share information, improve the quality and consistency of the environmental documents, and instill an environmental ethic throughout the agency.

Information that documents the environmental program will be kept current as information sources permit. The NMDOT's Location Study Procedures will be revised and improved on a resource-by-resource basis as necessary and appropriate. The MOU/MOA documents will be regularly reviewed and updated as necessary. The FHWA's Environmental Program Guidance and Procedures and Programmatic Categorical Exclusions process agreement will be updated as according to need.

The Division Office maintains full authority over any NEPA documentation higher than the Programmatic Categorical Exclusion (PCE). Oversight is provided through program and process reviews. Routine aspects of the environmental program may be selected at random and analyzed each year. Problems that arise are also diagnosed and addressed as they are identified.

Program and risk assessments are reviewed as needed as well as bi-annually through standardized methods established by the Division Office Program Analyst.

Program / Project Reviews, Certification Review – describe the methods and anticipated frequency of oversight actions on projects and programs use by both the Division Office and SDOT (Process Review, Program / Product Evaluations, Peer Reviews, etc.)

3.2.4 Environmental Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.2-2 Environmental P&PAR (Update: October 2012)

Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Approval / Remarks
Categorical Exclusions	23 *CFR* §771.117	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Class of document determination	23 *CFR* §771.115-119	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Endangered Species Act Section 7	50 CFR 402; Dispute Resolution Process	As needed or required	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Environmental Assessment	23 *CFR* §771.119	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Environmental Impact Statement (EIS) - draft	23 *CFR* §771.123	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Environmental Program Manager or Area Engineer
Environmental Impact Statement (EIS) Final	23 *CFR* §771.125	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Division Administrator
Environmental Impact Statement (EIS) written re-evaluations	23 *CFR* §771.129	If no action is taken within 3 years after final EIS As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Environmental Program Manager
Finding of No Significant Impact (FONSI)	23 *CFR* §771.121	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Land and Water Conservation Fund Act Section 6(f)	36 CFR 59	As needed or required	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Noise Abatement	23 CFR 772; 06/12/95 HQ memo	As needed or required	Environment/ Design	Environmental Coordinator	FHWA approves SDOT' noise abatement policy
Noise walls reporting	23 *CFR* §772	Annually by NMEDB	Environmental Bureau	Environmental Program Manager	Submitted by NMDOT to Environmental Bureau
Notice of Intent filing	23 *CFR* §771.123	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Programmatic Environmental Reports (PER)	Section 106 of National Historic Preservation Act	Monthly	Environmental Bureau	Environmental Program Manager	NMDOT submits to State Historic Preservation Officer
Public involvement	23 CFR 771.111(h)(1)	As revised by State	Environment/ Design/Project Management	Environmental Program Manager	NMDOT submits to FHWA
Record of Decision (ROD)	23 *CFR* §771.127	30 days after publishing final EIS As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Division Administrator
Resource Identification & Agency Coordination	FHWA	As submitted by NMEDB	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer

• Section 4(f) programmatic • Section 4(f) individual • Section 106 evaluation and consultation • Clean Water Act • Tribal Government Consultation	Technical Advisory T.A. 6640-.8A 23 *CFR* §771.135				
Rivers and Harbors Act (Bridge Permits) Section 9	23 CFR 650 Subpart H; 33 CFR 114 & 115	As needed or required	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Threatened & Endangered Species Expenditures Annual Reporting	Endangered Species Act (ESA)	Annually	Environmental Bureau	Environmental Program Manager	Submitted by NMDOT to Environmental Bureau
Tribal Government Consultation	36 CFR 800.16(m)	As needed or required	Environmental Bureau	Environmental Program Manager	Approval by FHWA Program Manager or Area Engineer
Wetland Impacts and Mitigations reporting	23 *CFR* §777	As required	Environmental Bureau	Environmental Program Manager	Submitted by NMDOT to Environmental Bureau

3.2.5 Environmental Performance/Compliance Indicators

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

The following table below corresponds to the Environmental Assessments completed since the Federal Fiscal Year 2009 to Present Day (24MAY12). This information is taken from FHWA's Environmental Document Tracking System (EDTS). We currently show a trend of fewer EA documents. It is anticipated that we will move closer to a point where it is a rare exception that of our environmental documentation is completed with a NEPA document higher than a Categorical Exclusion (CE). This is a reflection of the type of project scope as well as a conscious effort to simplify the documentation with a philosophy focusing on the CE Checklist.

Date: 10/18/2012	**EA Summary Report**			
	Completed Projects			
	10/1/2008 to 9/30/2012			
Report Parameters:	State: NM			
	FONSI Date: Range: 10/1/2008 to 9/30/2012			
Summary Report:				
	Total number of EAs Approved during this period:	28		
	Average Number of months from Availability/Approved Date initiated to FONSI Date:	7		

	Median Number of months from Availability/Approved Date to FONSI Date:	3		
	Shortest Number of months from Availability/Approved Date to FONSI Date:	1		
	Longest Number of months from Availability/Approved Date to FONSI Date:	59		
Detailed List of EAs:				
	* - This project has had a dormancy period.			
Project Name	**State**	**Availability/ Approved Date**	**FONSI Date**	**Approval Length Month**
NM 41 Galisteo	NM	5/2/2012	9/5/2012	4
I-40/Rio Puerco Interchange	NM	4/20/2012	6/6/2012	1
Double Eagle Airport Access	NM	3/30/2012	6/26/2012	2
I-25/US 550 Interchange Project	NM	9/1/2011	2/25/2012	5
Strauss Road/ Dona Ana Co. RD A-107	NM	5/26/2011	8/5/2011	2
I-25/Engler Road Grade Separation	NM	5/24/2011	9/9/2011	3
NM 599/Jaguar Drive Interchange	NM	7/30/2010	10/21/2010	2
Jemez Springs Bridge Replacements	NM	7/6/2010	9/1/2010	1
NM 58 Ponil Creek	NM	6/28/2010	8/11/2010	1
US 70, Portales	NM	6/14/2010	7/30/2010	1
Santo Domingo NM 22	NM	1/8/2010	2/10/2010	1
Pinon Hills/CR 3900 - County Project	NM	10/28/2009	3/1/2010	4
Eagle Draw Bridge	NM	8/28/2009	12/31/2009	4
Bayard Street	NM	8/24/2009	10/6/2009	1
Del Rey Boulevard	NM	6/30/2009	8/6/2009	1
I-10 / I-25 Interchange	NM	5/20/2009	6/25/2009	1
NM 2, Dexter	NM	4/8/2009	7/30/2010	15
Grand Avenue	NM	3/16/2009	8/6/2009	4
I-10 Corridor Texas State Line to Las Cruces	NM	3/6/2009	4/27/2009	1
I-10 / NM 404 Interchange Reconstruction	NM	1/27/2009	8/18/2009	6
Aztec East Arterial	NM	1/13/2009	4/10/2009	2

Canal Street	NM	10/14/2008	2/23/2010	16
Rail Runner I-25/NM 599 Station	NM	10/1/2008	12/5/2008	2
Canal Street Carlsbad	NM	6/4/2008	2/23/2010	20
West College Boulevard Extension	NM	5/12/2008	3/16/2009	10
I-40/Rio Grande River Pedestrian Bridge	NM	8/17/2007	11/14/2008	15
I-25 - Tramway to Bernalillo - CN G2a13	NM	4/20/2007	4/20/2009	24
*US 380	NM	11/20/2001	10/16/2009	59

Date: 10/18/2012	**EA Summary Report**			
	Completed Projects			
	01/01/2011 to 10/18/2012			
Report Parameters:	State: NM			
	FONSI Date: Range: 01/01/2011 to 10/18/2012			
Summary Report:				
	Total number of EAs Approved during this period:	6		
	Average Number of months from Availability/Approved Date initiated to FONSI Date:	3		
	Median Number of months from Availability/Approved Date to FONSI Date:	3		
	Shortest Number of months from Availability/Approved Date to FONSI Date:	1		
	Longest Number of months from Availability/Approved Date to FONSI Date:	5		
Detailed List of EAs:				
	* - This project has had a dormancy period.			
Project Name	**State**	**Availability/ Approved Date**	**FONSI Date**	**Approval Length Month**
NM 41 Galisteo	NM	5/2/2012	9/5/2012	4

I-40/Rio Puerco Interchange	NM	4/20/2012	6/6/2012	1
Double Eagle Airport Access	NM	3/30/2012	6/26/2012	2
I-25/US 550 Interchange Project	NM	9/1/2011	2/25/2012	5
Strauss Road/ Dona Ana Co. RD A-107	NM	5/26/2011	8/5/2011	2
I-25/Engler Road Grade Separation	NM	5/24/2011	9/9/2011	3

3.3.0 RIGHT-OF-WAY

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

3.3.1 Right-of-Way Method of Operation

The FHWA's relationship with NMDOT's ROW Program has historically been a very close working relationship that strives to identify best practices and training opportunities, and maintain good communications.

The ROW operation, from the FHWA perspective includes providing the maximum delegation of authority to NMDOT. This offers the greatest possible innovation and flexibility to administer the ROW Program in New Mexico. Therefore, NMDOT ROW operations manual, known as the Right of Way Handbook, is a regulatory requirement, and an important tool.

Coordination and oversight of the ROW program are maintained between FHWA and NMDOT through meetings; routine contacts in person; in writing (letters and emails), and through telephone calls. The primary communication is normally held between NMDOT's ROW personnel and FHWA's ROW Program Manager (RWPM).

In circumstances where all necessary ROW for a federal-aid project has **not** been acquired, the ROW may be cleared for construction by use of a Conditional Clearance Certification. Determination by FHWA to accept the Conditional ROW Clearance Certification, allowing the NMDOT to move forward with advertisement for construction bid is based on an analysis of the risk to the project and the federal-aid program.

3.3.2 Right-of-Way Method Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on FAHP projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals (Handbooks) submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.3-1 ROW CS/D Chart (Update: October 2012)

DESCRIPTION	BUREAU	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Access Management Manual	Traffic	September 2001	Traffic	NMDOT	Hard Copy	State Law
ROW Handbook,	ROW	approved Jan 2011	ROW	FHWA	http://dot.state.nm.us/Infrastructure/ROW_Handbook.pdf	23 CFR 710.201

3.3.3 Right-of-Way Program Implementation & Methods of Oversight

A program implementation review is performed in four functional areas within NMDOT ROW process documented in FHWA approved NMDOT ROW Handbook, Title 23 CFR, Title 49 CFR part 24 .

- First, a ROW plan review is held at the beginning of the appraisal process to determine the adequacy of the ROW plans and reduce the potential for possible plan revisions during the appraisal process.
- Second, all appraisals are reviewed by NMDOT staff to provide assurance that all State and Federal laws are complied with in the appraisal function.
- Third, all acquisition and relocation determinations are approved by NMDOT ROW staff prior to making an offer to the land owner and/or displaced person.
- Fourth (and finally), a checklist is used with each settlement package to make sure that all matters affecting title have been taken care of prior to closing.

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

The program and risk assessment is analyzed through the FHWA's Division's Yearly Unit Plan Activities. The conclusions of this assessment are discussed with the NMDOT ROW Bureau Chief.

Through the risk assessment analysis (or as designated by Division / Agency) a joint determination is made with the NMDOT ROW Bureau Chief on which areas to conduct an in-depth Program/Project review for the respective current fiscal year.

3.3.4 Right-of-Way Method Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.3-2 ROW P&PAR Table (Update: October 2012)

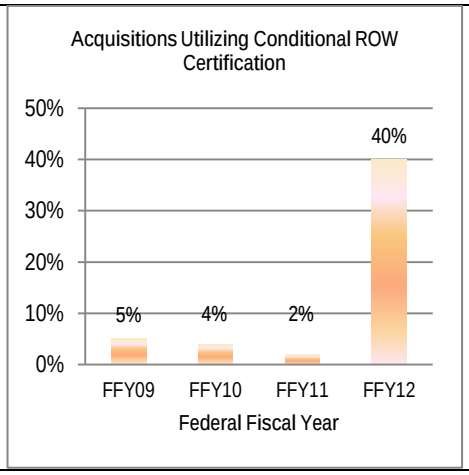
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
Access Break / ROW Disposal authorization request (if not on Interstate system and fair market value charged)	23 *CFR* 710.409	As needed	Property Access Management	Right of Way Program Manager	FHWA concurs in action
Access Break / ROW Disposal authorization request (if on Interstate system or fair market value not charged)	23 *CFR* 710.401 & 409	Project by project	Property Access Management	Right of Way Program Manager	All approval for access breaks and disposal actions at less than FMV require FHWA approval
Acquisitions, Appraisals, and Relocations	49 *CFR* part 24; Uniform Act	All Federal-aid projects	Right of Way Bureau Chief	Right of Way Program Manager	ROW BC approves activities
Approve Hardship and Protective Buying	23 *CFR* 710.503	As needed	Right of Way Bureau Chief	Right of Way Program Manager	FHWA reviews and approves as needed
Authorize Right-of-Way activities	23 *CFR* 710.503	As needed	Funding Control	Right of Way Program Manager/FHWA Area Engineer	NMDOT funding control submits to FHWA for approval
Develop ROW oversight agreement	23 *CFR* 710.201(i)	Updated as needed	Right of Way Bureau Chief	Right of Way Program Manager	FHWA reviews and approve jointly with NMDOT as needed
Early Acquisitions	23 *CFR* 710.501	As requested	Right of Way Bureau Chief	Right of Way Program Manager	Submit request to FHWA for concurrence
Federal land transfers	23 *CFR* 710.601	When requested	Relocation Specialty Unit	Right of Way Program Manager	FHWA reviews and submits to resource agency for consent to appropriate

FHWA Annual Acquisition and Relocation Statistics Previous form FHWA 1434, 1424	FHWA Order 6540.1	Annually by Nov. 15	Relocation Specialty Unit	Right of Way Program Manager	NMDOT submits completed form to FHWA
Functional Replacement	23 *CFR* 710.509	Project by project	Relocation Specialty Unit	Right of Way Program Manager	FHWA reviews and approves
Local Public Agency Oversight	23 *CFR* 710.201(h)	As needed	Right of Way Bureau Chief	Right of Way Program Manager	DOT is responsible for oversight of T/LPA ROW activities on federal-aid projects
Outdoor Advertising policies and procedures revisions	23 *CFR* 750.304	As needed or submitted by State	ODA Unit Supervisor (Maintenance Bureau)	Right of Way Program Manager	This unit has been moved to the Maintenance Bureau. No longer responsibility of ROW. FHWA reviews and approves
Railroad Agreement Alternate Procedure	23 *CFR* 646.220	As required	Transit and Rail	FHWA Area Engineer	FHWA reviews and approves
Requests for credits toward the non-federal share of construction costs for early acquisitions, donations or other contributions applied to a project	23 *CFR* 710.501	As needed	Funding Control	Right of Way Program Manager	FHWA approves or rejects
Requests for waivers of Federal Regulations	23 *CFR* 1.9	As needed or as submitted by State	Right of Way Bureau Chief	Right of Way Program Manager /DA	FHWA DA approves or rejects
ROW Conditional Clearance Certification	23 *CFR* 635.309	Project by Project	Chief Engineer	Right of Way Program Manager /Area Engineer	FHWA reviews and approves or rejects
ROW Plan Authorization	23 *CFR* 710.201 (i)	Project by Project	Right of Way Bureau Chief	RWPM/Area Engineer	NMDOT Lands and Survey reviews and approves
State ROW Handbook Certification	23 *CFR* 710.201	Every 5 years beginning 1/01/2001	Right of Way Bureau Chief	Right of Way Program Manager	NMDOT is required to administer the ROW program according to the approved Handbook
State ROW Handbook Updates	23 *CFR* 710.201(c)(3)	As needed or as submitted by State	Right of Way Bureau Chief	Right of Way Program Manager	ROW Handbook will be updated to reflect changes in State/Federal Law and regulations
Use of ROW Air Space authorization request (off Interstate system)	23 *CFR* 710.405	As needed	Property Access Management	Right of Way Program Manager	NMDOT takes action on request for lease of ROW with FHWA concurrence
Use of ROW Air Space authorization request (on Interstate system)	23 *CFR* 710.405	as requested	Property Access Management	Right of Way Program Manager	NMDOT takes action on request which requires FHWA approval
Utility Accommodation Policy	23 *CFR* 645.215	Adjusted as needed	Utility Unit	Right of Way Program Manager	FHWA review and approve as needed
Utility Cooperative Agreement	23 *CFR* 645.119	As needed	Utility Unit Supervisor	RWPM/Area Engineer	FHWA Reviews and approve

3.3.5Right-of-Way Stewardship / Oversight Indicators

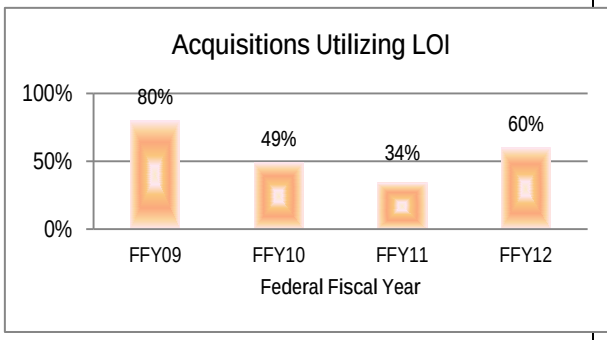
The following performance indicators will be used to assess the health of the Right-of-Way Program:

3.3.5(a) Percent of FAHP Utilizing a Conditional ROW Certification



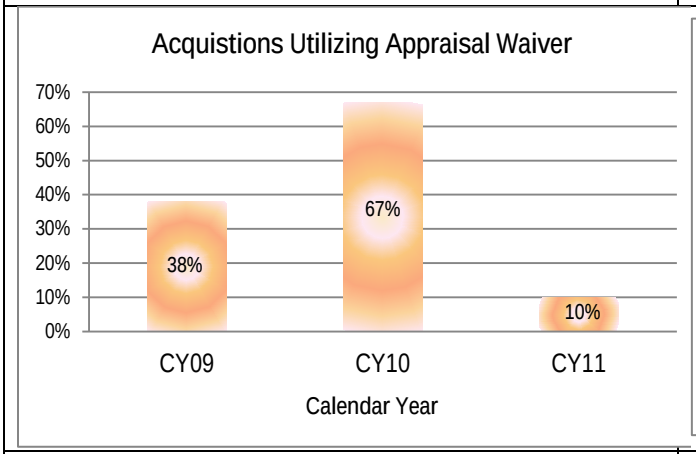
These results show that the Right of Way Bureau is certifying 60% of the projects with a final certification, meaning all property interests are secured. The projects included in the 40% were due to ROW process not being

3.3.5(b) Percent of Parcels Acquired Utilizing a Letter of Intent (LOI)



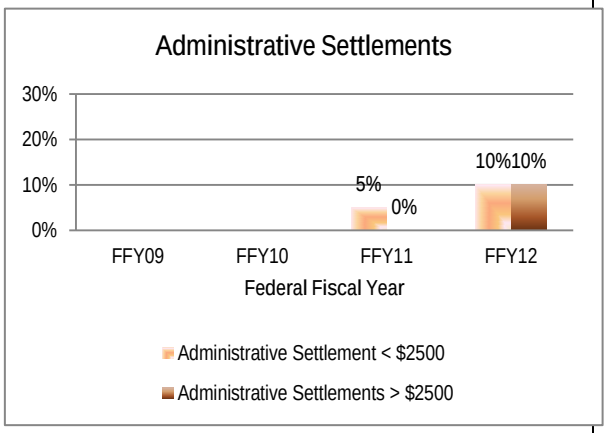
A letter of intent (LOI) must be sent out to start the clock for the condemnation process therefore there is a point in the process where a letter of intent has to be sent. This letter can be a somewhat intimidating letter to the property owner and can make our negotiations a little more sensitive. Project production dates must be monitored closely, so that LOIs are sent in order to stay on schedule and meet the certification date. The 60% includes 5 different projects throughout the state.

3.3.5(c) Percent of Parcels Acquired Utilizing an Appraisal Waiver



Appraisal waivers can be prepared when the valuation of a parcel of land is not complicated (may not be complex or contain improvements or damages) and the value is known to be less than $10,000.00. The FHWA encourages the use of waivers because the waivers save both time and money. Due to the $10,000.00 threshold, there are limitations as to when waivers can be prepared. When NMDOT has rural projects the land is usually not as valuable monetarily, and more waivers can be prepared.

3.3.5(d) Percent of Administrative Settlements Up to and including $2500 and Percent of Administrative Settlements Over $2500



The $2,500 administrative settlement is a tool for the acquisition agents to use in the field thereby saving time and money. Any administrative settlement over $2,500 must have ROW upper management approval as well.

3.4.0 DESIGN

The purpose of the Project Development (Design) Program is to provide program level and project level federal oversight of project development / design. These phases span a period of time that begins with feasibility studies and ends with the completion of PS&E, resulting in a product that is buildable and biddable.

The major components at the program level are:

- Development and implementation of state design policies (such as applications of Design Standards, Value Engineering, Interstate access control, etc.) and standards such as those contained in the Highway Design Manual
- Development and implementation of roundabout, conformance with Americans with Disabilities Act requirements, standard specifications and assistance in the consistent application of those policies and standards on projects from inception through construction

The major components at the project level are:

- Review and approval of Interstate access requests and design exceptions, detailed design reviews and approval of PS&Es.

3.4.1 Design Method of Operation

Project Development at NMDOT is the responsibility of the Office of Infrastructure under the direction of the Chief Engineer which manages all aspects of Project Development beginning with programming the projects, preliminary and final design, design and development support and ending with PS&E. Project Development is managed either by the Regional Design Divisions and District Engineering Support personnel with the actual design completed with either internal design forces or consultant design support. The Office of Infrastructure provides engineering and development support through specialized bureaus including Traffic, Drainage, Bridge (structural), Pavement Design, Environmental Design, Consultant Management and PS&E.

3.4.2 Design Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on FAHP projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.4-1 Design CS/D Chart (Update: October 2012)

DESCRIPTION	BUREAU	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
A Policy on the Geometric Design of Highways and Streets, AASHTO	Office of Infrastructure	2011 6th Edition	Office of Infrastructure	Chief Engineer	Hard Copy	23 *CFR* 625.4
Manual on Uniform Traffic Control Devices, FHWA	Office of Infrastructure	2009	Office of Infrastructure	Chief Engineer	Hard Copy	Chapter 66,Article 7 NMSA 1978

Office of Infrastructure Design Directives	Office of Infrastructure	As needed	Chief Engineer	Chief Engineer	http://dot.state.nm.us/env/PSE/DesignDirectives.html	Department Policy

3.4.3 Design Implementation & Methods of Oversight

The NMDOT is responsible for programming, development, letting and award of FAHP. The NMDOT is responsible for ensuring these projects are in conformity with AASHTO, NMDOT and FHWA design standards and specifications. The NMDOT will also staff adequate and qualified personnel to manage and deliver the Project Development Program.

The NMDOT uses design procedures that will ensure projects are designed in accordance with current and predicted traffic needs in a safe and cost effective manner. The NMDOT and FHWA will work cooperatively through the project development process to ensure projects meet the approved standards and specifications. On those occasions where design exceptions and variances are required, the NMDOT and FHWA will work together to develop mitigations in the design that meet the needs of the project and ensure the safe and efficient operation of the facility. Each bureau has their respective manuals in accordance with design deliverables.

The FHWA will monitor implementation, operation, and effectiveness of NMDOT's project development process through process reviews by Program Area, FHWA participates as a member of project design teams through the Area Engineers, and are invited to attend bid review committee meetings as ad hoc members (for technical assistance).

Coordination, oversight, and stewardship are maintained through meetings, and routine contacts in person, by telephone, by electronic mail, and in writing, during the course of transacting normal business operations. Contacts are normally between the FHWA Area Engineer and NMDOT Project Development Engineers.

3.4.4 Design Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.4-2 Design P&PAR Table (Update: October 2012)

Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
3R Program	23 *CFR* 625	As needed	Design/ Maintenance	National Programs	Design responsible for 3R Guidelines (Design Information Bulletin 79)
Approve addenda during advertising period	23 *CFR* 635.112	As needed	NMDOT Construction Liaison Engr. (CLE)	Area Engineer	Field Ops. / Area Engr. Review & approves; then CLE reviews and approves
Approve advertising period less than three weeks	23 *CFR* 635.112	As needed	Chief Engineer	Division Administrator	Approval by FHWA Division Administrator
Approve construction engineering by local agency	23 *CFR* 635.105	As needed	LGAU Manager	Area Engineer	Field Operations Area Engineer reviews and approves; SO District T/LPA POCs reviews and approves
Approve cost-	23 *CFR* 635.104	As requested	Assistant	Area Engineer	AE & ADE

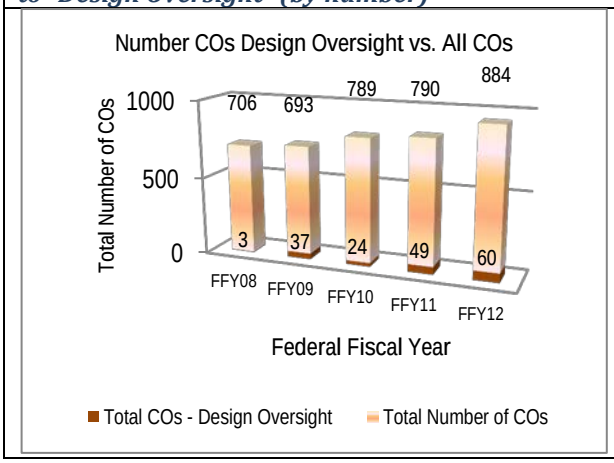
effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding	&.204		District Engineer (construction)		construction reviews and approves
Approve emergency determinations for contracts awarded by other than competitive bidding for consultant contracts	23 *CFR* 635.104 &.204	As needed	Chief Engineer	Area Engineer / Transportation Operations Engineer	CE & AE/TOE review and approve
Approve exceptions to maximum railroad protective insurance limits	23 *CFR* 646.111	As needed	Railroad Manager	Transportation Engineer	RR mgr. &TOE review and approve
Approve Federal Land Transfers	23 *CFR* 710 Subpart F	As needed	ROW Mgr.	Environmental Specialist	ROW & ES review & approve
Approve Hardship and Protective Buying (on Fed Aid Projects)	23 *CFR* 710.503	As needed	ROW Mgr.	ROW specialist	ROW & ROW review and approve
Approve preliminary plans for unusual structures	23 USC 109(a) and FHWA Policy	As Needed	PDE	Structural Engineer / Area Engineer	FHWA Structure Engineer Approves and State Bridge Engineer
Approve requests for credits toward the non-federal share of construction costs for early acquisitions, donations or other contributions applied to a project	23 *CFR*	As Needed	Engineer Program Manager	Division Administrator	Requires public interest finding for DA Approval
Approve use of consultants by utility companies	23 *CFR* 645.109(b)	N/A	N/A	N/A	N/A
Approve utility and railroad agreements	23 *CFR* 645.113 & 646.216	As needed	Rail Manager & ROW Mgr.	ROW specialist	RM, ROW Mgr. & ROW specialist review and approve
Authorize advertising for bids (FHWA authorization done via construction authorization)	23 *CFR* 635.112, 309	As needed	Authorization Engineer	Area Engineer	AE review and approve
Authorize Right of Way Activities (on Fed-Aid projects)	23 *CFR* 710.307	As needed	PDE	Area Engineer	AE review and approve; SO CLE review and approve
Concur in award of contract	23 *CFR* 635.114	As needed	SO = CLE	Area Engineer	FO AE; SO CLE review and approve
Concur in rejection of all bids	23 *CFR* 635.114	As needed	Chief Engineer	Division Administrator	Approval by FHWA Division Administrator
Concur in use of publicly furnished materials	23 *CFR* 635.407	As needed	Chief Engineer	Area Engineer	FO AE; SO CLE review and approve
Develop Project Scoping Report	23 CFR	As Needed	PDE	Area Engineer	District Engineer and State Regional Manager Approves
Identify / Approve innovative and Public-Private Partnership (PPP) projects	in accordance with SEP-14 and SEP-15 (except those Design-Build projects that conform with 23 *CFR* 636)	As Needed	Chief Engineer	Transportation Operations Engineer / Planning	Cabinet Secretary approves; TOE / Planning review and concur

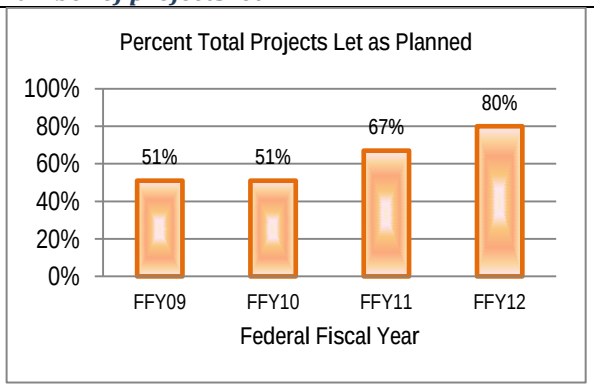
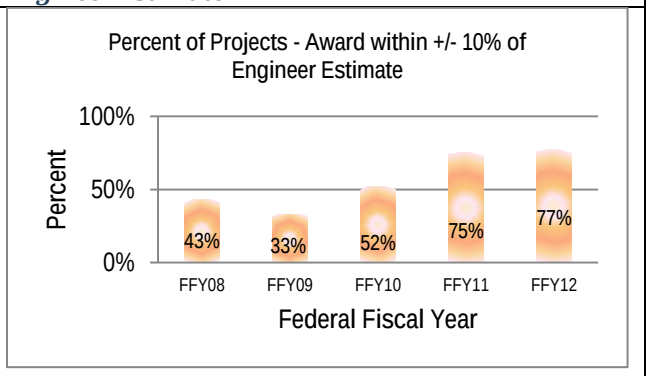
Identify retaining right-of-way encroachments	23 *CFR* 1.23 (b) & (c)	As Needed	PDE	Area Engineer	Provide information to Right of Way
Identify the use of proprietary products, processes	23 *CFR* 635.411	As needed	PDE	Area Engineer	AE & PDE review and approve
Identify use of local force account agreements	23 *CFR* 635.104 & 204	As Needed	PDE	Area Engineer	AE & PDE review and approve
Identify use of publicly owned equipment	23 *CFR* 635.106	As Needed	PDE	Area Engineer	AE & PDE review and approve
Prepare plans, specifications and estimates	23 *CFR* 630.20	As Needed	PDE	Area Engineer	AE & PDE review and approve
Request advance construction and conversions	23 *CFR* 630.703 & 709	As Needed	Finance Manager	Area Engineer	AE & State Finance Manager review and approve
Request utility or railroad force account work	23 *CFR* 645.113 & 646.216	As Needed	Rail Manager & PDE	Area Engineer	AE & RM / ROW manager review and approve

3.4.5 Design Program Stewardship & Oversight Indicators

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

The indicators listed below are in process and will be available at the end of FFY13.

3.4.5(a) Percent of total change orders attributed to "Design Oversight" (by number)	*3.4.5(b) Percent of total change orders attributed to "Design Oversight" (by dollars)*
	To Be Developed

3.4.5(c) Number of projects planned to let vs. number of projects let	*3.4.5(d) Percent of Projects – Award within +/- 10% Engineer Estimate*
	
	The statistics above have been generated by the Construction Bureau; however it would be better tracked and examined by Planning and Infrastructure.

3.5.0 CONSULTANT SERVICES ADMINISTRATION

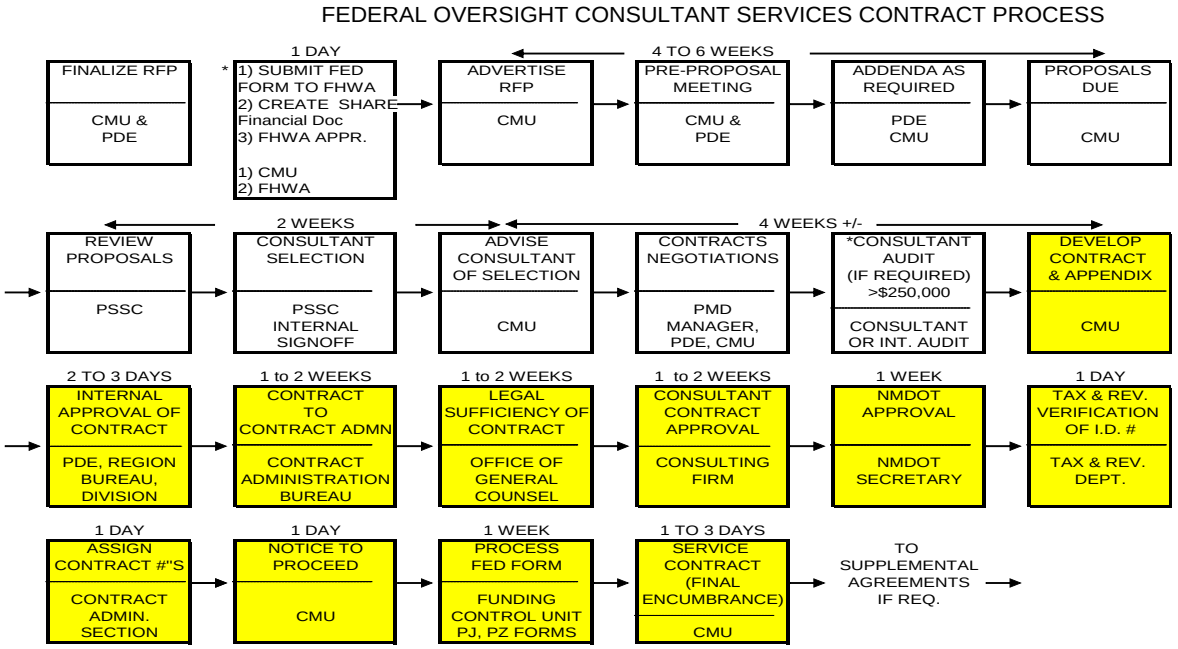
FHWA does not have "direct" responsibility over consultant "selection" except in sole source consultant selection and consultants who serve in a managerial role. FHWA provides oversight through reviews, audits of the program, and approval/concurrence of procedures

3.5.1 Consultant Services Administration Method of Operation

NMDOT has the responsibility for documenting use of consultant services on Federal-aid projects. FHWA has the responsibility for approving the procedures. In the case of sole source consultant selection this is a FHWA responsibility as is consultants who serve in a managerial role. At this time NMDOT does not hire consultants to work in a managerial role.

The NMDOT through the Office of Infrastructure through the Regional Design, Engineering Support and Program Management Divisions determine the annual need for Consultant Services based on the Federal and State Transportation Program and availability of internal design resources. Once these needs have been determined the Consultant Management Unit (CMU) will work with the Regional Design Divisions and/or Engineering Support Managers to establish a budget based scope of each project. The CMU in cooperation with the Project Development Engineer (PDE) or the Engineering Support Manager will be responsible for preparing a Request for Proposal (RFP). Once the RFP is prepared the CMU will be responsible for the advertisement, consultant selection process and contract award process. Once the contract is executed the PDE or Engineering Support Manager is responsible the management of contract including ensuring the project remains on schedule, remains on scope and that all deliverables are received per the contract. The CMU is responsible for receiving and processing invoices. Amendments will be requested by the PDE as warranted and approved in accordance established NMDOT procurement procedures. The CMU will be responsible for processing the amendment.

The CMU will be responsible for maintaining a project file with all contract documents (including the RFP, negotiation documents, contract, and contract amendments), payment documentation, closeout documents, and any pertinent correspondence with between the NMDOT and the Consultant. Signature Flow:



3.5.2 Consultant Services Administration Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on FAH projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.5-1 Consultant Services Administration CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Consultant Services Procedures Manual & Handbook	Consultant Management Unit	April 26, 2006	Consultant Management Unit Manager	FHWA Area Engineer & NMDOT Chief Engineer	http://dot.state.nm.us/content/dam/nmdot/PM/CMU_manual.pdf	23 *CFR* 172.9 & NMAC
State Procurement Code	Procurement Services Bureau	Living Document Updated As Needed	State of New Mexico	Legislature	www.nmcpr.state.nm.us	NMAC
Design Directives	PS&E	2012	Office of Infrastructure	FHWA Area Engineer & NMDOT Chief Engineer	http://dot.state.nm.us/content/nmdot/en/design_directive This URL is not a working link	23 *CFR* 172.9

3.5.3 Consultant Services Administration & Methods of Oversight

As needed Program Reviews, Certification Review – Process reviews every two to three years to include contract management and documentation reviews to ensure the PDE's and CMU are practicing appropriate contract management and complying with Federal regulations.

3.5.4 Consultant Services Administration Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.5-2 Consultant Services Administration P&PAR (Update: October 2012)

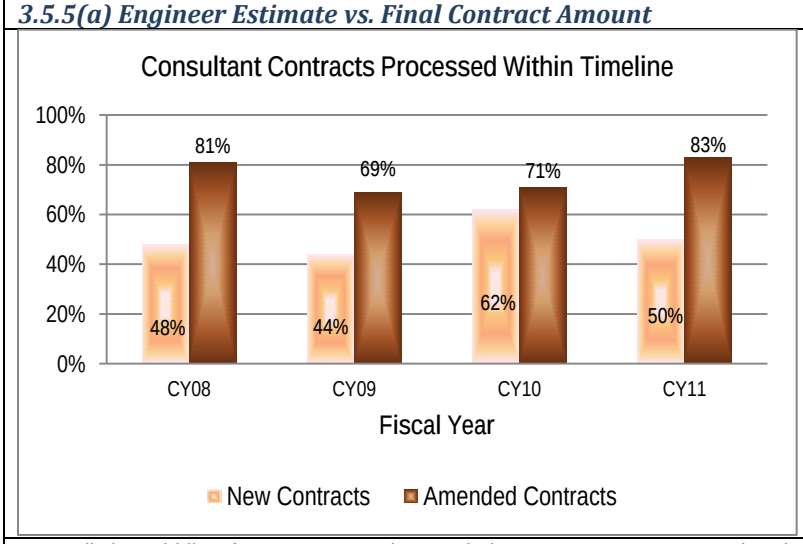
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Actions / Remarks
Approve consultant contract agreements (Federal non-Major projects)	23 *CFR* 172.9, FDM 8-20-5	Chief Engineer, Deputy Secretary of PINF	CMU Manager	Area Engineer	NMDOT Administers consultant contract selection
Approve consultant contract agreements (PSA professional Services Agreement) and agreement revisions on Federal Major projects	23 *CFR* 172.9, FDM 8-20-5	Chief Engineer, Deputy Secretary of PINF	CMU Manager	Area Engineer	NMDOT Administers consultant contract selection

Approve hiring of consultant to serve in a "management" role	23 *CFR* 172.9, FDM 8-5-55	N/A	N/A	N/A	This is NOT done in NM
Consultant Contract Selection	FDM 8-5-1	Per Approved Consultant RFP Schedule	Consultant Management Unit Manager	Area Engineer	NMDOT Administers consultant contract selections
Contracting Procedures	23 *CFR* 172.5 & 172.9	As needed	CMU Manager	Transportation Operations Engineer	NMDOT Administers consultant contract selection
Sole source Consultant Contract Selection	FDM 8-5-1[(3)]	As required	CMU Manger	Area Engineer	NMDOT Administers consultant contract selection; FHWA approves selection

3.5.5 Consultant Services Administration Stewardship / Oversight Indicators

The following performance indicators will be used to assess the health of the Consultant Services Administration Program:

3.5.5(a) Engineer Estimate vs. Final Contract Amount



Up until the middle of 2011, new and amended contracts were expected to be processed and finalized within 12 weeks. Since 2011, the process was reviewed and the time to process amended contracts was reduced to 6-10 weeks and the amended contracts reduced to 4-8 weeks. In CY11, new contracts were processed within the new timeline at a rate of 50% and amended contracts were processed at a rate of 83%, which indicates an improvement in processing time. In the newly established processes certain aspects of the process may vary slightly, depending on the funding source, which may affect the processing time.

3.6.0 PAVEMENT DESIGN AND MANAGEMENT

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

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

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

Concrete & Physical Properties Program: The mission of the Concrete and Physical Properties Program is to provide timely and accurate test results for concrete, aggregate, steel, and other construction and maintenance materials. This program provides statewide Portland cement concrete coordination through engineering and technical expertise that will assist the Districts in the development of NMDOT's transportation system to meet the structural condition goals for bridges and FHWA New Mexico Division and NMDOT Stewardship and Oversight Agreement the surface condition goals for pavement.
Program consists of:
the concrete and steel testing unit, the aggregate testing unit, the pavement deflection and smoothness testing unit, the radiation safety unit, chemical unit, and engineering support.
The primary products include review of concrete mix designs, production and quality assurance testing, and concrete design specifications for aggregates and concrete.

Asphalt Program: The mission of the Asphalt Pavement Program is to provide timely and accurate asphalt mix and binder testing, ensure high quality of NMDOT asphalt mix and binder testing statewide, and provide engineering and technical expertise in the development, selection, application, construction, testing and maintenance of asphalt mix and binder materials that will assist the Districts in the development of NMDOT's transportation system to meet the surface condition goals. The Asphalt Pavement Program consists of the Bituminous, the Flexible Pavement Laboratory, and the Asphalt Engineering Unit, in compliance with AASHTO Materials Reference Laboratory (AMRL) standards.
Products of this program include:

- Production and assurance testing of asphalt mix and binder and the development of mix design
- Specifications and testing procedures
- QA testing of binders, development of binder specifications, including performance-graded binders, and mix verification of mix designs
- Specifications for Hot Bituminous Pavement (HBP) reviewed and developed.

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

3.6.1 Pavement Design and Management Method of Operation

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

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

3.6.2 Pavement Design and Management Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on FAHP projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.6-1 Pavement Design and Management CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Pavement Design Policy and Guidelines	NMDOT	07/21/ 2008, Updated Pending release FY 2013	Pavement Design Unit	NMDOT Chief Engineer and Pavement Design Unit Head	http://dot.state.nm.us/en/Infrastructure/Engineering_Support.html#a	23 CFR 626

3.6.3 Pavement Design and Management Implementation & Methods of Oversight

The NMDOT Materials Quality Assurance Program (MQAP) is structured around 23 *CFR* § 637.207. NMDOT's Quality Assurance Program applies to all projects that NMDOT constructs whether FAHP or non-FAHP. The NMDOT is responsible for development, implementation, and maintenance of its Materials Quality Assurance Program and FHWA oversees the MQAP for compliance to 23 *CFR* § 637.207.

The NMDOT is responsible for ensuring the construction operations and the materials incorporated into the construction work are controlled by sampling and testing are in conformity with the approved plans and specifications and ill also ensure adequate and qualified staff to maintain the Quality Assurance program.

The NMDOT uses the design procedure that is outlined in the NMDOT Pavement Design Guide to ensure pavements are designed in accordance with current and predicted traffic needs in a safe, durable and cost effective manner. The NMDOT will design and approve pavement designs and ensure the pavement

designs are built to specifications. The FHWA will review and approve updates to NMDOT Pavement Design Guide as necessary.

The FHWA will promote improvements when deficiencies are identified or when new approaches or technologies are developed and will also provide oversight of construction materials, and compliance with Federal requirements on a State-wide basis. As a member of the Quality Assurance Steering Committee, FHWA will have ongoing involvement in the development and implementation of the MQAP and will monitor the implementation and effectiveness of the MQAP through process reviews.

The FHWA will monitor implementation, operation, and effectiveness of NMDOT's pavement design through process reviews and also participates as a member of the State-wide Pavements Committee that oversees network pavement strategies.

Coordination, oversight, and stewardship are maintained through meetings, and routine contacts in person, by telephone, by electronic mail, and in writing, during the course of transacting normal business operations. Contacts are normally between the FHWA Materials Engineer and NMDOT Pavement and Materials staff.

FHWA and NMDOT will conduct periodic oversight reviews as needed to ensure compliance with 23 CFR.

3.6.4 Pavement Design and Management Program & Project Action Responsibility

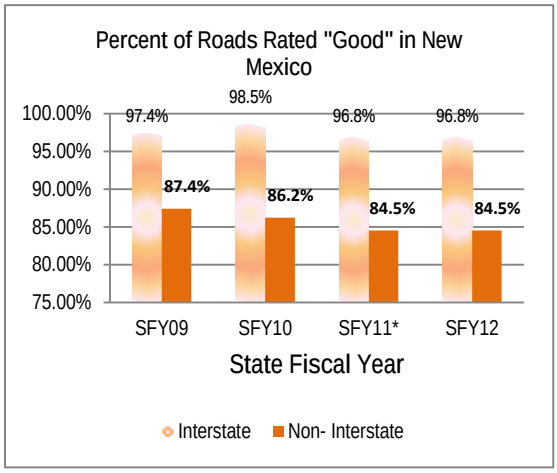
The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.6-2 Pavement Design and Management P&PAR (Update: October 2012)

Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Remarks
Independent Assurance Annual Report	23 *CFR* 637.207	Annually by March 1 (only required by systemic approach Albq. only)	QA / QC Engineer	Pavement Engineer	State QA/QC engineer reports to FHWA Pavement Engineer
Materials Acceptance – Quality Control / Quality Acceptance Program	23 *CFR* 637B	Updated as needed	Operations Director (or designee)	Pavement Engineer	Periodic updates to ensure compliance with construction program.
Materials Certifications	23 *CFR* 637 Appendix A	As needed on Federal-aid projects	CLEs	AE	CLE & AE review and approve
Pavement Condition Surveys	23 U.S.C. 116	Every two years	Maintenance State Maintenance Engineer?	Pavement Engineer	Pavement engineer reviews
Pavement Design Policy	23 *CFR* 626.3	As needed	Pavement design engineer	Pavement Engineer	NMDOT considers all alternatives when designing pavement surface.
Pavement Management System	23 *CFR* 500.106	As needed	State Maintenance Engineer? Maintenance	Pavement Engineer	State reports pavement condition; FHWA Pvt Engr reviews and forwards to HQ

3.6.5 Pavement Design and Management Stewardship / Oversight Indicators

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

3.6.3(a) Percent of Miles Rated Good on Interstate and Non-Interstate	*3.6.3(b) Percent of Pavement Miles Rated "Good"*
	To Be Developed: • % of miles rated good on NHS • % of miles rated good on non-NHS • % of miles rated good on local / collector routes
*FY11 Result is estimate based on average road deterioration per year	
Indicator 3.6.3(c) Life Cycle of Pavement – Breakdown of Dollars spent by Maintenance Category	(Intentionally left blank)
To be Developed: • Goal: spend $$'s in Routine / Preservation • Routine (surface treatment) • Preservation (chip seal) • Minor Rehab (up to 2.5") • Major Rehab (2.5 – 4") • Reconstruction	(Intentionally left blank)

3.7.0 CONSTRUCTION & CONTRACT ADMINISTRATION

The FHWA is required to assure compliance with FAHP contract provisions on all projects that utilize Federal funds. Federal responsibility includes the inspection of construction projects utilizing FAHP funds. The primary purpose of FHWA review and administration in construction is to protect the public investment, assure effective quality controls, and to verify that the project is completed in accordance with the plans, specifications, and special provisions of the contract. ISTEA and TEA-21 allow the delegation of FHWA construction review, oversight and administration responsibilities, except those based on non-Title 23 CFR requirements to the State DOT. MAP-21 or SAFETEA-LU does not substantially change this delegation. The FHWA specific construction monitoring responsibilities include stewardship as indicated in Table 3.4-1.

3.7.1 Construction & Contract Administration Method of Operation

The FHWA's Field Operations Section (FO) and NMDOT's Construction Bureau have the primary responsibility for the stewardship and oversight for the design and construction programs for the FAHP in New Mexico. These programs constitute a major portion of the Federal funding that is distributed to the State.

The NMDOT is broken up into six geographical Districts:

District 1 – Deming
District 2 – Roswell
District 3 – Albuquerque
District 4 – Las Vegas
District 5 – Santa Fe
District 6 – Milan

There are three Design Regions:

North – Santa Fe
Central – Albuquerque
South – Las Cruces

The NMDOT Construction Bureau is led by the State Construction Engineer (CLE), 4 to 6 Construction Liaison Engineers and associated technical support staff. Each CLE has the oversight responsibility of at least one of the NMDOT's districts and Regional Design Centers. Construction Liaison Engineer (CLE) – an individual employed by the New Mexico Department of Transportation (NMDOT) to oversee the design and construction program for a respective area, i.e. NMDOT District(s).

Each District is responsible for administering the construction and maintenance of construction projects within its boundaries. They are also responsible, in some form, to oversee the development of these projects.

Stewardship & Oversight regarding Local Government Projects will adhere to the Oversight Screening Criteria (see below).

Oversight Screening Criteria

Except as noted below, all projects oversight responsibilities will initially be assigned to the NMDOT and designated as State Assumed Projects. The NM Division Office may retain Project Oversight Responsibilities based on Significant Project Impacts or risks identified in the Division Office's Annual

Risk Assessment. In conjunction with the NMDOT, the Division Office may make a determination to retain project oversight responsibilities based on one or more of the following risk based criteria;

1. Projects of National/Regional Significance
    - Federal/State/Local (PDN, Mesa Del Sol, etc.)
2. Projects in Support of National Program Goals (MAP 21)
    - Safety
    - Infrastructure Condition
    - Congestion Reduction
    - System Reliability
    - Freight Movement and Economic Vitality
    - Environmental Sustainability
    - Reduced Project Delivery Delays
3. Projects with significant Environmental Impacts
    - Increased Level of Environmental Review (EIS/EA)
    - Natural Resources/Cultural Resources
    - Public/Political Controversy
4. Projects Of Significant Complexity
    - Design/Construction (Major Projects)
    - Access Control Issues (Major IJRs)
    - Innovative Contracting Techniques (CM/GC, Design/Build, etc.)
    - EDC2 Initiatives

The Division Office may review and/or assume Project Oversight Responsibilities prior to or after any phase of the projects development or construction. At the request of the NMDOT the Division Office is prepared to provide guidance or technical assistance to any project regardless of project's oversight designation.

Unless as otherwise noted above or as indicated on Table 3.7-2 Construction & Contract Administration P&PAR, the NMDOT will be responsible for the full oversight and stewardship of all Federal Aid Design and Construction projects. The NMDOT, through the State Construction Bureau and other associated program groups will ensure that all Federal Aid Design and Construction Projects are administered in accordance with all applicable State and Federal Regulations and Policies.

3.7.2 Construction & Contract Administration Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.7-1 Construction & Contract Administration CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Construction Guide	State Construction Bureau	1987 (Currently being updated)	NMDOT	NMDOT	Will be online once update completed	Construction procedures
Office Procedures (Manual) Guide	State Construction Bureau	2009 (Currently being updated) Should be ready for implementation by October 2012	NMDOT	NMDOT	Will be placed in internal drive/server for NMDOT use	Audit procedures consistency of project administration
Standard Specifications	State Construction Bureau	2007 (Currently being updated)	NMDOT	FHWA	Will have paper copies as well as online availability	23 CFR

3.7.3 Construction & Contract Administration & Methods of Oversight

The NMDOT CLE's, and the Districts/Regions will cooperate to ensure that process improvement activities are established and carried out for design and construction activities. The NMDOT will also staff adequate and qualified personnel to manage and deliver the Project Development Program. The FWHA OEs will be available to assist the NMDOT Construction Bureau by assisting in the development of training, providing technical assistance, and/or in any issues or conflicts encountered in the NMDOT's Planning, Environmental, Design and Construction Programs.

Following are some of the cooperative process improvement activities:

- Environmental Document/Process Inspections: Review environmental documents/process for NEPA compliance and evaluate how well they cover impacts.
- Design Inspections: Inspections occur during PS&E and at 30%, 60%, and 90% of project completion.
- Construction Inspections: Projects selected for inspections are selected through a random selection process.
- Post-Construction Reviews: Post-Construction reviews will be conducted in all Districts each year on both full oversight and State administered projects by NMDOT in cooperation with FHWA.
- Program Risk Assessment: Each OE evaluates their collateral duty program areas to assess risk to determine additional process improvement activities (i.e. process reviews and/or evaluative meetings).
- FHWA Reviews are completed based on FHWA Strategic Plan of Oversight Initiative (POI):
    - Program review is performed annually by FHWA
    - Project level reviews:
        - May occur at any time during the construction phase (Initial, Intermediate, Final)
        - T/LPA projects are typically reviewed as follows:
            - NMDOT - Initial and Final
            - FHWA – 1 review
    - Post Construction Review (per approved)
- Traffic Control Reviews: The CLEs and OEs will conduct bi-annual traffic control reviews to monitor traffic control on construction projects to ensure compliance with established policies, procedures, and guidelines.

3.7.4 Construction & Contract Administration Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.7-2 Construction & Contract Administration P&PAR (Update: October 2012)

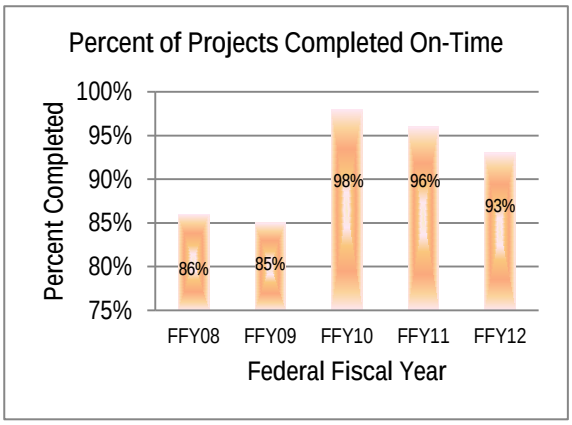
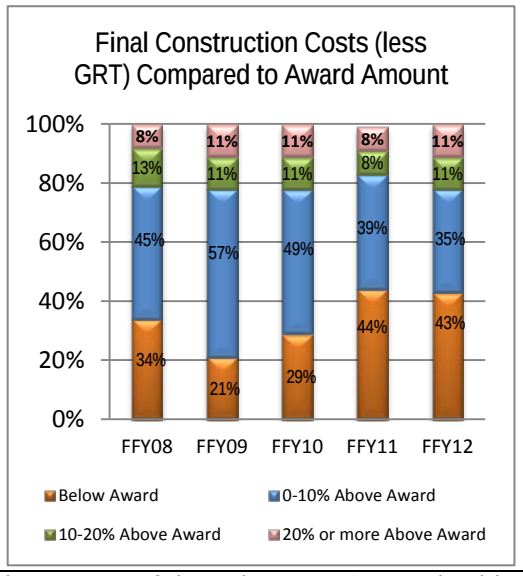
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
Addenda	23 *CFR* 635.112	Project Specific	Construction Engineer	Area Engineer	CLE or Area Engineer approves as needed
Advanced Construction (all projects)	23 *CFR* 630.705	As needed	N/A	Area Engineer	FHWA approves in FMIS
Bid Review Procedure	23 *CFR* 635.113	As updated	Construction Engineer	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed.
Buy America Waiver	23 *CFR* 635.410	As needed	N/A	Area Engineer	FHWA HQ approves
Changed Conditions Changes and Extra Work	23 *CFR* 635.120	Project Specific	CLE (construction liaison engineer)	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Claims	23 *CFR* 635.124	Project specific	Construction Engineer	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Claims (State-wide)	23 *CFR* 635.124	As Updated	Construction Engineer	Transportation Operations Engineer	FO (manager) reviews and approves
Concur in use of mandatory borrow / disposal sites	23 CFR 635.407	As needed	Construction Engineer	N/A	CE approves (project specific)
Concurrence in Award	23 *CFR* 635.114, 23 *USC* 112(d)	Project Specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Construction Inspections	23 USC 114	Project Specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Consultant Services	23 *CFR* 172	Project specific	Constructability Engineer	Area Engineer	Establish contract for district use
Consultant Services (State-wide)	23 *CFR* 172	As needed	Constructability Engineer	Transportation Operations Engineer	Establish contract for district use
Contract Time (State-wide)	23 *CFR* 635.121	As updated	Construction Engineer	Transportation Operations Engineer	CE approves
Defense Access Roads	23 *CFR* 660 Part E	As needed	N/A	Transportation Operations Engineer	When needed
Design Exceptions and Variances	23 *CFR* 625.3	As needed	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Design Reviews	23 *CFR* 625	Project Specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or

					NMDOT CLE Reviews and approves as needed
Design Standards	23 *CFR* 625	As needed	Construction Engineer	Transportation Operations Engineer	When needed
Emergency Repair / Projects	23 *CFR* 635.204	As requested	N/A	Area Engineer	When needed
Environmental Documents (Environmental Commitments required by design and constructed accordingly)	23 *CFR* 771	Project Specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Final Acceptance	49 CFR 18.50	Project Specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Labor Compliance	23 *CFR* 635.118	As needed	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Labor Compliance Policy	23 CFR 635.118, Davis-Bacon Act	As needed	Office of Equal Opportunity Programs	Civil Rights Specialist	Division office Civil Rights specialist manages program
Liquidated Damage Rates (project spec)	23 *CFR* 635.127	Project specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Liquidated Damage Rates (State-wide)	23 *CFR* 635.127	Every 2 years	Constructability Engineer	Transportation Operations Engineer	Constructability Engineer reviews and approves
Local Public Agency Oversight Policies and Procedures	23 *CFR* 635.105	As updated	District T/LPA POC	Area Engineer	FHWA Area Engr. or NMDOT CLE Reviews and approves as needed
Patented/Proprietary Products (project)	23 *CFR* 635.411	Project specific	CLE	Area Engineer	FHWA Area Engr. or NMDOT CLE Reviews and approves as needed
Patented/Proprietary Products (State-wide)	23 *CFR* 635.411	As needed	N/A	Transportation Operations Engineer	FHWA DA approval
Plans, Specifications, & Estimates (PS&E)	23 *CFR* 630.205	Project Specific	CLE	Area Engineer	FHWA Area Engr. or NMDOT CLE Reviews and approves as needed
Project Agreements	23 *CFR* 630 Subpart C	As needed	District Technical Support Engineer (TSE)	Area Engineer	Area Engr. District TSE reviews and approves as needed
Project Authorization	23 *CFR* 630.106 23 *CFR* 635 Subpart C	Project Specific	N/A	Area Engineer	Area Engr. review and approve
Railroad Agreement	23 *CFR* 646.216	Project by project	Rail and Transit Director	Area Engineer	When needed
Railroad Agreement Alternate Procedure	23 *CFR* 646.220	One time	Rail and Transit Director	Area Engineer	When needed
Scoping Reports	23 *CFR* 625	Project Specific	CLE	Area Engineer	CLE & AE concur
Termination of Contract	23 *CFR* 635.125	As needed	Cabinet Secretary	Transportation Operations Engineer	FHWA DA approves
Utility Accommodation	23 *CFR* 645.215	When changes	Utility Section	ROW specialist	Field Ops and

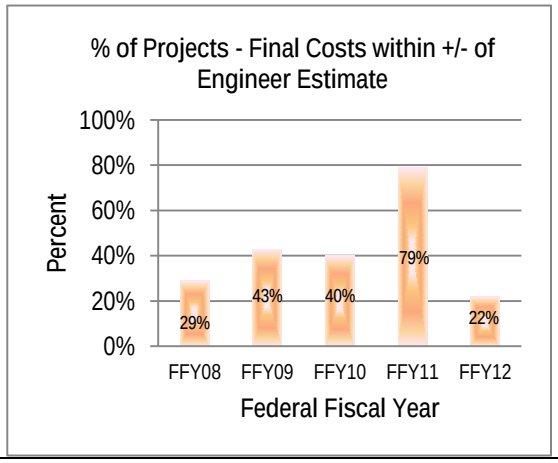
Policy		occur	Manager		NMDOT review and approve as needed.
Utility Agreement Alternate Procedure	23 *CFR* 645.119	One time	Utility Section Manager	ROW specialist	Field Ops and NMDOT review and approve as needed.
Value Engineering (project)	23 *CFR* 627	Project specific	CLE	Area Engineer	FHWA Field Ops or Area Engr.; or NMDOT CLE Reviews and approves as needed
Value Engineering (State-wide)	23 *CFR* 627	As updated	Chief Engineer	Transportation Operations Engineer	Field Ops and NMDOT review and approve as needed

3.7.5 Construction & Contract Administration Stewardship / Oversight Indicators

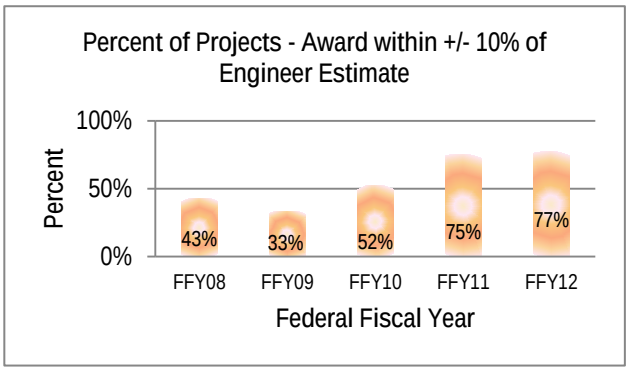
The following performance indicators will be used to assess the health of the Project Delivery Program:

3.7.5(a) Percent of Projects Completed On-Time	*3.7.5(b) Final Construction Costs (less GRT) compared to Award Amount*
	
Ninety-three percent of projects were completed on time for FFY12, an excellent indicator of NMDOT's Design and Construction staff effectively managing time on construction projects.	Forty three percent of the projects NMDOT completed in FFY12 were below the awarded amount and thirty five percent of the projects NMDOT completed in FFY12 were zero to ten percent above the award amount. Only twenty-two percent of projects were more than 10% over the award amount. This result shows that NMDOT's Design and Construction staff effectively manages funding on construction projects.

3.7.5(c) Percent of Projects – Final Construction Costs within +/- 10% Engineer Estimate

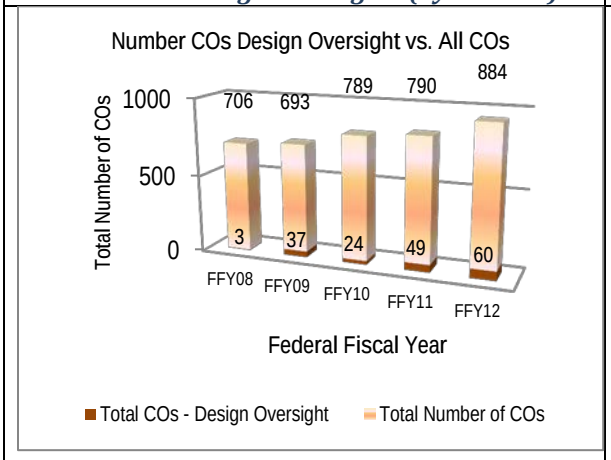


3.7.5(d) Percent of Projects – Final Construction Costs within +/- 10% Engineer Estimate

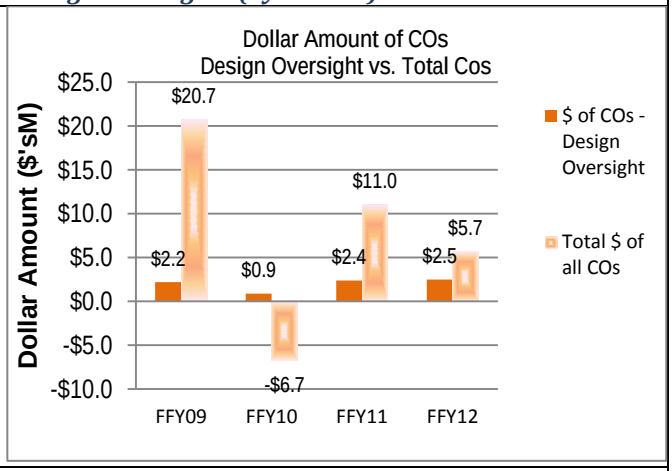


The statistics above have been generated by the Construction Bureau; however it would be better tracked and examined by Planning and Infrastructure.

3.7.5(e) Percent of total change orders attributed to "Design Oversight" (by number)



3.7.5(f) Percent of total change orders attributed to "Design Oversight" (by dollars)



3.7.5(g) Change Orders Attributed to Design Oversight (By Dollar and Number)

To Be Developed

3.7.5(h) Number and type of accidents occurring in NMDOT Work Zones

To Be Developed

3.8.0 CIVIL RIGHTS

The purpose of the civil rights program is to ensure nondiscrimination in the Federal Aid Highway program. The FHWA New Mexico Division Office and the NMDOT are committed to the spirit and intent of civil rights regulations and, together, implement and enforce the required civil rights programs in all aspects of New Mexico's multimodal transportation system. The NMDOT Office of Equal Opportunity Programs (OEOP) manages the external civil rights programs; and, in cooperation with the NMDOT Human Resources Division, manages the internal affirmative action program.

3.8.1 Civil Rights Method of Operation

The Civil Rights Program uses a Quality Control and Quality Assurance (QC/QA) approach, which relies on joint FHWA/NMDOT team reviews of program activities to accomplish oversight of the program.

The NMDOT, through its OEOP, ensures the USDOT/FHWA civil rights programs are implemented in accordance with all regulations and requirements. As a result, NMDOT, through its OEOP, protects individuals from and addresses instances of discrimination in all NMDOT programs and activities.

The FHWA New Mexico Division Office works with OEOP and NMDOT Human Resources by providing technical assistance, expertise and oversight. FHWA maintains ultimate responsibility and approval authority for all activities.

3.8.2 Civil Rights Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.8-1 Civil Rights CS/D Chart (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
DBE Program Plan/Manual	OEOP	Revised May 2012	OEOP	DA	Hard Copy	49 CFR 26
Title VI Program Plan	OEOP	2011	OEOP	DA	Hard Copy/ NMDOT website	49 CFR 21; 23 CFR 200
Contractor Compliance Program Plan	OEOP	2012	OEOP	DA	Hard Copy	23 CFR 230
On-the-Job Training Program	OEOP	2011	OEOP	DA	Hard Copy	23 CFR 230
State Internal Equal Employment Opportunity Program	OEOP	November 2011	Human Resources	DA	Hard Copy	23 CFR 230
ADA Transition Plan	OEOP		OEOP	DA	Hard Copy	28 CFR 35
EEO/Civil Rights Field Procedures Manual	OEOP	June 2011	OEOP	OEOP	Hard Copy	49 CFR 26

3.8.3 Civil Rights Program Implementation & Methods of Oversight

The NMDOT's Civil Rights program is documented as follows:

- DBE (Manual) Plan
- Title VI Plan
- EEO / Affirmative Action Plan
- Contractor Compliance Program Including On the Job Training Program
- On the Job Training Program
- ADA Transition Plan
- EEO/Civil Rights Field Procedures Manual

The FHWA New Mexico Division Office provides oversight of the NMDOT Civil Rights program to monitor its implementation and effectiveness and ensure compliance with federal regulations. In addition, the following tables delineate activities and reporting requirements along with the frequency of each.

FHWA Headquarters Civil Rights requires a triennial civil rights program assessment. This assessment is conducted by the FHWA New Mexico Division Office. Headquarters requires annual updates from NMDOT providing a status on areas identified as needing improvement and efforts to resolve issues.

The FHWA New Mexico Division Offices conducts program assessments to assess risk. Based on the findings, appropriate training and technical assistance is provided by the Civil Rights Specialist. Follow up reviews are conducts to confirm compliance.

The FHWA New Mexico Division Office and OEOP conduct program and project reviews to assess compliance by NMDOT project staff, sub recipients and contractors. OEOP has one full-time employee dedicated to projects reviews, training and technical assistance. Division Office staff conducts at least two project reviews each month and additional follow up reviews to confirm compliance.

3.8.4 Civil Rights Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

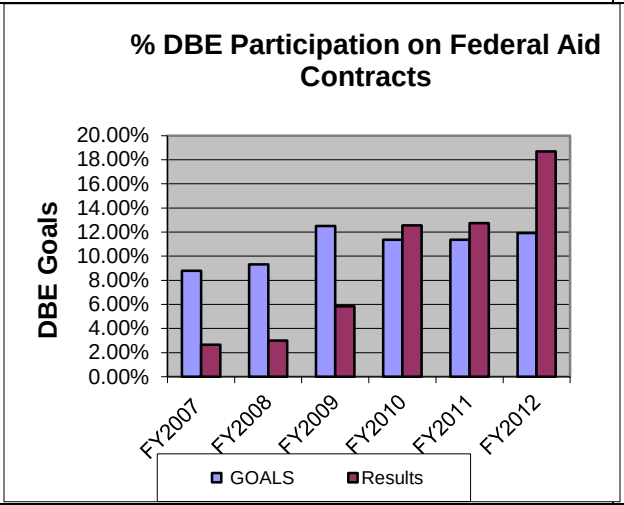
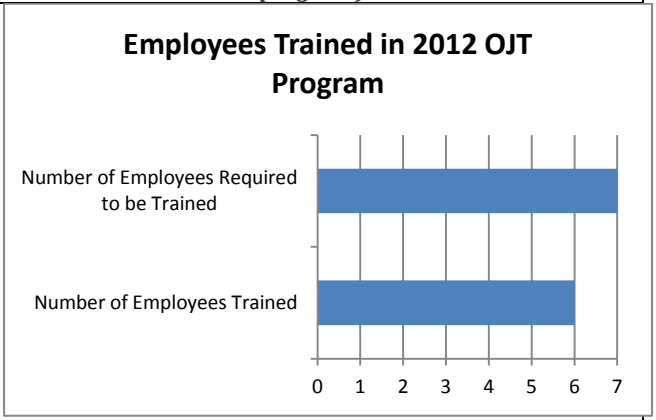
Table 3.8-2 Civil Rights P&PAR Table (Update: October 2012)

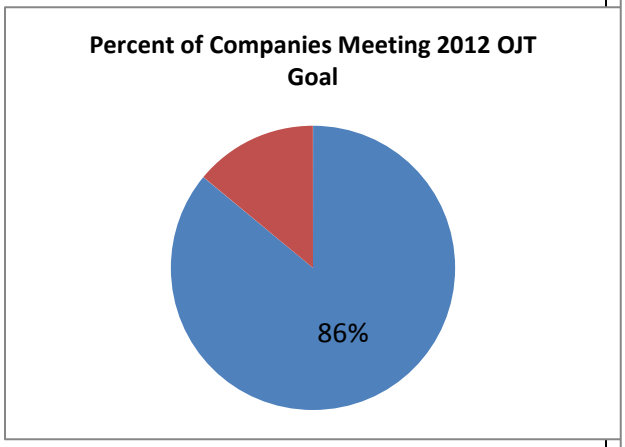
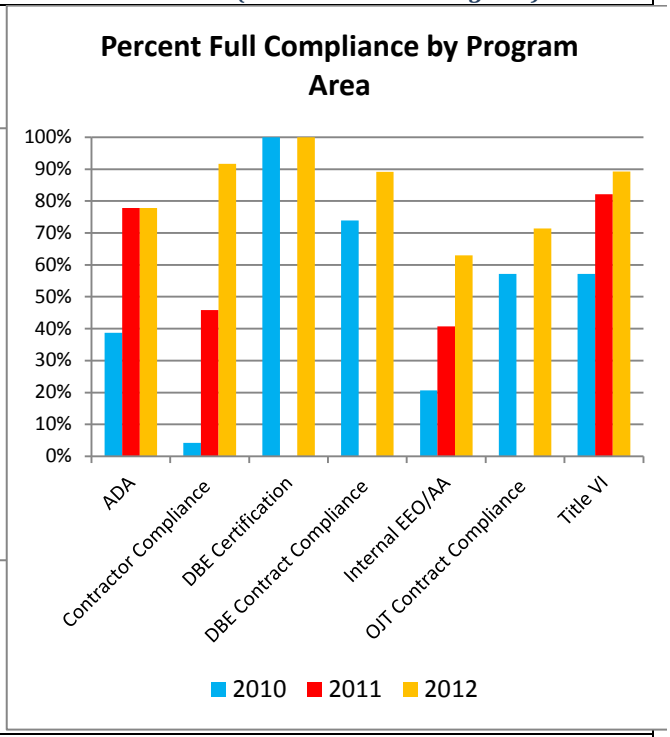
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
ADA complaint reports of investigation	28 CFR 35.190	As requested by FHWA	OEOP	State and Local Programs/National Programs/Civil Rights	Division Office reviews, FHWA HQ approves and issues finding
Annual Contractor Employment Report [Construction Summary of Employment Data (Form PR-1392)]	23 CFR 230.121(a)(3)	Annually by Sept 30	OEOP	Civil Rights	Division Office reviews and submits to FHWA HQ
DBE Program revisions	49 CFR 26.21(b)(2)	As needed	OEOP	Civil Rights	Division Office reviews and approves
Equal Employment Opportunity (EEO) Contract Compliance review reports	23 CFR 230.409, 230.413(b)(1)(i)(D)	Upon completion by State	OEOP	Civil Rights	Division Office reviews and comments
EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually by Oct. 1	OEOP	Civil Rights	Division Office reviews and comments
Historically Black College & University / Minority Institutions of Higher	EO 12876	Annually by Nov 1	LTAP	Civil Rights	Division Office reviews and submits to FHWA HQ

Learning / Tribal Colleges and Universities Report					
On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually by Jan 30	OEOP	Civil Rights	Division Office reviews and comments
Report on supportive services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Semi annually	OEOP	Civil Rights	Division Office reviews and comments
State Employment Practices Report (EEO-4)	23 CFR 230.311(a)(2)	Due by Aug. 15 every two years	OEOP	Civil Rights	Division Office reviews and submits to FHWA HQ
State internal EEO affirmative action plan (Title VII) accomplishments, next year's goals, & employment statistical data	23 CFR 230.311,	Annually by Oct. 1	Human Resources	Civil Rights	Division Office reviews and comments
State's Overall DBE Goal	49 CFR 26.45(f)(1)	Due by Aug 1 every three years	OEOP	Civil Rights	Also requires FHWA legal review and concurrence
Supportive services funds requests (OJT and DBE)	23 CFR 230.113 & 230.204	As requested by FHWA	OEOP	Civil Rights	Division Office reviews and submits to FHWA HQ for approval
Title VI Plan revisions, accomplishments and next year's goals	23 CFR 200.9(b)(10),	Annually by Oct. 1	OEOP	Civil Rights	Division Office reviews and approves
Uniform Report of DBE Commitments/Awards and Payments	49 CFR 26, Attachment 2	Semi-annually by June 1 and Dec. 1	OEOP	Civil Rights	Division Office reviews and submits to FHWA HQ
Setting Disadvantaged Business Enterprise (DBE) Project Goals, as appropriate	49 CFR 26,	As appropriate	OEOP		
Analysis of DBE Good Faith Efforts	49 CFR 26,	Upon submission by contractors	OEOP	Civil Rights	Division Office reviews and comments
Equal Employment Opportunity (EEO) Contractor Compliance Review Approval	23 CFR 230	As completed	OEOP	Civil Rights	Division Office reviews and comments
Approval of New OJT Programs	23 CFR 230	Upon submission by contractors	OEOP	Civil Rights	Division Office reviews and approves
Analysis of OJT Good Faith Efforts	23 CFR 230	Upon submission by contractors	OEOP	Civil Rights	Division Office reviews and comments

3.8.5 Civil Rights Stewardship / Oversight Indicators

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

3.8.5(a) Percent of DBE Participation on Federal-Aid Contracts	*3.8.5(b) Number of employees in OJT programs attaining journeyman status (calendar year vs. number required by program).*
	
The DBE goal has been exceeded for the past three Federal fiscal years. The DBE goal is a total State-wide goal for participation of DBEs on NMDOT Federally funded contracts (NMDOT Lead and Local Lead projects), and includes both race conscious and race neutral components. Race conscious goals of up to 7.5% are set on some projects, based on an analysis of the size and scope of the project and DBE availability for the types of work to be performed. Any DBE participation on contracts that does not have a race conscious goal or that exceeds a race conscious goal that is set, is race neutral participation. The goals are established using a methodology that includes, in part, reviewing NMDOT's relevant market area, reviewing bidders for prior fiscal year and the number of bidders that are certified DBEs, and total dollars on construction and consulting projects for prior fiscal year. Prior to FFY11 this goal was annual; moving forward it is set tri-annually. The methodology and targeted performance requires FHWA approval.	The OJT Program goals were revised in 2011. The revision moved the OJT goal from a project based goal to a goal that measured the total number of trainees attaining journeyman status. Contractors that were awarded over $10 million in NMDOT construction contacts during state's FY11 are required to graduate one trainee to journeyman status in the calendar year 2012. Contractors that do not meet the threshold of $10 million may still graduate a trainee and have it counted towards the OJT goal. Contactors may also have more than one trainee attaining journeyman status and have that number counted toward the goal in 2012. In 2012, the OJT Program goals called for seven employees to be trained to journeyman status. Six employees have or are projected to achieve journeyman status in 2012.

3.8.5(c) Percentage of companies who met assigned OJT goal.	*3.8.5(d) Percentage of total compliance on program assessments (total number scored green).*
	
This indicator measures the compliance level of contractors required to have a trainee attain journeyman status. In the state's FY2011, seven contractors met or exceeded $10 million in NMDOT contact awards. These seven contractors are required to have one trainee attain journeyman status in the calendar year 2012. Six of the seven required contractors met the goal in 2012.	FHWA performs periodic Civil Rights program assessments which measures NMDOT's compliance against a series of FHWA requirements for each program area. Each program area has a number of FHWA programmatic requirements, FHWA assess NMDOT's level of compliance for each requirement. The result of the assessment will reflect a status of green (full compliance), yellow (partial compliance) or red (non-compliance) for each requirement. This indicator reflects each program area's full compliance percentage. The graph above reflects NMDOT's performance during FHWA's program assessments in 2010 and 2011. FHWA has not finalized its 2012 program assessment and the data is based on NMDOT self-projection of compliance in the program areas. As a footnote, DBE Contract Compliance, DBE Certification, and OJT Contract Compliance were not formally assessed by FHWA in 2011.

3.9.0 FINANCIAL MANAGEMENT

Financial Management encompasses the entire FAHP from the authorization to proceed with any phase (Environment, ROW, preliminary engineering, construction, and debt retirement) through final voucher. Risk based reviews are performed in the areas of accounting programs and processes, at the headquarters, regional business offices and through project site visits. Monitoring obligation limitation and discussions on FAHP financing tools available are provided in an advisory role. FHWA reviews and provides input to internal and external audits performed by and for NMDOT to ensure eligibility of FAHP funds.

The New Mexico Department of Transportation (NMDOT) has a State Infrastructure Bank (SIB) loan Program and a Grant Anticipation Revenue Vehicle (GARVEE) Program. These two innovative finance techniques are used to varying degrees with the GARVEE Program being the more active program. The SIB and GARVEE Programs are monitored through periodic reviews and annual reporting from NMDOT to the New Mexico Division Office as well as FHWA Headquarters where appropriate.

3.9.1 Financial Management Method of Operation

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

3.9.2 Financial Management Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.9-1 Financial Management CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Desk Manual	Accounting Svc	6/30/12	Project Billing Supervisor	Accounting Svc. Mgr.	Network Drive	Internal Process
FHWA Billing Procedures	Accounting Services	Aug 2006	Office Chief Financial Officer	Assistant Accounting Svc. Mgr.	RASPS Help Menu	US Treasury Policy
DFA MAPS	DFA Financial Control	2011	DFA CAFR	DFA Comptroller	Online	State Statute
FIRE Regulation	FHWA (Financial Services Team)	11/10/08	FHWA Financial Services Team	FHWA Administrator	FHWA Web Site	FHWA FIRE Order 4560.1b

3.9.3 Financial Management Implementation & Methods of Oversight

The FHWA will monitor all financial management and accounting activities primarily through daily contacts and program level reviews to provide guidance and technical assistance in such areas as fiscal document processing, financial management and reimbursement issues. Input to State and NMDOT auditors in development of audit plans will be provided as requested. The FHWA has implemented the Financial Integrity Review and Evaluation (FIRE) Program (FIRE Order 4560.1B) that requires each FHWA Division Office to establish an effective program to ensure that FAHP funds are properly managed and effectively used in accordance with Federal policies, and that safeguards are in place to minimize fraud, waste, and abuse. The FIRE Program is a review and review program that each FHWA Division Office is required to perform in support FHWA's annual certification of internal and financial controls to support the financial statements. In addition, the FIRE program ensures that proper internal controls are established and followed, with objectivity and a separation of financial duties in conducting the agency's day-to-day operations. This program incorporates the following activities:

- Financial Management Process Review – A comprehensive review of a key process or system employed by the State in managing FAHP funds. The topic will be chosen based on a risk assessment performed by FHWA.
- Improper Payments Information Act Review – A review of payments made by a State on FAHP projects. The sample will be randomly chosen by FHWA Headquarters.
- Quarterly Inactive Project Monitoring – A review of FAHP projects for which no costs have been billed to FHWA for a specified period. This activity is based on the requirements of 23 CFR Part 630 as amended by the Final Rule on Project Authorizations and Agreements published in the Federal Register on January 31, 2006.
- Single Audit Finding Resolution Plan Review.

In addition, other reviews will be conducted as deemed necessary by FHWA or as requested by NMDOT. The FHWA will, to the maximum extent possible, utilize the work of State and NMDOT auditors to limit the scope of FHWA reviews.

3.9.4 Financial Management Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.9-2 Financial Management P&PAR (Update: October 2012)

Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Approval / Remarks
10 yr. 20 yr. rule	23 *CFR* 630.112(c)(1&2)	Annually by July 31st	Funding Control	Finance Team	NMDOT will monitor to ensure PE/ROW projects do not exceed 10/20 year requirements specified in 23 CFR 630
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A) & (B); 31 USC 1517(a)	As needed	Funding Control/STIP	Finance Team	NMDOT will monitor appropriations, allotments and obligations to ensure that all funding is used efficiently within each Quarter and use all Obligation Authority (OA) by the end of the year. FHWA will forward all funding notices and review
Audit Coordination FHWA Financial	FMFIA, OMB A-123, 127, GAAP,	As Needed	Accounting/OIG	Finance Team	NMDOT assures corrective action is taken to resolve

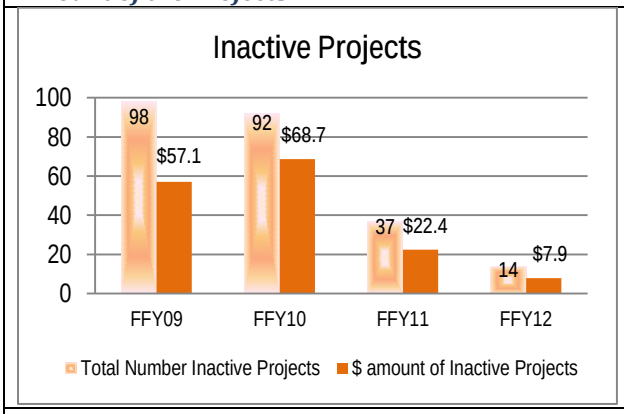
Statement Audit NMDOT External Audit Reviews NMDOT Internal Audit Reviews FHWA	CFO Act of 1990;DOT Order 8000 1C, OMB A-87, 123, GAAP				audit findings and FHWA will monitor activities to ensure implementation.
Authorize current bill	49 CFR 18.20	Weekly/as requested	Funding Control/Accounting	Finance Team	NMDOT will ensure accounting system has ability to trace costs to invoice level and that adequate supporting documentation is maintained.
Billing Reviews	23 CFR 140 and 635.122	Quarterly	Local Assistance &Accounting	Financial Team	SDOT will provide all supporting documentation to include invoices, payroll, etc. FHWA will review and ensure costs reimbursed are eligible and accurate.
Develop Financial Plan for Federal Projects between $100 million to $500 million	23 U.S.C. 106(i)	When applicable	NMDOT	Finance Team	NMDOT send to transportation operations engineer and finance manager for review & approval
Federal Managers Financial Integrity Act Assurance Statement (FHWA Certification)	Congressional Act 1982	Annually by Oct. 1	N/A	Finance Team/DA	The culmination of all FIRE activities.
FIRE – Grant Process Review	FIRE Order 4560.1B	Annually by June 1	NMDOT	Finance Team	Conduct Grants Management Reviews to ensure that Federal Funds are utilized in accordance with Federal Regulations
FIRE – Inactive Projects Review	FIRE Order 4560.1B	Quarterly	Funding Control	Finance Team	Monitor Inactive Obligations to ensure projects and dollars are reduced in accordance with 23 CFR 630.106
FIRE – Management Decision Letter on NMDOT Annual Financial Statement Audit findings if any	FIRE Order 4560.1B	Annually September 30th	Accounting	Finance Team	Management Decision on the Corrective Actions taken for findings in the Single Audit of NMDOT
Improper Payments Review	Improper Payments Information Act of 2002, PL No: 107-300	Yearly	Accounting	Finance Team	NMDOT will provide all required data collection form information to meet required deadlines and FHWA will review
Innovative Financing GARVEE (GRIP and Other Bonds)	GARVEE 23 CFR 122 & Memo HABF-40, March 2004; TIFIA 23 USC 181-189; SIB Guidance 9/97; AC NHS Act Section 308; Flexible Match 23 USC 323; Tapered Match TEA-21 Section 1302	As needed	Budgets	Financial Team	NMDOT will submit requests for Innovative Financing to FHWA for review and approval prior to project authorization
Project Authorizations, Modification & Voucher	23 CFR 630	As needed	Funding Control	Field Ops, Finance, Planning & Prog Mgmt. Team	NMDOT will submit electronic authorization via FMIS and provide all required supporting documentation to FHWA for review and approval.
Recovery Act Reporting	America Recovery And Reinvestment Act of 2009	Continuous	Various Offices	Finance Team	NMDOT will meet all reporting requirements including RADS and other continuous and ad-hoc

					requests
State Infrastructure Bank Report	SIB Guidance 9/97 & Coop Agreement	Annually by Dec. 31	Accounting	Finance Team	NMDOT will submit the annual SIB Report to FHWA not later than 12/31 of each year.
Transfer of funds as requested by State	23 *USC* 104 (c) and 119 (f)	As requested	Various Offices	Finance Team	NMDOT will submit funds transfer requests to FHWA as needed.

3.9.5 Financial Management Stewardship / Oversight Indicators

The following indicators will be reported on beginning in FFY13:

- (received) Accrued unbilled Balances
- (received) Inactive number of projects
- (received) Inactive projects (dollar amount)

3.9.5(a) Number of Inactive Projects and the Dollar Amount of the Projects	Intentionally left blank
	Intentionally left blank

3.10.0 TRIBAL / LOCAL PUBLIC AGENCY (T/LPA)

Local Transportation Facilities - Local government's construction projects in which NMDOT participates in the funding by allocation of Federal-Aid Highway Program funds, the NMDOT will review and assure local action for compliance with all requirements of Federal and State laws in accordance with Title 23. As stated, the NMDOT is not relieved of its responsibilities even though the project may be under the supervision of another public agency or organization. In accordance with 23 CFR 1.11, the NMDOT will ensure that the agency is well qualified and suitably equipped to perform the work. Title 23, U.S.C. does not recognize local entities as direct recipients of Federal-Aid funds. Accordingly, local agencies cannot take the place of NMDOT in the context of the FAHP. NMDOT is responsible for all requirements of the Federal-Aid program whether these requirements stem from Title 23 or non-Title 23 statutes. The program and project authority that FHWA has delegated to NMDOT does not authorize NMDOT to pass these responsibilities to the local agencies.

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

Unless specified otherwise all:

- Federally Funded Local Public Agency Projects are to be designated as State Administered
- T/LPA Projects will be administered in accordance with the 2007 Tribal and Local Government Agency Handbook.

The NMDOT has the authority by legislation to provide Federal-aid Highway Program funds to sub-recipients to perform transportation related projects. A sub-recipient or Local Public Agency herein after referred to as T/LPA is the legal entity to which a sub award is made and which is accountable to the recipient for the use of the funds provided. FHWA and NMDOT do not recognize T/LPAs as direct recipients of Federal funds. The Federal funds for local aid projects are provided through the NMDOT. As a direct recipient of Federal funds, the NMDOT is ultimately responsible for ensuring that project sponsors comply with applicable Federal laws and regulations.

The NMDOT has been given the authority by legislation to provide Federal-aid Highway Program funds to Local public agencies or sub (T/LPAs or municipalities) to perform the work herein after referred to as T/LPAs. Municipalities are not recognized direct recipients of Federal funds, the Federal funds for local aid projects are provided through the NMDOT. As a direct recipient of Federal funds, the NMDOT is ultimately responsible for ensuring that project sponsors comply with applicable Federal laws and regulations.

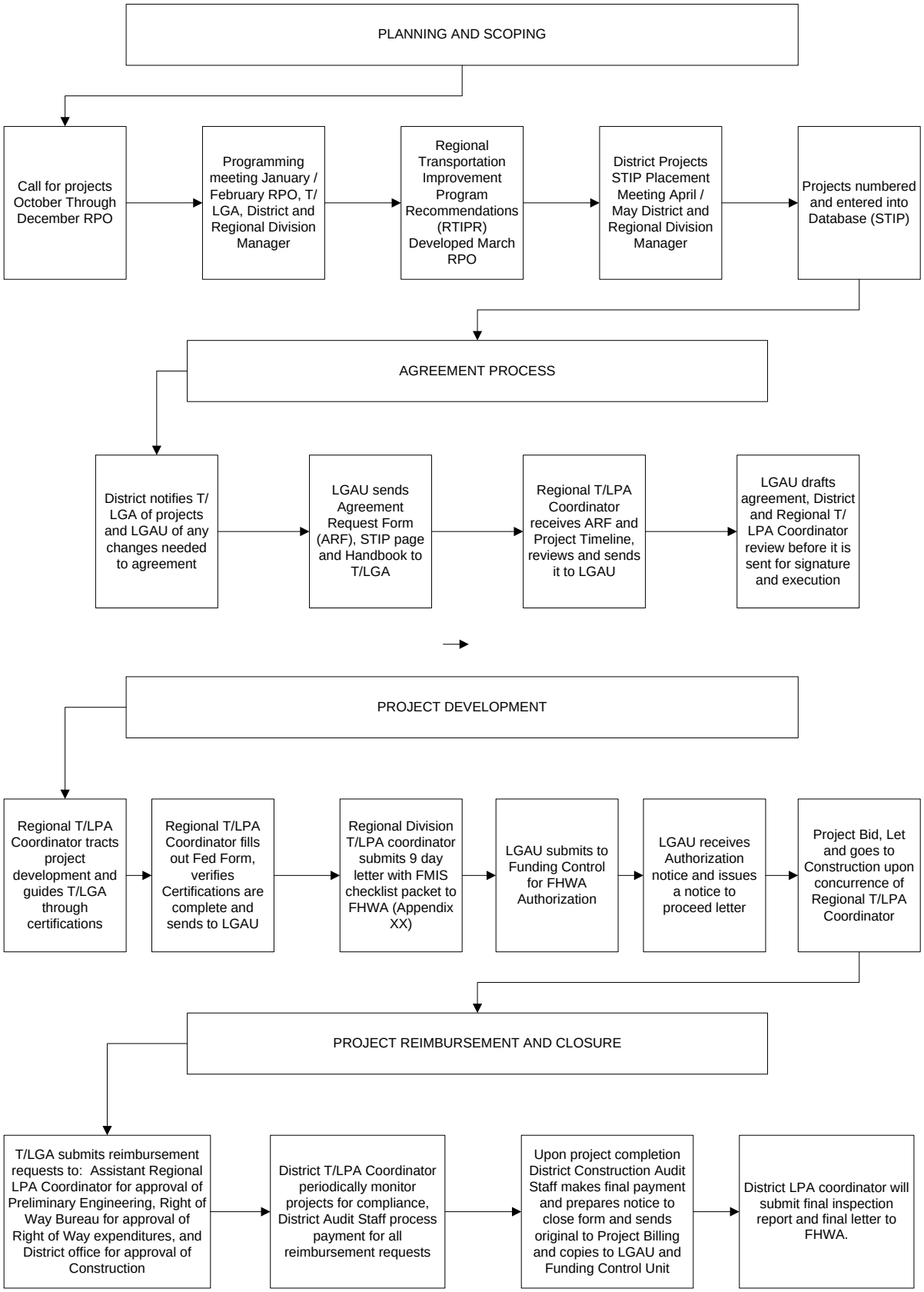
Additionally, MAP-21 (or Transportation bill: SAFETEA-LU Section 1904) has amended 23 USC 106 to hold the states accountable for assuring that municipalities utilizing Federal funds have adequate project delivery systems for projects and sufficient accounting controls to properly manage Federal funds.

Local lead federal aid highway projects are administered under the oversight of the Department, any T/LGA having a Project Agreement with the Department for Federal-aid funds. T/LPA are responsible for following procedures identified in the Local Tribal handbook and in the Project Agreement.

When Federal funds are to be used for local or tribal transportation projects, standard procedures, developed by the Department and/or the Federal Highway Administration (FHWA), govern project development and implementation activities.-- This handbook provides a step-by-step guide to project development, from the planning and programming process (i.e., the project's inclusion into the STIP ~ Statewide Transportation Improvement Program) through the beginning of project to construction completion.

3.10.1 T/LPA Method of Operation

The flow chart on the following page is the minimum requirement for projects utilizing Federal-aid funds. However, sub-recipients may have policies, procedures, and regulations in excess of those established in 23 CFR 630 and 635.


PLANNING AND SCOPING
Call for projects October Through December RPO
Programming meeting January / February RPO, T/ LGA, District and Regional Division Manager
Regional Transportation Improvement Program Recommendations (RTIPR) Developed March RPO
District Projects STIP Placement Meeting April / May District and Regional Division Manager
Projects numbered and entered into Database (STIP)
AGREEMENT PROCESS
District notifies T/ LGA of projects and LGAU of any changes needed to agreement
LGAU sends Agreement Request Form (ARF), STIP page and Handbook to T/LGA
Regional T/LPA Coordinator receives ARF and Project Timeline, reviews and sends it to LGAU
LGAU drafts agreement, District and Regional T/ LPA Coordinator review before it is sent for signature and execution
PROJECT DEVELOPMENT
Regional T/LPA Coordinator tracts project development and guides T/LGA through certifications
Regional T/LPA Coordinator fills out Fed Form, verifies Certifications are complete and sends to LGAU
Regional Division T/LPA coordinator submits 9 day letter with FMIS checklist packet to FHWA (Appendix XX)
LGAU submits to Funding Control for FHWA Authorization
LGAU receives Authorization notice and issues a notice to proceed letter
Project Bid, Let and goes to Construction upon concurrence of Regional T/LPA Coordinator
PROJECT REIMBURSEMENT AND CLOSURE
T/LGA submits reimbursement requests to: Assistant Regional LPA Coordinator for approval of Preliminary Engineering, Right of Way Bureau for approval of Right of Way expenditures, and District office for approval of Construction
District T/LPA Coordinator periodically monitor projects for compliance, District Audit Staff process payment for all reimbursement requests
Upon project completion District Construction Audit Staff makes final payment and prepares notice to close form and sends original to Project Billing and copies to LGAU and Funding Control Unit
District LPA coordinator will submit final inspection report and final letter to FHWA.

3.10.2 T/LPA Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.10-1 Tribal / Local Public Agency CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Tribal and Local Government Handbook	Statewide Planning Bureau	10/2007	NMDOT	NMDOT Cabinet Secretary	http://dot.state.nm.us/Local_Government_Agreement_Unit/TLGA_HANDBOOK_October07.pdf	23 CFR
FHWA T/LPA Reference Guide	N/A	4/2011	FHWA	FHWA Office of Program Administration	http://www.fhwa.dot.gov/federalaid/LPA/reference.cfm	23 CFR
NMDOT Spec Book	Constructio n Bureau	2007	NMDOT	NMDOT Cabinet Secretary (FHWA concurs)	http://dot.state.nm.us/Plans_Specs_Estimates/2007_Specs_for_Highway_and_Bridge_Construction.pdf	23 CFR 635
NMDOT T/LPA Website	NMDOT Statewide Planning Bureau	2012	NMDOT	NMDOT Cabinet Secretary	http://dot.state.nm.us/Planning.html#LGAU	Department Website
NMDOT Single Audit Act Procedures Manual	OIG	Jan 2012	NMDOT	NMDOT Cabinet Secretary	Hardcopy	OMB A-133 Single Audit

3.10.3 T/LPA Program Implementation & Methods of Oversight

The NMDOT has established internal handbooks, manuals, controls, and procedures to determine that a sub-recipient of federal funds is able to satisfy the following:

- The sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects:
- The sub-recipient is staffed and equipped to perform work satisfactorily and cost effectively, and that adequate staffing and supervision exists to manage the federal project(s): and,
- Projects receive adequate inspection to ensure that projects are completed in conformance with approved plans and specifications.

The NMDOT requires through its T/LGA Handbook and Funding Agreement that the T/LPA allow the NMDOT to review and concur on all the T/LPA's third party contractual commitments to include the use of consultants for engineering services and construction management, as provided under 23 CFR 635.105. The NMDOT Funding Agreement requires the T/LPA to designate a project manager as the single point of contact.

NMDOT has assigned Region T/LPA Coordinators at each of its three Regions to provide assistance and oversight of T/LPA projects during the project development phase. NMDOT has assigned T/LPA Coordinators at each of its six Districts to provide assistance and oversight during the construction phase. The Region T/LPA Coordinator and District T/LPA Coordinator must ensure the projects are treated as any regular federal aid eligible project (just like the Region and District ARRA coordinators did). The T/LPA Coordinator must ensure to follow the project from cradle to grave. The project must follow all CFRS as stated in the flowchart found in the T/LPA Manual.

For Authorization: Regional T/LPA coordinator must ensure that all project certifications (such as ROW, Utility, railroads, ITS, work zone, environmental) are in place. A 9 day letter will be submitted with the project packet, and should include all items listed on the FMIS checklist (previously provided). The Region must ensure that the T/LPA holds a PS&E for the project as required by CFR. The Region T/LPA Coordinator must review the design, estimate, and specifications (using either the NMDOT specifications or the T/LPA's) during this time. The projects limits and scope of work must match all the certifications and the funding amount and scope of work on the Agreement must match the STIP.

For concurrence of Award: The Region T/LPA Coordinator must review bid tabulations and provide their concurrence or rejection to the T/LPA.

Once the project is awarded the District T/LPA Coordinator would be considered the AE overseeing the PM. T/LPA Coordinator should review all changes to the contract and to the scope of work. T/LPA Coordinator should also ensure that a tracking mechanism is in place to track time and days. The estimate should be turned in at a minimum once a month in order to ensure the project does not end up in the inactive list. The District T/LPA Coordinator should also verify all items in the joint NMDOT/FHWA project review checklist. District T/LPA Coordinator will have final authority to grant contract time extensions.

Final voucher and Final acceptance: The T/LPA must ensure a final package is turned in for final voucher to the corresponding District T/LPA Coordinator for review and approval. The District T/LPA Coordinator should perform a final inspection and final inspection report to support his concurrence with closing the project,

The NMDOT has clearly documented the approval and oversight process on locally administered projects, in the T/LGA Handbook, the Funding Agreement and various correspondence, checklists and informational documents submitted to the T/LPA during each phase of the Funding Agreement process. FHWA participates and provides language included in these documents. NMDOT will seek FHWA guidance and approval on subsequent revisions. NMDOT has designated staff at each of its three Regions and six Districts to provide assistance and oversight to the T/LPA during the project development, procurement, construction, project reporting, and close out stage to ensure the T/LPA complies with Federal laws, regulations and NMDOT policies. NMDOT staff provides oversight on the T/LPA's procurement methods to ensure Federal requirements and language is included in T/LPA third party contracts. NMDOT will meet with FHWA partners annually to discuss current practices, areas of concern, and establish business service standards that would provide an expectation for how long it would take to provide reports, reviews and findings along with the expectation to implement corrective actions when necessary. NMDOT oversight includes, but is not limited to the following areas:

- Consultant selection and management (Funding Agreement Section Four and T/LGA handbook pg. 27);
- Environment (Funding Agreement Section Four and T/LGA Handbook pg. 31);

- Design (Funding Agreement Section Four, Appendix C and T/LGA Handbook Chapter 4);
- Civil Rights (Funding Agreement Section Eleven - Thirteen and T/LGA Handbook Chapter 10 & 11);
- Financial management including audits and indirect cost allocation plans (Funding Agreement Section Three & Sixteen, Single Audit Act Procedures Manual);
- Right-of-way (Funding Agreement Section Four and Appendix D and T/LGA Handbook Chapter 7);
- Construction monitoring including Quality Control/Quality Assurance (QC/QA) (Funding Agreement Section Four and Appendix E); and,
- Contract administration* (Funding Agreement Section Four and T/LGA Handbook Chapter 9)

*NMDOT ensures the T/LPA follows proper process and obtains concurrence from FHWA on contract procurement methods that do not follow the standard competitive bidding process.

FHWA conducts periodic audits of T/LPA projects and informs NMDOT of areas of concern and recommendations.

In the Funding Agreement NMDOT requires T/LPAs to use the following web based software paid for by NMDOT; LCPTracker for tracking labor compliance and B2GNow for tracking Disadvantaged Business Enterprise Goals and the payments between the T/LPA and their contractor and sub-contractors. Both of these systems are utilized to track and report data to comply with the Federal Transparency Act (PL 109-282 (as amended by PL 110-252).

The NMDOT has developed a Single Audit Act Procedures Manual to provide basic information on the Single Audit process and requirements and to define responsibilities of the NMDOT to ensure sub-recipients comply with the Single Audit Act, and take corrective action when audit findings are identified. The manual will also assist NMDOT in determining if the sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects. Per the NMDOT Single Audit Act Procedures Manual, NMDOT Local Government Section will notify T/LPAs that they must submit their Annual Audit for review. The Local Government Section will perform a desk review of the annual audits to determine if T/LPA is considered a high or low risk audited as indicated in the independent auditor's report. If the T/LPA is given a high-risk assessment, Local Government Section will establish a work plan. Local Government Section will notify the NMDOT's Office of Inspector General (OIG) office if an internal audit is needed. NMDOT will also establish a policy to include imposing restrictions on audited T/LPAs that do not resolve administrative issues, audit findings, or questions within a specific period.

As part of POI FHWA will conduct reviews on a percentage of T/LPA projects as defined in FHWA strategic plan. FHWA will conduct periodic oversight reviews as needed to ensure the program is performing in compliance with 23 CFR.

A major aspect of program implementation is the completion and acceptance of the T/LGA PS&E Checklist (Appendix E). Acceptance is as follows:

The District T/LPA coordinator must ensure the projects are treated as any regular federal aid eligible project (just like the District ARRA coordinators did). District T/LPA coordinator must ensure to follow the project from cradle to grave. The project must follow all CFRS as stated in the flowchart that I previously provided.

For Authorization: District T/LPA coordinator must ensure that all project certifications (such as ROW, Utility, railroads, ITS, work zone, environmental are in placed). It is suggested that just like with regular

projects the local entity provides a nine day letter requesting FMIS approval. The project packet should include all items listed on the FMIS checklist (previously provided). The T/LPA coordinator must ensure that a PS&E is held for the project as required by CFR. At this PS&E the design, estimate, and specifications (either using the NMDOT specifications or the Local Entities) must be provided and reviewed. The projects limits and scope of work must match all those of the certifications and also the amount listed in the STIP.

For concurrence of Award: The T/LPA coordinator must review and bid tabulations and provide their concurrence or rejection to the T/LPA.

Once the project has been awarded the T/LPA coordinator would be considered the AE overseeing the PM. T/LPA coordinator should review all changes to the contract and to the scope of work. T/LPA coordinator should also ensure that a tracking mechanism is in place to track time and days. The estimate should be turned in at a minimum once a month in order to ensure the project does not end up in the inactive list. The T/LPA coordinator should also verify all items in the joint NMDOT/FHWA project review checklist.

Final voucher and Final acceptance: The T/LPA must ensure a final package is turned in for final voucher to the corresponding AE for review and approval. The T/LPA coordinator should perform a final inspection and Final inspection report to support his concurrence with closing the project,

Program and risk assessments are reviewed as needed as well as bi-annually through standardized methods established by the Division Office Program Analyst.

As part of POI FHWA will conduct reviews on a percentage of T/LPA projects as defined in FHWA strategic plan. FHWA will conduct periodic oversight reviews as needed to ensure program is performing in compliance with 23 CFR.

A major aspect of program implementation is the completion and acceptance of the T/LGA PS&E Checklist (Appendix E). Acceptance is as follows:

- T/LPA consistency district wide – process for authorization in FMIS
  The District T/LPA coordinator will provide the FHWA Area Engineer a copy of the final inspection report (as seen in Appendix C), a final acceptance letter form the District Engineer and copies of the entire COs to aid with the review for final voucher in FMIS.
- Project final voucher (estimates will be submitted regularly) to avoid inactive
  The District T/LPA coordinator shall require a monthly estimate form the T/LPA, unless otherwise stated in the agreement between the T/LPA and NMDOT.

Program and risk assessments are reviewed as needed as well as bi-annually through standardized methods established by the Division Office Program Analyst.

T/LPA COORDINATOR REVIEW

The Region and District T/LPA coordinator must ensure the projects are treated as any regular federal aid eligible project (just like the District ARRA coordinators did). The T/LPA coordinator must ensure to follow the project from cradle to grave. The project must follow all CFRS as stated in the flowchart found in the T/LPA Manual.

REGION T/LPA COORDINATOR: NMDOT has assigned Engineers at each of its three Regions to provide assistance and oversight of T/LPA projects during the project development phase.

For Authorization:

- District T/LPA coordinator must ensure that all project certifications (such as ROW, Utility, railroads, ITS, work zone, environmental are in placed).
- Like with regular projects the the T/LPA coordinator provides a nine day letter requesting FMIS approval.
- The project packet should include all items listed on the FMIS checklist (previously provided).
- The T/LPA coordinator must ensure that a PS&E is held for the project as required by CFR. At this PS&E the design, estimate, and specifications (either using the NMDOT specifications or the Local Entities) must be provided and reviewed.
- The projects limits and scope of work must match all those of the certifications and also the amount listed in the STIP.

For Concurrence of Award:

- The T/LPA coordinator must review and bid tabulations and provide their concurrence or rejection to the T/LPA.

DISTRICT T/LPA COORDINATOR: In addition, the NMDOT has assigned Construction Staff/ Engineers at each of its six Districts to provide assistance and oversight during the construction phase.

Project Oversight: Once the project has been awarded the T/LPA coordinator would be considered the AE overseeing the PM. He/she should review all changes to the contract and to the scope of work. T/LPA coordinator should also ensure that a tracking mechanism is in place to track time and days. The estimate should be turned in at a minimum once a month in order to ensure the project does not end up in the inactive list. The T/LPA coordinator should also verify all items in the joint NMDOT/FHWA project review checklist.

Final Voucher and Final Acceptance: The T/LPA must ensure a final package is turned in for final voucher to the corresponding AE for review and approval. The T/LPA coordinator should perform a final inspection and final inspection report to support his concurrence with closing the project.

3.10.4 T/LPA Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.10-2 Tribal / Local Public Agency P&PAR (Update: October 2012)

Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
Addenda	23 CFR	As needed	Region T/LPA Coordinator	Area Engineer	DRE review & approve

Buy America Waiver	23 CFR 635.410	Every applicable project	T/LPA District Coordinator	Area Engineer	FHWA Division Administrator approval
Certificate of Compliance	23 CFR 640	Per Project	T/LPA District Coordinator	Area Engineer	District T/LPA coordinator Reviews & approves
Certificate of Final Acceptance	23 CFR 635.126	Per Project	T/LPA District Coordinator	Area Engineer	District T/LPA coordinator Reviews & approves
Change Orders	23 CFR 635.120	As applicable per project	T/LPA District Coordinator	Area Engineer	District T/LPA coordinator Reviews & approves
Claims	23 CFR 635.124	As applicable per project	T/LPA District Coordinator	Area Engineer	District T/LPA coordinator Reviews & approves
Concurrent in Contract Award	23 CFR 635.114 23 USC 112(d)	Every project	Region T/LPA Coordinator	Area Engineer	Region Design Reviews & concur
Consultant Scope of Services / Agreements	23 CFR 172	Every project	Region T/LPA Coordinator	Area Engineer	T/LPA reviews & approves
Consultant Selection	23 CFR 172	As needed	Region T/LPA Coordinator	Area Engineer	T/LPA reviews & approves
Design Approval	23 CFR 172 23 CFR 625	Every project	Region T/LPA Coordinator	Area Engineer	T/LPA reviews & approves or Region Design Centers
Design Exceptions	23 CFR 625.3	As needed	Region T/LPA Coordinator	Area Engineer	District T/LPA coordinator
Design Plan / Package Submittals	23 CFR 172	Every project	Region T/LPA Coordinator	Area Engineer	Regional Design Center Approves
Errors & Omissions (Deficiency Report)	23 CFR	As needed	District T/LPA coordinator	Area Engineer	District T/LPA coordinator review & approve
Interstate Access Modification	23 CFR 710.401	As needed	District Traffic Engineer	Area Engineer	FHWA Division Administrator approval
Major Scope Revision	23 CFR 450.216(9) (d)	As needed	Region T/LPA Coordinator	Area Engineer	District Eng.
Materials Certification	23 CFR 635.126	Every project	T/LPA District Coordinator	Area Engineer	District Eng review & approve
NEPA Approvals	23 CFR 771	Every project	Environmental Section Manager	Environmental Coordinator	FHWA Environmental Specialist
Notification of Pre-construction Meeting	23 CFR 635	Every project	T/LPA District Coordinator	Area Engineer	T/LPA Coordinator
Project Authorization for Right of Way	23 CFR 713	Every project	ROW Manager	Area Engineer	FHWA AE
Project Authorization for Preliminary Engineering (NMDOT informally calls this the obligation date)	23 CFR 172	Every project	Region T/LPA Coordinator	Area Engineer	Area Engineer approves
Project Authorization for Constriction	23 CFR 630.106 23 CFR 635 C	Every project	Region T/LPA Coordinator	Area Engineer	Area Engineer approves
Project Scope / Concept	23 CFR 625	Every project	Region T/LPA Coordinator	Area Engineer	T/LPA / Design Center
PS&E Approval	23 CFR 630.205	Every project	Region T/LPA Coordinator	Area Engineer	Region Design Eng.
Public Interest Finding	23 CFR 635.411	As needed	Region T/LPA Coordinator / T/LPA District Coordinator	Area Engineer	Area Engineer approves
Public Interest Findings: Sole Source, Proprietary products, Local-Furnished / Designated Materials, Force Account Work completed by municipal forces	23 CFR 635.411	As needed	Region T/LPA Coordinator / T/LPA District Coordinator	Area Engineer	FHWA Division Administrator approval
Public Interest Findings;	23 CFR 635.410	As needed	T/LPA District	Area Engineer	Requires FHWA HQ

Buy America Waiver, Non-competitive bidding			Coordinator		approval
Rejection of Low Bidder and / or All Bidders	23 CFR 635.114(h)	As needed	Region T/LPA Coordinator	Area Engineer	Administrator approval
Suspension of Work	23 CFR 635.120(c)	As needed	T/LPA District Coordinator	Area Engineer	T/LPA
Termination	23 CFR 635.125	As needed	T/LPA District Coordinator	Area Engineer	FHWA Division Administrator approval
Time Extensions	23 CFR 635.121	As needed	T/LPA District Coordinator	Area Engineer	District Engineer
Transportation Management Plans for Significant Projects	23 CFR	As needed	Planning	Planning	Region Planner
Value Engineering	23 CFR 627	As needed	Region T/LPA Coordinator	Area Engineer	T/LPA coordinator
Value Engineering Change Proposals	23 CFR 627	As needed	District T/LPA Coordinator	Area Engineer	T/LPA coordinator

3.10.5 T/LPA Stewardship / Oversight Indicators

The following performance indicators will be used to assess the health of the T/LPA Program:

The follow indicators will be in place FFY13:

3.10.5(a) Single Audit Findings (as related to T/LPA's)	***3.10.5(b) Percent of projects obligated out of current STIP (Number of T/LPA projects obligated / Number of T/LPA projects in STIP [current year])***
To Be Developed	Based on FY11 figures, 35 out of 64 T/LPA projects programmed in the State Transportation Improvement Program (STIP) were obligated. 24 projects were re-programmed to a subsequent fiscal year and 5 projects were removed from the STIP.
3.10.5(c) Tabulation of project reviews: 2011, 2012, and 213 to see if there are any common or recurring issues or good practices.	(Intentionally left blank)
To Be Developed	(Intentionally left blank)

3.11.0 RESEARCH

The NMDOT Research Bureau is organizationally located under the Planning Division of the Office of Programs and Infrastructure. The Research Bureau manages an ambitious program of transportation research; development and technology transfer (RD&T). The program is supported through state and federal funds, and meets federal requirements as set forth in 23 CFR 420. Administration of the program is guided by a Research Oversight Committee (ROC), composed of the three NMDOT Deputy Secretaries and a representative from the Federal Highway Administration. The ROC establishes research priorities and authorizes specific research initiatives as proposed by key Department personnel during an annual Research Project Solicitation workshop, while Research Bureau staff manages daily operations. Chairpersons of a Research Advisory Committee (C-RAC) composed of Department employees appointed by a Deputy Secretary review and prioritize projects proposed by Department personnel. Independent Technical Panels are established for each project to develop problem statements, prepare Requests for Proposals, evaluate proposals and recommend consultants, guide the conduct of research and implement results. The process is designed to identify, prioritize and conduct high value RD&T initiatives that serve the strategic needs of the Department while incorporating a system of checks and balances to minimize the potential for undue influence by any person or group of persons.

3.11.1 Research Method of Operation

The role of FHWA in the management of research activities performed through the Research Bureau is to provide oversight of the transportation research program to ensure efficient and effective operations in compliance with governing regulations. The role of the NMDOT Research Bureau is to manage the daily operations of the research program. This includes effective contract oversight and management of research performed by consultants, efficient administration of available program budget, facilitation of the means to identify and prioritize research projects deemed to be of high value, performance of in-house research, contribution to research initiatives at the national level, deployment of innovative new technologies, and implementation of research findings and recommendations, in compliance with governing state and federal regulations.

3.11.2 Research Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.11-1 Research CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Policies and Procedures Manual	Research	Jul 2009	Research Bureau	FHWA and NMDOT Cabinet Secretary	Hardcopy	23 CFR 420.209
Technical Panel Handbook	Research	Jul 2009	Research Bureau	Research Bureau Chief.	Hard Copy	23 CFR 420.209
Technology Transfer Guidelines	Research	Jul 2009	Research Bureau	FHWA and Research Bureau Chief	Hard Copy	23 CFR 420.209

3.11.3 Research Program Implementation & Methods of Oversight

State-wide Planning and Research (SPR) Program:

Research Program Implementation

The requirements as embodied in 23 CFR 420 include management and administration of a State Planning and Research (SPR) Work Program, monitoring planning and research activities, submitting Performance and Expenditure reports, conducting peer exchanges, developing and managing an FHWA approved research and development management process, and maintaining program certification. The SPR Work Program consists of two parts; (1) Part I, Planning, which is prepared by NMDOT's Planning Division and (2) Part II, Research, which is prepared by NMDOT's Research Bureau. The NMDOT is responsible for preparation and overall coordination of the Work Program in accordance with 23 CFR 420. Amendments and revisions to the Work Program that document required changes are submitted periodically for approval by FHWA.

Method of Oversight

FHWA is represented on the Research Oversight Committee along with the three NMDOT Deputy Secretaries. This committee provides general oversight of the Research Bureau and approves project proposals generated by key Department staff through an annual Research Project Solicitation workshop. FHWA participates on many Technical Panels that guide the conduct of research from conception through implementation. FHWA reviews and approves detailed Annual Work Programs that serve as the binding scope of work for a given state fiscal year, as well as annual Performance and Expenditures reports that provide detailed information on the Research Bureau's progress in meeting its goals and objectives. FHWA reviews and approves the Research Bureau's policies and procedures manual on a bi-annual basis

Following are the methods of oversight used and frequency of each.

- Through participation on the Research Oversight Committee (ROC), the FHWA Division Office is represented at two critical annual meetings. The first ROC meeting is conducted prior to the annual Research Project Solicitation (RPS) to discuss and establish research priorities. The second is conducted after projects proposed during the RPS have been reviewed and prioritized by chairpersons of the Research Advisory Committee to approve or reject these projects for inclusion in the next Annual Work Program. The ROC may convene other meetings at any time as deemed necessary.
- Annual Work Program – The FHWA Division Office reviews and approves the annual Research Work Program, which includes a detailed breakdown of specific projects, project costs by participation, a summary and status of ongoing projects, and a description of other activities by the Research Bureau including peer exchanges, bi-annual visits by the Transportation Research Board, management of the Bureau's online resources and transportation library, in-house research, participation in national activities, and other activities planned during the program year. Included with the Annual Work Program is written certification by the NMDOT Cabinet Secretary or designee that NMDOT is in compliance with all requirements of governing regulations with respect to administration of the State's Research, Development and Technology Transfer program.

- Performance and Expenditures Report – The FHWA Division Office reviews and approves annual Performance and Expenditures (P&E) reports, which include a detailed description of the Research Bureau's progress in meeting goals and objectives documented in the Annual Work Program. The P&E report provides a detailed status of ongoing projects including a breakdown of costs by category, project and federal participation. The P&E report also includes performance measures which serve as an indicator of the success of the research program.
- Operational Procedures – The FHWA Division Office provides input and guidance in preparing revisions to the Research Bureau's policies and procedures manual. This manual serves to comply with the requirements of 23 CFR 420.209, and is jointly reviewed and approved on a bi-annual basis by FHWA and the NMDOT Cabinet Secretary.
- Technical Panels – FHWA Division Office staff serve as subject matter experts on many of the Technical Panels established for each research project. Technical Panel members contribute to developing problem statements and Requests for Proposals, participate in contractor selection and contract negotiation, attend quarterly progress meetings, review project deliverables, and contribute to implementation of research findings and recommendations. By serving on Technical Panels, the FHWA Division Office provides guidance and oversight at every step of the process.

3.11.4 Research Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

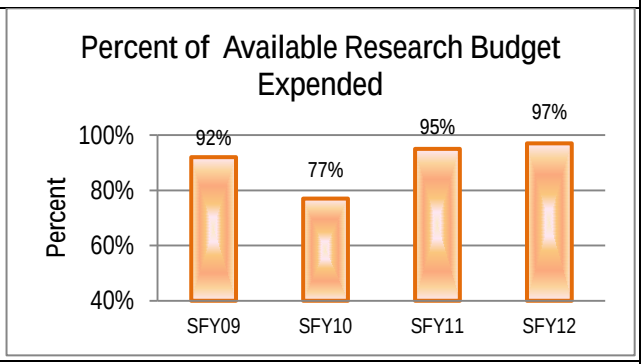
Table 3.11-2 Research P&PAR (Update: October 2012)

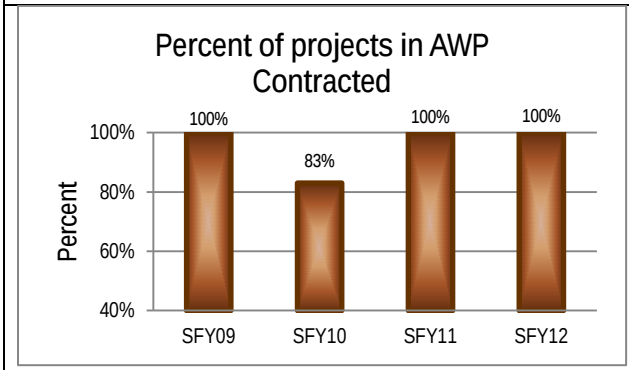
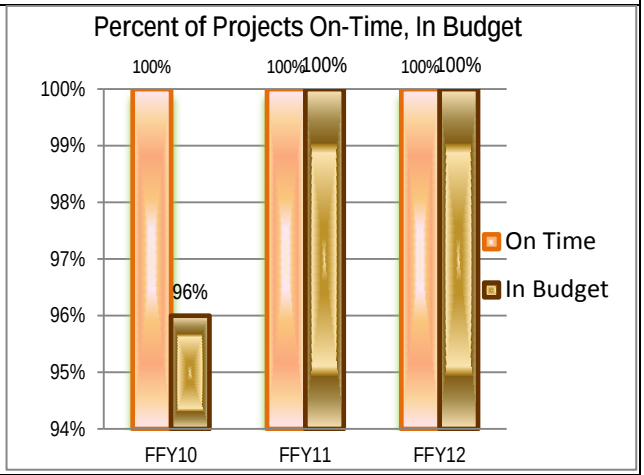
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Actions / Remarks
RD&T Work Program	23 CFR 420.207	Annually by July 1	Research Bureau Chief	Research Engineer	FHWA approval required
Certification of compliance with federal regulations governing administration of the RD&T Work Program	23 CFR 420.209	Annually by July 1	NMDOT Cabinet Secretary or designee	Research Engineer	Must be submitted to FHWA along with the Annual Work Program
Meeting of Chairpersons of the Research Advisory Committee	23 CFR 420.209	3rd Quarter of each State FY	Research Bureau Engineering Coordinator	Research Engineer	Meeting to review and prioritize projects proposed during the RPS
P&E Report	23 CFR 420.117	Annually by September 30	Research Bureau Chief	Research Engineer	FHWA approval required
Quarterly Progress Reports and Meetings with Contractors		State Fiscal Quarter	Research Bureau Project Managers	FHWA staff assigned to research project Technical Panels	Quarterly reports and meetings to review progress toward meeting project goals
Research Advisory Committee Meeting	23 CFR 420.209	2nd Quarter of each State FY	Research Bureau Engineering Coordinator	Research Engineer	Meeting to present proposed research projects to Chairpersons of the Research Advisory Committee
Research Oversight Committee Meeting	23 CFR 420.209	2nd Quarter of each State FY	Department Deputy Secretaries	Research Engineer	Meeting to discuss Department needs and to set strategic priorities
Research Oversight Committee Meeting	23 CFR 420.209	3rd Quarter of each State FY	Department Deputy	Research Engineer	Meeting to review projects prioritized

			Secretaries		and recommended by Chairpersons of the Research Advisory Committee for inclusion in the next Annual Work Program
Research Peer Exchange	23 CFR 420.209	No less frequently than every five years	Research Bureau Chief	Research Engineer	
Research Project Solicitation	23 CFR 420.209	2nd Quarter of each State FY	Research Bureau Engineering Coordinator	Research Engineer	Workshop to identify problems and recommend research projects

3.11.5 Research Performance/Compliance Indicators

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

3.11.5(a) Percent of Recommendations implemented or adopted within two (2) years of final research report	***3.11.5(b) Percent of Available Research Budget Expended***
	
Of twenty one (21) projects completed since FY08, eighteen (18) of these have been implemented to at least 75%, for an implementation rate of 86%. Some projects have been terminated after finding that the course of research was unproductive, for example, a study of pavement life expectancy was terminated after it was found that records of maintenance history were insufficient to support project objectives. Other projects are in various stages of implementation and have yet to be fully implemented. The implementation rate reported for any program year will therefore be less than 100%.	Funding for supplemental projects was established in FY12 in the amount of $1,800,000 from available SPR Part I budget. Seven new supplemental projects were authorized for FY12, and one conventional project in the FY12 Work Program was approved for partial funding using this budget. Of the four projects that proceeded in FY12, $1,004,350 of available funding of $1,162,500 was obligated or expended for a program total of 86%. The balance of this funding is available for projects to be administered through this program in FY13.

3.11.5(c) Percent of projects in work plan actually contacted	*3.11.5(d) Percent of projects on-time and on-budget*
	
All of the supplemental projects and conventional projects as documented in the Work Program and Work Program amendments which were not withdrawn or deferred until FY13 were contracted for a program rate of 100%.	100% of Research Bureau contracted projects were on time and on budget as documented in professional services agreements and contract amendments.

3.12.0 SAFETY PROGRAM

The Department of Transportation administers the State's Traffic Safety Program. Both FHWA and NHTSA provide oversight, technical assistance, and funding to the DOT to develop, implement, and manage projects aimed at reducing motor vehicle related crashes, injuries, and deaths. The DOT Safety Program is based on the four E's of safety; Engineering, Education, Enforcement, and Emergency Medical Services. Using these proven concepts, all three agencies work in cooperation with other State, county and local partners to direct funding and programs to areas with the greatest need based on problem identification from the most current crash data available. Specific goals, objectives, and performance measures are developed and documented in several required safety plans prepared by the DOT and approved by FWHA and NHTSA.

3.12.1 Safety Program Method of Operation

DOT is required to prepare, implement, and update several safety plans and reports. Through a Federally approved process, the following plans and reports are developed by DOT and submitted for approval to FHWA and NHTSA as specified below:

- New Mexico Comprehensive Transportation Safety Plan (CTSP) – This plan is commonly referred to in other State's as the Strategic Highway Safety Plan. This plan is the overall safety plan for the State and includes both Engineering and Behavior safety initiatives. This is approved by FHWA.
- Highway Safety and Performance Plan – This plan is the State's behavioral safety plan based on available crash data and is approved by NHTSA on an annual basis.
- Highway Safety Improvement Program Annual Reports – These reports are prepared annually for the Section 148 (hazard elimination) portion, the High Risk Rural Road Program portion, the Section 130 portion (Railway – Highway Grade Crossing Safety Program) portion, and the Transparency Report portion of the New Mexico Highway Safety Improvement Program. Together these reports constitute documentation of the total effort to implement the State's engineering type stand-alone safety countermeasure projects program, based on available crash data, safety studies, and other data evidence. These reports are approved by FHWA.
- Annual Work Program – This plan is the State's planning work program that includes some safety initiatives both at the State and local levels. This plan is approved by FHWA and the Federal Transit Administration (FTA).
- Transparency Report – 5% most severe safety needs locations based on past 5 calendar years of Fatal and Serious injury crash history and a summary of all safety behavioral projects.

Once these plans and reports are developed and approved, the DOT implements and manages the projects and programs outlined in the plans in accordance with applicable State and Federal laws and regulations. Activities consist of components of planning, implementation, evaluation and reporting of safety programs and projects. This involves safety program support for problem identification, design, construction, maintenance, and technical assistance for NMDOT, FHWA, NHTSA, FTA, Federal Motor Carrier Safety Federal Railroad Administration, and local governments.

The DOT created the Transportation Safety Management Team (TSMT) that consists of a variety of State and Federal stakeholders and partners. The TSMT meets regularly and provides input and technical assistance in the development and revisions to the CTSP. The TSMT plays an important role in keeping the CTSP current and ensuring that all of the safety plans are incorporated into the CTSP.

The NMDOT and FHWA will meet semi-annually to discuss the progress in each of the items described in table 3.3-1. The NMDOT will continue to invite and encourage the FHWA to attend the Comprehensive Transportation Safety Plan (CTSP) Leadership meetings that are held quarterly.

3.12.2 Safety Program Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.12-1 Safety CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
HSIP Policy and Procedures Manual	Traffic Technical Support Bureau	June 2010	Traffic Technical Support Bureau	FHWA Safety Engineer	Hardcopy (and electronic file) at Traffic Technical Support Bureau	FHWA Office of Safety Guidance
Traffic Safety Division Policy and Procedures Manual	Traffic Safety Division	2011	Traffic Safety Division	NHTSA	Hard Copy/ NMDOT website	Recommended by NHTSA
Planning Division Policy and Procedures Manual	Planning Division	Under Development	Planning Division	FHWA reviews	Will be available by hard copy and website	Recommended by FHWA
Highway Safety Manual	Traffic Technical Support Bureau	June 2010	Traffic Technical Support Bureau	FHWA Safety Engineer	Hardcopy (and electronic file) at Traffic Technical Support Bureau	FHWA Office of Safety Guidance

3.12.3 Safety Program Implementation & Methods of Oversight

The overall program oversight is the DOT, FWHA, NHTSA and other Federal partner's (everyone's) responsibility. Through periodic meetings and reviews, the FWHA is involved in decision making and oversight of the HSIP program and other engineering safety initiatives lead by the DOT. NHTSA conducts yearly visits and periodically accompanies DOT staff on quality assurance site visits. In addition, NHTSA conducts a formal Program Review once every 3 years FHWA is an invited participant. If needed program reviews can be conducted more frequently. At the State level, the HSIP is overseen by the Program Management Division, Traffic Technical Support Bureau, by the State Traffic Engineer, assisted by the Safety Project Engineer with input and discussion from the Traffic Safety Division and other parts of the DOT. The behavioral safety program is overseen by the Traffic Safety Division which includes yearly site visits, quarterly reporting requirements, and performance measures which are included in contractual relationships. The planning safety aspects are overseen by the Planning Division through the review of the quarterly Program and Expenditure Reports. It is Federal, State, and local team effort to assure that funding is spent as efficiently and productively as possible, while following all applicable State and Federal guidelines.

3.12.4 Safety Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP

is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

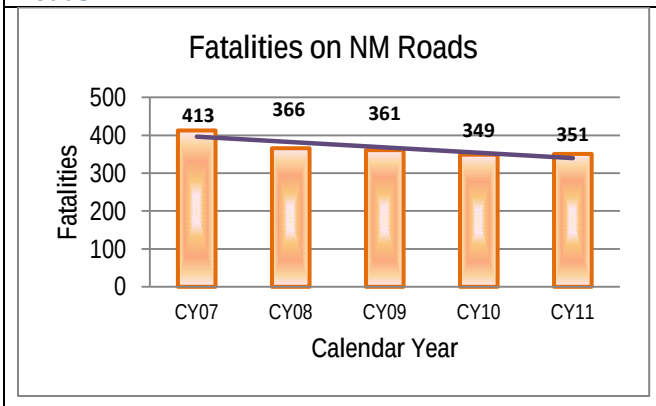
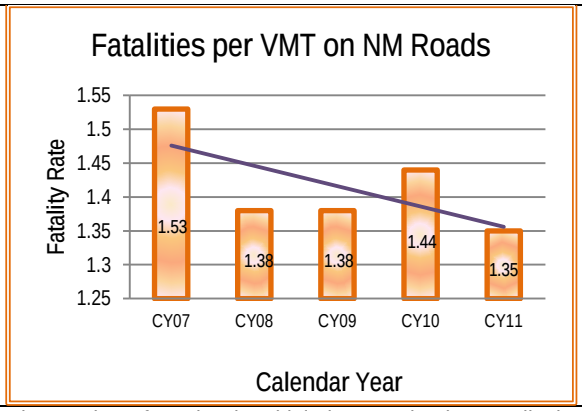
Table 3.12-2 Safety P&PAR (Update: October 2012)

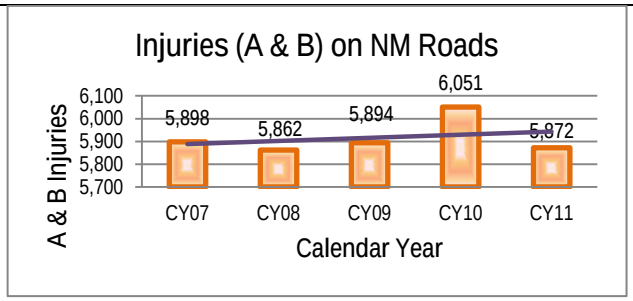
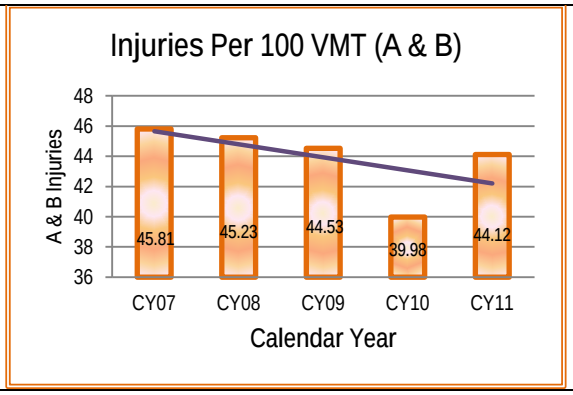
Activity	Authority	Frequency / Due	NMDOT Contact	FHWA Contact	Action / Remarks
402 Highway Safety Plan	12/22/99 guidelines, TEA-21, 2001	July 1	Traffic Safety Division Director	National Highway Traffic Safety Administration (NHTSA)	Traffic Safety Division coordinates with the National Highway Traffic Safety Administration (NHTSA) for review and approval
Transparency Report (5% Report)	23 USC 148(c)(1)(D)	Annually by August 31	Safety Project Engineer	FHWA Safety Engineer	NMDOT submits online to FHWA's Safety Office (HQ's); FHWA Division office reviews (HSIP)
Drug offender DL revocation or suspension certification by Governor	23 *USC* 159, 23 *CFR* 192.5	Annually by Jan 1	Traffic Safety Division Director	FHWA Safety Engineer	Traffic Safety Division submits to FHWA annually
Drug offender driver's license suspension law & enforcement certification	23 USC 159, 23 CFR 192.5	Annually by Jan 1	Traffic Safety Division Director	FHWA Safety Engineer	Traffic safety Division coordinates with Governor's office for certification
Highway Safety Improvement Program, including HES Program, Safety Programs, High Risk Rural Roads Program, and 5% Reporting	23 *CFR* 924.15 SAFETEA-LU 23 *USC* 148	Annually by Aug. 31	Safety Project Engineer	FHWA Safety Engineer	NMDOT submits to FHWA's Safety Office (HQ's); FHWA Division office reviews
MUTCD Adoption and New Mexico Supplement	23 *CFR* 655.603	As Needed	State Traffic Engineer	FHWA Safety Engineer	NMDOT submits to FHWA's Safety Office (HQ's); FHWA Division office reviews
Pedestrian and Bicycle Safety Program	23 CFR 652	As needed	Traffic Operations/ Local Assistance	National Programs	Includes the non-motorized transportation pilot program
Repeat Offender	23 CFR 1275; 23 USC 164	Annually when funds are released	NMDOT Secretary	FHWA NM Division Administrator	Safety Traffic Director sends letter to FHWA when funds are released
Repeat Offender law	23 *USC* 164, 1406	Annually when funds are released	NMDOT Secretary	FHWA NM Division Administrator	Safety Traffic Director sends letter to FHWA when funds are released
Roadside Hardware	FHWA July 25, 1997 Policy Memo re: NCHRP Report 350	As needed	State Traffic Engineer	FHWA Safety Engineer	AASHTO Manual for Assessing Safety Hardware (MASH) is the new state of the practice for the crash testing of safety hardware devices for use on the National Highway System (NHS). It

					updates and replaces NCHRP Report 350
Seat belt law	23 *CFR* 1215.6	Annually (each fiscal year)	Traffic Safety Division Director	FHWA Safety Engineer	FHWA receives annual summary at conclusion of legislative session to ensure still in effect
Strategic Highway Safety Plan	23 CFR 924	Every 3rd year	Safety Project Engineer	FHWA Safety Engineer	FHWA Safety Engineer reviews and approves
Temporary Traffic Control Devices Final Rule Compliance	23 CFR 630	As needed	State Traffic Engineer	FHWA Safety Engineer	State Traffic Engineer certifies in compliance.
Work Zone Safety and Mobility Final Rule compliance	23 CFR 630	Continuous	State Traffic Engineer	FHWA Safety Engineer	State Traffic Engineer certifies in compliance.
Work Zone Safety Process Review of Effectiveness	23 *CFR* 630.1010, Subparts J & K	Annually by Sept. 30	State Traffic Engineer	FHWA Safety Engineer	FHWA prepares and submits reports to HQ's annually
Worker Visibility Final Rule Compliance	23 CFR 634	Continuous	State Traffic Engineer	FHWA Safety Engineer	State Traffic Engineer certifies in compliance
Zero tolerance law & enforcement certification	23 *CFR* 1210.5	Update as amended	Traffic Safety Division Director	FHWA Safety Engineer	FHWA receives annual summary at conclusion of legislative session to ensure still in effect

3.12.5 Safety Program Stewardship / Oversight Indicators

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

3.12.5(a) Annual Number of Fatalities on New Mexico Roads	*3.12.5 (b) Annual Statewide fatality Rate per Vehicle Miles Traveled on New Mexico Roads*
	
From 2007 to 2011, there was a slight decrease of 0.18 people killed in crashes per 100 million vehicle miles traveled on New Mexico public roads. The linear trend-line shows the overall decrease in the fatality rate over the past five years.	The number of crash-related injuries remained generally the same from 2007 to 2011. There was a minor increase in injuries in 2010 that causes the linear trend-line to be slightly increasing. Injuries are crash-related incapacitating injuries (A) and visible injuries (B).

3.12.5(c) Annual Injuries (A & B) on New Mexico Roads	***3.12.5 (d) Annual Statewide fatality Rate per Vehicle Miles Traveled on New Mexico Roads***
	
From 2007 to 2011, there was a slight decrease of 1.69 injured people in crashes per 100 million vehicle miles traveled. The trend-line shows this decrease but the 2010 rate makes the linear trend-line more steeply decrease.	From 2007 to 2011, there was a slight decrease of 1.69 injured people in crashes per 100 million vehicle miles traveled. The trend-line shows this decrease but the 2010 rate makes the linear trend-line more steeply decrease
3.12.5(e) Percent of HSIP Funds Obligated	***3.12.5 (f) Improvement in assessment scores associated with implementation of proven safety counter measures:***
To Be Developed	To Be Developed
3.12.5(f) Number of miles installed median barriers on multilane highways	***3.12.5(g) Number of miles installed longitudinal shoulder rumple strips on rural roadways***
To Be Developed	To Be Developed

3.13.0 STRUCTURES

NMDOT and FHWA ensure that structures are properly designed, constructed, and maintained throughout the State. These structures include: bridges which span over 20 feet, luminaries, traffic signal poles, overhead sign structures, retaining walls, and tunnels. NMDOT Bridge Bureau develops and publishes structural designs, policies, standards and specifications. They also provides other vital services such as bridge management and inspection, fabrication inspection, construction assistance, bridge rating, coordination of scour evaluations, and bridge permitting analysis for oversize and overweight loads.

3.13.1 Structures Method of Operation

NMDOT Bridge Bureau is responsible for providing final bridge or other structural design documents for all projects. All designs will be in accordance with NMDOT's structural design policies and are stamped by a registered professional engineer prior to commencement. As requested by FHWA, NMDOT will provide to FHWA all survey reports, hydraulic reports, geotechnical reports or other information. FHWA will provide comments on design documents as necessary, and NMDOT will provide written responses to comments when required. The oversight of the Structures (Bridge) program area will be based on risk and / or random sampling of projects.

The Bridge Bureau is responsible for ensuring that NMDOT is compliant with the National Bridge Inspection Standards (NBIS). NMDOT inspections are performed at the District level. Overall program management is managed from the General Office. Policies and procedures are implemented from the General office with input from the Districts and from FHWA. The Bridge Bureau, with input from the district level, will provide yearly prioritization lists for structure preventative maintenance, structure rehabilitation and structure replacements. NMDOT's Bridge Bureau, Drainage Bureau and Geotechnical section will meet with FHWA at regular intervals for discussions on NBIS issues.

3.13.2 Structures Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.13-1 Structures CS/D (Update: October 2012)

DESCRIPTION	BUREAU	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
Bridge Design						
NMDOT Bridge Design Guide	Bridge	2005	NMDOT	NMDOT	Y	
AAASHTO LRFD Bridge Design Specifications, 6th edition	Bridge	2012	AASHTO	AASHTO	Y	
Bridge Construction						
NMDOT Standard Specifications for Highway and Bridge Construction	Construction	2007	NMDOT	NMDOT	Y	

AASHTO LRFD Bridge Construction Specifications	Construction	2010	AASHTO	AASHTO	Y	
NMDOT Construction Manual	Construction	1987	NMDOT	NMDOT	Y	
Bridge Management						
National Bridge Inspection Standards	Bridge	2012	FHWA	FHWA	Y	
FHWA Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges	Bridge	1995	FHWA	FHWA	Y	
AASHTO The Manual for Bridge Evaluation	Bridge	2011	AASHTO	AASHTO	Y	
FHWA Safety Inspection of In-Service Bridges	Bridge	2012	FHWA	FHWA	Y	
AASHTO Guide Manual for Bridge Element Inspection	Bridge	2011	AASHTO	AASHTO	Y	
NM Bridge Design Guide	Bridge	2005	NMDOT	NMDOT	Y	
NMDOT Quality Assurance Plan	Bridge	2012	NMDOT	NMDOT	Y	

3.13.3 Structures Implementation & Methods of Oversight

NMDOT Bridge Bureau will provide a Quality Assurance review of all structure designs. All final plans are reviewed by FHWA prior to project letting.

On bridge construction, NMDOT and FHWA monitor project performance based on project schedules, project budgets, severity of change orders and final project acceptance. NMDOT is required to perform project audits on all construction projects. NMDOT and FHWA provide final project reviews for all projects.

The Bridge Management NBIS compliance is measured through the NBIS Metrics. NMDOT is responsible for scheduling an annual NBIS District review with the assistance of FHWA as outlined in the Bridge Management Quality Assurance and Quality Control Plan. FHWA provides an annual NBIS performance report.

Program / Risk Assessment are typically conducted annually to:

- NBIS Annual Review
- Reduce the risk of infrastructure failure through the effective use of inspection, maintenance, and management techniques for highway assets.
- Comply with FHWA Agency programs such as the New National Bridge Inspection Program Oversight Process 2013 target completion date (NBIS Metrics).
- Evaluate percent of deck area on deficient bridges.
- Analyze load ratings through to completion (2016).

3.13.4 Structures Program & Project Action Responsibility

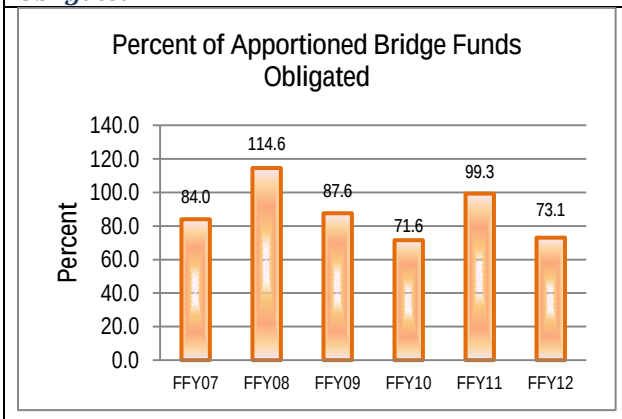
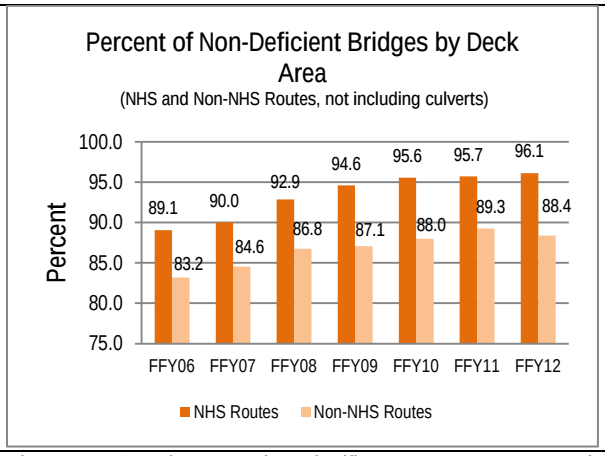
The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

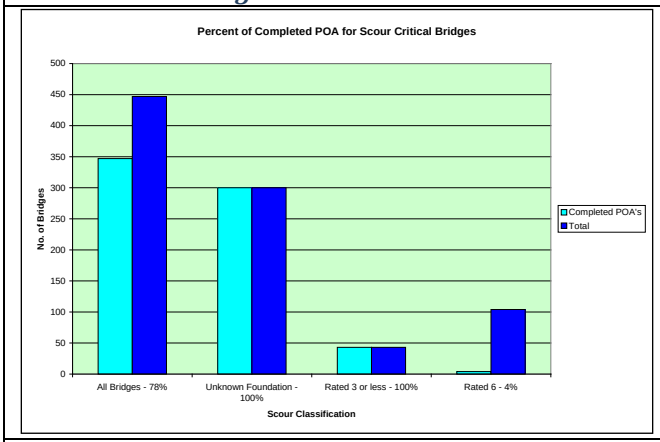
Table 3.13-2 Structures P&PAR (Update: October 2012)

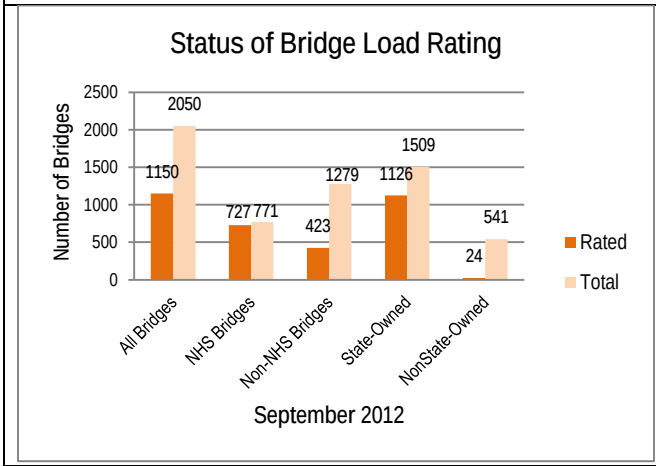
Activity	Authority	Frequency / Due	NMDOT / Contact	FHWA Contact	Action / Remarks
Bridge/Structural Design Review	23 CFR 650	Monthly	State Construction Engineer	Bridge Engineer	Reviews are completed monthly; in addition every 2 yrs. an in depth report is prepared by FHWA and signed by NMDOT
Bridge Management System (BMS)	23 CFR 500.107	Yearly (submitted between Sep – Dec)	Bridge Management Engineer	Bridge Engineer	NBIS Review prepared by FHWA
Bridge Construction, Geotechnical, Hydraulics Review	23 CFR 650	Monthly	State Construction Engineer	Bridge Engineer	Reviews are completed monthly; in addition every 2 yrs. an in depth report is prepared by FHWA and signed by NMDOT
Construction inspections	FAPG G 6042.8	As needed	District Construction Engineer assists State Construction Engineer	Bridge Engineer	QA / QC Structures conducted independently by FHWA & NMDOT
Highway Bridge funding eligibility determinations	23 *CFR* 650 Subpart D	Project by project	Bridge Management assists State Construction Engineer	Bridge Engineer	QA / QC Structures conducted independently by FHWA & NMDOT
Highway Bridge funding Unit Cost submittal & NBI tape submittal	23 *CFR* 650 Subpart D	Annually by April 1	State Bridge Engineer assists State Construction Engineer	Bridge Engineer	QA / QC Structures conducted independently by FHWA & NMDOT
NBIS Review State-wide report	23 *CFR* 650 Subpart C	Annually Mar 31	Bridge Management Engineer	Bridge Engineer	Random list generated from FHWA HW's on what to review then the FHWA Division Office prepares and submits
PS&E reviews (non-exempt projects)	23 *CFR* 630, 23 *USC* 106, and W.O. 11/13/98 memo	Project by project	State Construction Engineer	Bridge Engineer	FHWA and NMDOT review as needed

3.13.5 Structures Stewardship / Oversight Indicators

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

3.13.2(a) Percent of Apportioned Bridge Funds Obligated	*3136.2(b) Percent of Non-Deficient Bridges on NHS and Non-NHS Routs*
	
The New Mexico Department of Transportation distributes federal and state funds to the Districts based on distribution formulas. NMDOT prioritizes these funds based on their needs, mainly: 1. Condition. 2. Capacity. With limited funding at this time, NMDOT is focusing on system preservation efforts. Bridge funds are further prioritized on bridge conditions and other bridge needs. Data is queried from the PONTIS database and structurally deficient bridges are identified. These lists are then prioritized by bridge sufficiency rating. Sufficiency ratings take into account several key aspects of a bridges health, such as: structural integrity, functional status and essentiality for public use. Six lists are generated for each District; Interstate Bridges, US Highway Bridges, NM Route Bridges, Culverts, Scour Critical Bridges and Locally Owned Bridges. Bridges that are candidates for minor rehabilitation and preventative maintenance projects are also identified. NMDOT has been successfully targeting these bridges during the last 10 years which has led to fewer bridges becoming Structurally Deficient. This strategy has enabled NMDOT to decrease the number of structurally deficient bridges and the square footage of structurally deficient bridges significantly. The Districts and the Bridge Bureau go over each list and factor in items such as District priorities, essentiality for oversize/overweight routing, corridor planning, future growth, public concerns, etc. The Districts determine their STIP priorities based on these lists.	The NMDOT has made significant progress towards eliminating structurally deficient bridges. Many of these bridges have been rehabilitated with the use of BR funds. NMDOT has also used BR funds on preventative maintenance projects to prevent good bridges from deteriorating into deficient categories. Several Districts, most notably D-6, have aggressively targeted reducing their number of structurally deficient bridges and have been extremely proactive in the implementation of preventative maintenance projects.

3.13.2(c) Percent of Completed Plan of Action for Scour Critical Bridges	*3.13.5 (d) Percent Compliance Completing Routing Inspections on Schedule*
	
NMDOT has 104 bridges coded as 6 (no scour calculation has been performed) which will require a significant effort for analysis. Further involvement by Drainage Bureau, Geotechnical Bureau and by the Districts will be required. Of these bridges 4 have completed POA's. After the initial review, each of the bridges will have a monitoring POA implemented until the bridge is analyzed for scour. This will be NMDOT's main scour priority. The NMDOT and FHWA's Bridge Engineer spent a significant amount of time reviewing all of the bridges coded as "3 or less" or "Unknown Foundation" and developed POA's for these bridges. This included all state owned and locally owned bridges. NMDOT has completed 100% of the Plans of Action (POA's) for these bridges. POA recommendations include: • Monitoring bridge during regularly scheduled bridge inspections • Monitoring bridge during high water events • Scour mitigation efforts needed • Further drainage analysis required These bridges were further categorized into 3 categories; Tier 1 Low Level Risk Tier 2 Medium Level Risk Tier 3 High Level Risk Tier 3 bridges will have a full scour analysis performed and Tier 1 and Tier 2 bridges will have a less intensive scour analysis performed.	NMDOT is currently 97% compliant on completing routine inspections on schedule and is 100% compliant on completing inspections on Fracture Critical Bridges. NMDOT is near completion of creating Fracture Critical Inspection Procedures and policy has been to inspect all Fracture Critical Bridges on a 12 month frequency, which includes a "hands-on" inspection of all tension members on bridges without individual inspection plans being performed. NMDOT has completed approximately 60% of inspection plans for individual bridges.

Indicator 3.13.5 (e) Percent of Load Ratings Completed	***Indicator 3.13.5 (f) Percent of dollars obligated on Bridge Construction projects vs. dollars obligated on Bridge Maintenance projects***
	*To Be Developed*
• Current-year Progress – The current progress meets the proposed schedule shown in the Action Plan (complete 150 load ratings in CY 2012). • National Highway System (NHS) bridges – This category is largely completed (94%). The remaining bridges in this category include unique bridges that require special analysis (see below), bridges currently under construction or recently rehabilitated & structurally deficient bridges (see below). • State-owned, Non-NHS bridges – Current efforts are being concentrated in this subgroup; 80% are completed or in review. • Non State-owned bridges – This subgroup remains a low priority while the Department's effort is concentrated on State-owned bridges. • Unique Bridges – The analysis & rating of sixteen cast-in-place box girder bridges (both NHS & non-NHS bridges) is being performed by consultant. Rigid frame structures will be assigned for rating in the near future. • Structurally Deficient Bridges – The Department has an in-house program for this category. Procedures require field review by a Bridge Engineer & documentation of load rating recommendations based on the observed bridge conditions. This program is ongoing. • Culverts – The Department recently developed culvert load ratings charts for new standard culvert designs. This will provide a convenient method in the future to rate new culverts. • Field Methods to Physically Load Rate Concrete Bridges without Plans – The Department is moving forward with a research project to test & develop field load testing methods. The results of the project will provide a valuable alternative for obtaining bridge load ratings where the usual methods (analytical) cannot be performed due to lack of bridge documentation. It is anticipated that load testing will be required for a significant number of locally owned bridges where plan data does not exist. Load Rating: Plan of Corrective Action is on schedule. Completed 100% ON-SYSTEM, completed 20% OFF-SYSTEM, and Plan of Corrective Action will be complete on March 14, 2014.	

3.14.0 TRAFFIC OPERATIONS (INTELLIGENT TRANSPORTATION SYSTEMS) PROGRAM

MAP-21 in effect today continues what SAFETEA-LU established two major program areas regarding ITS. One is the development of a National ITS Program Plan and the other is the development of a Real-Time System Management Plan. The legislation requires that the National ITS Program Plan:

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

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

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

3.14.1 Traffic Operations (ITS) Method of Operation

Continued growth in the urban areas on the transportation system in New Mexico has advanced to the degree that congestion, weather and traffic related incidents have impacted the operational efficiency of the system. The NMDOT and FHWA are committed to maintaining an acceptable level of operation on the Interstate System. The NMDOT will lead the effort to develop, deploy and operate ITS and undertake incident management strategies and operations to maximize the efficiency, and safety of the transportation system.

The NMDOT and FHWA will establish the ITS Steering Committee comprised of 2 District Engineers, FHWA ITSPM and the Highway Operations Engineer. The ITS Bureau Chief and the District Three Traffic Engineer will serve as operators and advisors for ITS to the committee. The Chief Information Officer (CIO) will serve as an advisor and support of the ITS operations. The committee shall meet at a minimum of once per year to assess the past progress, review the annual program plan and review the performance indicators.

The NMDOT shall maintain and update a State-wide ITS Architecture Plan in compliance with Title 23 CFR § 940 with concurrence by FHWA. The FHWA will have oversight of the ITS development and deployment. ITS projects shall be developed consistent with the State Architecture Plan (NMDOT) and have a Systems Engineering Analysis performed and submitted for FHWA concurrence. The ITS program shall be managed utilizing asset management principles including inventory, condition, performance and projected replacement of the equipment.

3.14.2 Traffic Operations (ITS) Control Standards / Documents

The following Control Standards / Documents (CS/D) chart lists NMDOT approved manuals, standards, processes, and operating agreements that are either formally approved by FHWA or endorsed by FHWA for use on Federal-Aid projects. Some of these manuals are followed, but do not need any action by FHWA and are denoted in the chart.

Manuals submitted to FHWA for approval – The FHWA's approval is by letter or by stamping; some type of communication from FHWA back to NMDOT is expected. It is assumed that new editions and major revisions will be submitted for approval. Minor revisions do not need to be explicitly approved by FHWA, but can fall into the second category on the table below.

Table 3.14-1 Traffic Operations (ITS) CS/D (Update: October 2012)

DESCRIPTION	AGENCY	LAST UPDATE	OWNER	APPROVER	AVAILABILITY	BASIS
DMS Operational Guidelines	NMDOT-ITS	9/2012	Manager ITS Operations	Cabinet Secretary	http://www.dot.state.nm.us/content/nmdot/en/ITS.html	MUTCD Compliance
Statewide Architecture	NMDOT-ITS	9/2012	Manager ITS Operations	FHWA ensures in place	http://www.dot.state.nm.us/content/nmdot/en/ITS.html	23 CFR 940
AMPA (Albq. Planning Area)	NMDOT-ITS & MRCOG	12/2011	Manager ITS Operations & MRCOG	FHWA ensures in place	http://www.dot.state.nm.us/content/nmdot/en/ITS.html	23 CFR 940
Santa Fe Architecture	NMDOT-ITS	12/2011	Manager ITS Operations	FHWA ensures in place	http://www.dot.state.nm.us/content/nmdot/en/ITS.html	23 CFR 940
Las Cruces Architecture	NMDOT-ITS	2008	Manager ITS Operations	FHWA ensures in place	http://www.dot.state.nm.us/content/nmdot/en/ITS.html	23 CFR 940
Farmington Architecture	Farmington MPO	In Process	Manager ITS Operations	FHWA ensures in place	Hardcopy (Farmington MPO)	23 CFR 940

3.14.3 Traffic Operation (ITS) Implementation & Methods of Oversight

By January 15th each year, NMDOT shall prepare an annual ITS work plan for the upcoming year. The plan shall include a summary of the progress of the past year and identify the anticipated program for the following year, including performance indicators.

The NMDOT and FHWA shall also conduct FHWA's Traffic Incident Management Self-Assessment annually, by the end of July, to identify opportunities for continuous improvement. These opportunities will be included in the following years work plan.

The NMDOT shall develop performance indicators, measured on a quarterly basis, as part of the work plan which shall include the following:

- ITS system development and deployment progress
- Effectiveness of the ITS system operation
- Response time of the incident management operation

The NMDOT shall develop and implement an ITS Project Certification for compliance with the systems engineering requirements for all projects pursuant to Title 23 CFR § 940.11. The certification shall become part of the project development process and the responsibility of the Project Development Engineer (PDE) with FHWA concurrence.

Program and risk assessments are reviewed as needed as well as bi-annually through standardized methods established by the Division Office Program Analyst.

3.14.4 Traffic Operations Program & Project Action Responsibility

The Program & Project Action Responsibility (P&PAR) Table is a composite list of Program and Project Actions that provide stewardship for the Federal-aid Highway Program (FAHP). As a reminder, the FAHP is a state administered program in which FHWA provides oversight using a risk based approach. The "FHWA Contact" column's purpose is to list the appropriate position for technical assistance.

Table 3.14-2 Traffic Operations (ITS) P&PAR (Update: October 2012)

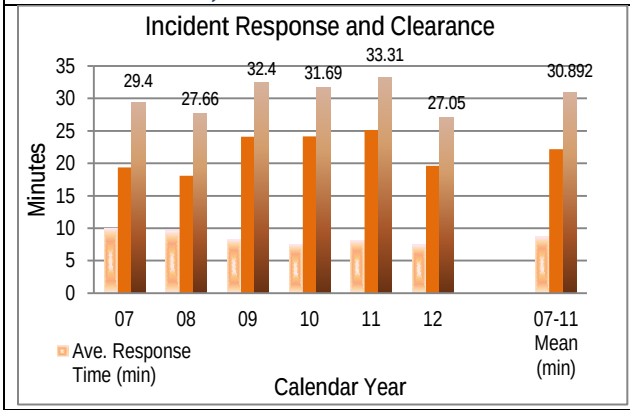
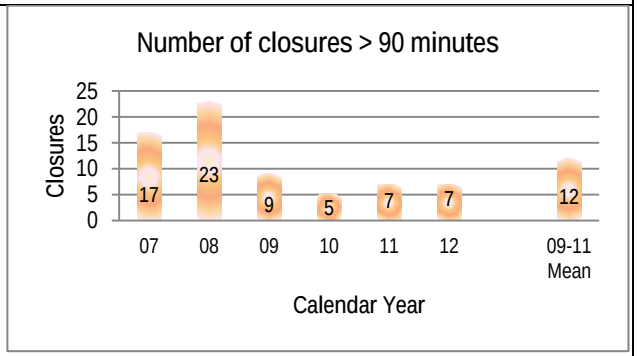
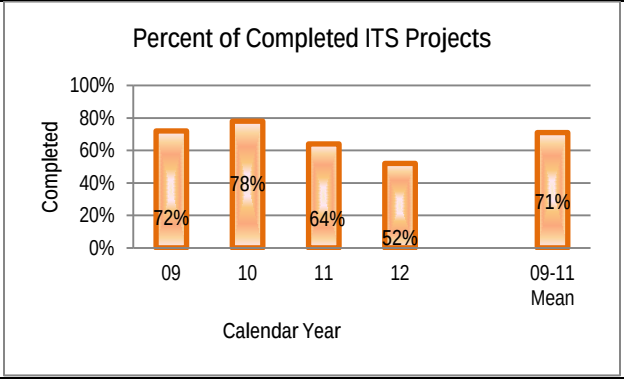
Activity	Authority	Frequency / Due	NMDOT / Contact	FHWA Contact	Action / Remarks
Conformity with National ITS Architecture	23 *CFR* 940.5	ITS projects using Highway Trust	Manager ITS Operation	ITS Engineer	NMDOT prepares document; FHWA concurs
Congestion Management System	23 *CFR* 500.109	As needed/revised by MPO/State	Congestion Management Process sub-committee	State Planner	FHWA ensures that CMP plan is in place
Incident Management	23 CFR 500	Quarterly	District Traffic Operation	State Planner to HQ's	NMDOT prepares document
Incident Management Assessment	23 CFR 500	Annually by June 1	Traffic & ITS Operations	ITS Engineer	FHWA interviews NMDOT departmental process & FHWA prepares report
ITS Regional Architecture	23 *CFR* 940.9	Project by project	Manager ITS Operation	ITS Engineer	NMDOT prepares document; FHWA concurs
Project Administration - ITS	23 *CFR* 940.13	Project by project	Manager ITS Operation	ITS Engineer	NMDOT ensures that projects meet state and federal standards
Regional (and statewide) Intelligent Transportation System (ITS) Architecture Maintenance	23 CFR 940.9	As needed	Manager ITS Operation	ITS Engineer	NMDOT ensures compliance of the Architecture
Systems Engineering Analysis Implementation	23 CFR 940.11	As needed	Manager ITS Operation	ITS Engineer	Ensuring that ITS standards meet interoperability
Traffic Engineering and Analysis	23 *CFR* 940.11	As required	State Traffic Engineer	ITS Engineer	NMDOT ensure project documentation meets requirements
Traffic Operations Performance Data	23 CFR 500	Semi Annually	Traffic Operations	National Programs	Move to Safety
Traffic Surveillance and Control	23 *CFR* 655.411	Design / Elias Steve Egan			Submitted with w/PS&E submission (full oversight projects)
Vehicle Size & Weight enforcement certification	23 CFR 657.13	Annually by Jan 1	Traffic Operations	National Programs	SAFETY – DPS
Vehicle Size & Weight enforcement plan	23 CFR 657.11	Annually by Oct 1	Traffic Operations	National Programs	SAFETY – DPS
Work Zone Safety Assessment	---	Annually by June 1			

3.14.5 Traffic Operations (ITS) Stewardship / Oversight Indicators

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

These performance measures evaluate three elements. Incident response and clearance times, number of incidents that resulted in a road closure in the Albuquerque area of greater than 90 minutes, and the percentage of ITS projects in the Bureau's annual goals and objectives that were completed within their targeted time frame. The measurements are tracked from the beginning of the calendar year (January) to

the end of the calendar year (December). Information for 2012 is year-to-date (YTD). Last quarter is not yet available; therefore, the standard deviation for each parameter was established. If the difference between the mean and this year's YTD measurements is more than the standard deviation, we would expect to meet that specific goal.

<table>
<tr><td>Indicator 3.14.3(a) Performance Average: Time, Time at Incident, Overall Time</td><td>Indicator 3.14.3(b) Number of Closures lasting more than 90 minutes</td></tr>
<tr><td> 
</td><td> 
</td></tr>
<tr><td>Response and Clearance times should be at or lower than the combined mean of all previous years. 2012 performance measure target was 27.05 minutes. The mean for the combined four years was 30.892. Standard deviation from the mean was 1.89 minutes. The difference between 2012 YTD and the mean (3.84) is more than the standard deviation (1.89). Target was fulfilled.</td><td>Percentage of completed targets should be at or lower than the combined mean of all previous years. The following tracks that from 2007 to 2012. Because it's YTD, a quarter is still outstanding. Using a straight line weighting, we expect probably 2 more events to occur this year, bringing the estimated number of events to be 9. Performance Measure Target for 2012 (7 YTD+ 2 anticipated or a weighted value of 9 full road closures) was less than the combined average over the previous years (12 full road closures). Target was met.</td></tr>
<tr><td>Indicator 3.14.3(c) Percent of ITS Projects Completed</td><td>(Intentionally left blank)</td></tr>
<tr><td> 
</td><td>(Intentionally left blank)</td></tr>
<tr><td>Every year the ITS Bureau establishes its annual goals and objectives. Within it are projects that are designed to meet each of the District's ITS needs, as defined in their respective ITS plans. These projects have been categorized as near-term projects (those that are expected to be completed within a 3-month time period), mid-term projects (those that are expected to be completed within a 6-month time period), long-term projects (those that are expected be completed by year's end) and extended-term projects (those that are expected to go beyond a year for completion).

This year there was a total of 39 projects, 12 as near-term, 8 as mid-term, 13 as long-term, and 6 as extended term. All near-term projects have been completed. Four (4) of the twelve (12) were completed within the 3-month target window; six (6) were</td><td>(Intentionally left blank)</td></tr>
</table>

completed within four (4) months (first week in April); one (1) was completed within five (5) months; and one (1) was completed within six (6) months. Of the eight (8) mid-term projects, four (4) have been completed, three (3) within the six-month target window, one (1) within eight (1) months. The remaining four (4) are in progress. Three (3) of these are expected to be completed by the end of September (9-month window); the remaining mid-term project will (installation of network switch) is expected to be completed before year's end. It is in the controlled 'burn-in' phase, required for ensured reliability. Of the thirteen (13) long-term projects (once again, those that are to be completed within a year's time frame), two (2) have been completed. We expect to complete three (3) of the remaining eleven (11) within the remainder of the calendar year. The remaining nine (9) are expected to be re-classified as extended-term projects. Of the six (6) extended-term projects, two (2) are expected to be completed within this calendar year. The remaining four (4) are anticipated to begin after the new year, and come into next year's annual goals and objectives as near-term projects. The biggest gap is with the shift associated with the nine (9) long-term projects. A variety of issues attributed to this. Some of the projects have proved problematic in the lack of a communications infrastructure in the installation area (we typically use outside, private networks such as AT&T, Verizon, and regional internet service providers). When we established the projects, we anticipated service areas were going to be extended. This did not occur. We also faced an issue with the availability of qualified installation personnel. There are a limited number of providers in the Albuquerque area, and they are also being used for city and county projects. This created a demand with limited supply. Another contributing factor of this year's performance versus previous years is that we previously had access to on-call task-driven professional service contracts to assist on project design. That option was not available to us this year. It required us to rely on internal capacity for ITS projects, which in turn resulted in unavoidable delay. This year is a 50% year, meaning we cannot expend our budget beyond the corresponding percentage of the term of the fiscal year (cannot spend more than 50% before being halfway through the fiscal year). Our annual goals and objectives are established for a calendar year. To that end, most of our earlier projects (near-term and mid-term) were completed within anticipated targets. The long-term targets were compromised by this and a recent back-log (4 months) of manufacturing deliveries for ITS equipment. The effective window for installation after delivery is reduced from a 4-5 month window to two (2) months. And finally, though the number of projects is relatively consistent with previous years, the complexity and content of this year's goals and objectives created a more ambitious agenda.	

4.0 Glossary

3R Projects - Resurfacing, Rehabilitation and Restoration

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

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

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

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

The FHWA project level oversight means that FHWA will participate in the project development and construction process at specific milestones to assure compliance with Federal regulations, policies, procedures, standards and those Federal dollars are being spent appropriately.

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

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.

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

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

National Highway System (NHS) – All roadways currently identified as part of the FAHP National Highway system in New Mexico, inclusive of the interstate system.

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

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

Reconstruction – Is any improvement that adds capacity to, or alters the vertical or horizontal geometry of an existing roadway segment or facility. Typically these projects will be 4R projects.

Rehabilitation – Any improvement that does not change the vertical or horizontal geometry of an existing roadway segment. It is inclusive of safety improvements. Typically these projects will be 2R and 3R projects.

Risk-based Approach - A joint FHWA/NMDOT Risk Management Process is a tool for focusing limited resources to efficiently manage our programs through improved communication. Risk is a future event that may or may not occur and has a direct impact on the program to the program's benefit or detriment. Applying the principles of risk management to look at decisions being made about delivery of FHWA programs makes it possible to identify threats and opportunities; assess and prioritize those threats and opportunities; and determine strategies so that we can decide how to deal with future issues affecting the FAHP.

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

Stewardship - The efficient and effective management of the public funds that have been entrusted to the FHWA to deliver the FAHP as well those public funds entrusted in NMDOT for a safe and efficient transportation system.

Appendix A – Oversight Screening Criteria form

(Page 1 of 2)

FHWA New Mexico Division and New Mexico Department of Transportation Oversight Screening Criteria

Federal Project Number: _____

State Control Number: _____

Tier I Criteria	**Check One**
Projects on the NHS that alter current geometry.	
Project determined to be of high risk or importance to the Federal-aid program	

Use Tier I Criteria to determine the first line filter for Federal Oversight.

Tier II Criteria	**Risk (0-3)**
Level of Environmental Review (EIS/EA/CE)	0-3
Natural Resources	0-3
Cultural Resources	0-3
Public Controversy	0-3
Certifications (Environment, Utilities, R/W)	0-3
Project Complexity	0-3
Design	0-3
Access Control Issues	0-3
Construction	0-3
Innovative Contracting Techniques	0-3
Special Interest	
Federal	0-3
State	0-3
Local	0-3
Other	0-3

Other - Use of the “other” category is for projects which involve other Federal or State agencies (exclusive of FHWA and NMDOT). Use of the ‘other” category can extend to projects with atypical funding or legislative (State or Federal) programs.

TOTAL SCORE for Tier II	**Check One**
Full Oversight	
State Oversight	

Notes:

Concurred on by:

NMDOT_____ Date: _____

FHWA _____ Date: _____

Appendix A - Oversight Criteria Screening Form (cont'd)

(Page 2 of 2)

Tier I:

Use Tier I Criteria to determine the first line filter for Federal Oversight. If a project meets Tier I Criteria, then further review the project using Tier II for final determination. If Tier I criteria is not met, the project will be considered as State Administered.

Tier II:

Categorize a project as Federal Oversight if it scores 20 points or higher in Tier II. Use the project scores for guidance only. The final determination rests with the rating officials. Consider the size and complexity of the overall program needs as well when rating a project.

Rate each element with a score of 0 to 3, with 3 representing the higher risk or complexity. Enter the total of those scores in the TOTAL SCORE for Tier II box. Each element receives a rating. For example, if in the 'Special Interest' category, the Federal, State and Local elements each receive a rating of two (2), then the total rating for that category is six (6).

Other:
Examples of the use of the 'other' category are:

- Involvement of other Federal or State agencies
- Atypical funding
- Legislative mandates
- Experimental or innovative technology

Procedure:

FHWA's Field Operations Team Leader and NMDOT's State Construction Engineer will meet quarterly to review the list of upcoming projects and assign oversight. The first meeting will be at the beginning of each Federal fiscal year and upon STIP approval. Preliminary annual assignments will be made for the upcoming three years.

The FHWA retains responsibility of authorizing environmental documents. The FHWA's Operations Engineer, in cooperation with NMDOT, will further evaluate oversight assignment at this time and document that determination on the Screening Criteria form.

A Screening Criteria will be filled out for each project and kept in the project file. NMDOT's Construction Bureau will keep these on file for all projects. The FHWA will keep those that are Federal Oversight only. The Criteria will become part of the project records.

Risk Levels Assignment:

The level of risk associated with each element of a project in the Oversight Screen Criteria above varies from 0 to 3. A rating of 0 indicates that the project element has little or no risk associated with it; conversely a 3 would indicate that this project element has a considerable or high risk. An example of a 0 risk level would for instance be an overlay or pavement preservation project where all elements detailed above were considered and no impact to any environmental characteristic (natural resources waterways etc., cultural resources historical or tribal, Project complexity was minimal as no geometric or capacity issues were entertained, No Special Interest groups or issues were identified. e.g. equestrian or bicycle activities or groups, special political interest groups local or other, and no atypical funding or other regulatory office. e.g. Army Corp, Federal Lands, State Lands etc. were impacted by the project. The project will be reviewed twice at a minimum and the appropriate risk level assigned and final oversight responsibility developed.

Appendix B – New Mexico Division FMIS Checklist

Fed-Aid Project #: Control Number:

Reviewed by: Date:

Paperwork Needed:

1. Right-of-way Certification
   a. Cleared Certification ( )
   b. Conditional Certification with approved stipulations ( )

2. Railroad Certification
   a. Cleared Certification ( )
   b. Conditional Certification with approved stipulations ( )

3. Environmental Certification ( )
   a. Environmental Commitments ( )

4. Utility Certification
   a. Cleared Certification ( )
   b. Conditional Certification with approved stipulations ( )

5. ITS Checklist ( )

6. Fed Form ( )

7. Project Estimate ( )

In FMIS

1. Oversight Code matches most recent PMTM ( )

2. Check the type of funds used, the % of federal share and ensures it matches the type of work and project limits ( )

3. Project is on the current and approved STIP and the funds match and project limits are correct ( )

For State Administered:

1. NMDOT provided PS&E Checklist ( )

For Federal Oversight:

1. FHWA PS&E Checklist ( )

2. Value Engineering Study on projects >$25 Mil ( )

3. Life Cycle Cost Analysis (Pavements) for project >$25 Mil ( )

Appendix C – Project Documentation Checklist

Project Documentation Checklist

District _____
CN # _____
Project Description _____
Let Date _____
Project Manager _____

	On File	
1. Project Plans	☐	_____
2. Contract Documents	☐	_____
3. Project Addenda	☐	_____
4. Fed. From	☐	_____
5. Project Certification	☐	_____
a. Environmental	☐	_____
b. Railroad	☐	_____
c. Right of Way	☐	_____
d. Utility	☐	_____
e. ITS	☐	_____
6. Nine Day Letter/ Proj. Authorization	☐	_____
7. Notice of Apparent Low Bidder	☐	_____
8. Engr Estimates/ Line Item Profiles	☐	_____
9. Recommendation of Award/Concurrence of Award	☐	_____
10. Notice to proceed	☐	_____
11. Change Orders	☐	_____
12. SWPPP/Certifications	☐	_____
13 Traffic Control Plan/Certifications	☐	_____
14. Project Meetings/Daily Diaries	☐	_____
15. Miscellaneous	☐	_____

Appendix D – Nine Day Letter

New Mexico DEPARTMENT OF TRANSPORTATION

September 24, 2012

J. Don Martinez, New Mexico Division Administrator
Attention: Frank Lozano, Field Operations Engineer
Federal Highway Administration
4001 Office Court Drive, Suite 801
Santa Fe, NM 87507

Subject: Authorization Request

Dear Mr. Martinez:

The following Federal aid projects are scheduled for the Letting of October 19, 2012:

CN	E100030[1,3]	District 1
CN	LC00090[3]	District 1
CN	2100770[3]	District 2
CN	A300072[1,2,3]	District 3
CN	G500040[3]	District 5
CN	5100700[3]	District 5
CN	5100760[3]	District 5
CN	6100162R[3]	District 6

[1] Indicates Federal Oversight
[2] Indicates Alternates
[3] Indicates Project Previously Authorized

Please find attached the environmental/archaeological certification dates, required certifications, cost estimate and worksheet establishing working days for the unauthorized projects listed above. Authorization request forms for the FHWA and State oversight projects listed will be sent to you via the State Oversight Engineers.

If you have any questions or comments, please advise.

Sincerely,

Elias E. Archuleta, P.E.
Program Management Division Director

EEA: JM
cc: Ron Trujillo, David Trujillo

General Office | P.O. Box 1149 | Santa Fe, NM 87504

Appendix E – T/LGA PS&E Checklist

PROJECT DATA

Federal Project Number	
NMDOT Control Number	
Project Name	
Route Number, Section and Mileposts	
County	
Project Description	
Engineer's Estimate	
Contract ID	
Letting Date	
PS&E Checklist review complete and ready for Authorization. Engineer's Signature: _____ Date: _____	

GENERAL REFERENCES

Regulations and Guidance

- 23 CFR 630, Subpart B – Plans, Specifications, and Estimates
- 23 CFR 633, Subpart A – Required Contract Provisions – Federal-aid Construction Contracts (Other than Appalachian Contracts)

- Construction Program Guide
  - http://www.fhwa.dot.gov/construction/cqit/
- Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation
  - http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm
- Contract Administration Core Curriculum Manual and Reference Guide
  - http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm
- Development and Review of Specifications
  - http://www.fhwa.dot.gov/legsregs/directives/techadvs/t508016.htm
- Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation
  - http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm
- Also refer to the **Financial Management Checklists**:
  - Local Project Administration Policies and Procedures
  - Billing/Payment Process of State and Local Governments
  - Indirect Costs of State and Local Governments

GENERAL FEDERAL-AID REQUIREMENTS

Reference (23 CFR x)	Item	Yes	No	N/A
450.216 450.220	Is this project programmed in the currently approved STIP?			
450.322 450.324	Is this project in an MPO area?			
	If so, is it programmed in the MTP and/or TIP? MTP Ref. _____ TIP Ref. _____			
	Does the FMIS project description match the description and funds in the TIP/STIP?			
	Is the authorization request a conversion of a non Federal-aid funded project?			

	If so, does the project meet and document compliance with all Federal-aid requirements?			
	If so, does the authorization request include only those costs anticipated after authorization/obligation of funds?			
627.1	Has a Value Engineering (VE) Study been conducted? (Required for projects > $25 Million, > $20 Million for bridge projects)			
625.3(f)	Are any design exceptions incorporated into this project?			
	If so, list design exception(s): _____ __ Date Approved _____			
	Does the project involve new or revised Interstate Access?			
	If so, has the Interchange Justification/Modification Study been approved by the NMDOT and FHWA? Date Approved _____			
635-Subpart B 635.309(e)	Is the project being competitively bid?			
	Is NMDOT or local force account construction work to be utilized on this project?			
	If so, has an emergency determination, or Cost Effective Determination been approved by the NMDOT and FHWA? Type of Approval: _____ Date Approved: _____			
635.407	Are any materials to be supplied by the Local Public Agency or the NMDOT?			

	List Material(s): _____			
	If so, has a Public Interest Finding (PIF) been approved by the NMDOT and FHWA? Date Approved _____			
635.411	Are patented or proprietary materials shown in the plans or specifications? List Material(s)/Product(s): _____			
	If so, has the use of the proprietary material been approved by the NMDOT and FHWA? Date Approved _____			
Federal-aid Policy Guide G 6042.4	Are experimental features utilized on this project? List Experimental Feature(s): _____			
	If so, has a Work Plan been approved by the NMDOT and FHWA? Date Approved _____			
635.413	Warranties are approved.			
620.101 620.103	Is the project located within 2 miles of an airport?			
	If so, has the project been coordinated with FAA?			
	If so, are air-highway clearances adequate for safe movement of traffic?			
625.2(c)	Safety improvements are commensurate with level of work proposed.			
	Appropriate review of the PS&E package has been completed by the NMDOT and FHWA.			
	Plans have been approved by the appropriate official (PE if required).			
	All comments and issues from previous review reports,			

	meeting summaries, etc. been satisfactorily addressed.			
ENVIRONMENTAL				
771	Environmental documentation for the project has been approved. (select appropriate approval) □ Programmatic Categorical Exclusion (PCE) □ Categorical Exclusion □ Environmental Assessment (EA) / FONSI □ Environmental Impact Statement (EIS) / ROD Date Approved: _____			
771.129	Is a reassessment or re-evaluation of the environmental document needed?			
771.113	Required public hearing transcripts have been received and accepted.			
772.11g	Are noise walls included in the project?			
	Have environmental commitments been incorporated into the final design and contract documents? (select all that apply) □ Historic Preservation (36 CFR 800) □ Stream/Wetland Mitigation (23 CFR 777) □ Noise Abatement (23 CFR 772) □ Section 4f (23 CFR 771.135) □ Endangered Species Act (50 CFR 402.12(c)) □ Other _____			
635.407	Public interest findings are documented for mandatory waste or borrow sites.			
	Have all environmental permits for the project been secured?			
	Is the contractor responsible for obtaining any permits or external agency approvals for this project?			
	If so, what Permit/Agency Approval(s) are required? _____			

RIGHT-OF-WAY				
635.309	ROW certification has been approved. Date Approved: _____			
	ROW acquisition and relocation is complete.			
	The acquired ROW is adequate to facilitate construction of the project.			
	If the ROW will not be clear prior to authorization, are proper stipulations contained in the proposal?			
	If so, list restrictions on the contractor: _____ __			
	If so, when is it estimated the Right-of-Way will be clear? _____ __			
UTILITIES				
635.309	Utility certification has been approved. Date Approved: _____			
	Have utility agreements for all utilities affected by this project been completed and approved?			
	Have all utilities affected by this project been relocated or will be relocated prior to advertisement?			
	If all utilities have not been relocated prior to advertisement, does the proposal include a special provision stipulating utility coordination with the prime contractor for each utility?			
	If utility relocation is required, the approved NTC is included in the contract documents.			
RAILROAD				
635.309	Railroad certification has been approved. Date Approved: _____			

646	Does the project require use of or adjustment of railroad facilities?			
646.107	If so, railroad insurance is provided.			
646.216(d)	If so, agreement is in writing between the NMDOT and Railroad.			
646.214(b)	If so, adequate railroad grade crossing warning devices are provided.			
WORK ZONE				
	Work Zone checklists J and K have been completed.			

Comments:

PLANS

Reference	Item	Yes	No	N/A
	Consultant design Name of consultant: _____			
	Do the contract plans contain the following:			
	Cover Sheet, Vicinity Map, Index, General Notes			
	Typical Sections			
	Summary of Quantities			
	Plan Sheets			
	Profile Sheets			

	Drainage Sheets			
	Cross Sections			
	Traffic Control Plans			
	Signing and Striping Plans			
	Lighting Plans			
	Traffic Signal Plans			
	Special Detail Sheets			
	Structure/Bridge Plans			
	Utility Relocation Plans			
	Other: _____			
	Does the cover sheet include all required information (project number, NMDOT control number, termini, county, route, milepost, etc.)?			
630.205	Do the contract plans describe the location and design features and the construction requirements in sufficient detail to facilitate construction and the estimation of construction costs of the project?			
	Does the project utilize the current version of the NMDOT Standard Drawings?			
	Are local standard drawings, sepia drawings, or special details incorporated into the project?			
	If so, have they been reviewed and approved by NMDOT and FHWA? Date Approved: _____			
	Are the details, typical sections and profile sheets adequate to show the complexity of work?			
	Have all pay items been checked against the construction plans?			
	Have all bridge plans been reviewed by Division Bridge/Structures Engineer and comments resolved?			

	Are Right-of-Way, easement, and control of access lines shown on the plans?			
635.309(j)	Appropriate measures to ensure environmental conditions and commitments are met are clearly shown on the plans.			
635.309(i)	Have provisions to minimize water pollution and soil erosion been included in the plans?			
625.3 625.4	Have geometric design standards been met for:			
	Design Speed			
	Lane Width			
	Shoulder Width			
	Structural Capacity			
	Horizontal Alignment			
	Vertical Alignment			
	Grades			
	Stopping Sight Distance			
	Cross Slope			
	Super elevation			
	Horizontal Clearance			
	Vertical Clearance			
626	Is the pavement design adequate?			
625	Does the design conform to Federal-aid design standards for geometric and structural design of highways and/or NMDOT policy and guidance manuals?			
	Are the clear zone and safety appurtenances provided for this project in accordance with the current edition of the AASHTO Roadside Design Guide?			
655.603	Are all traffic control devices provided with this project			

635.309(n)	consistent with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD)?			
	Construction			
	Permanent			
630 (J)	Is a temporary traffic control plan provided and consistent with regulations on Work Zone Safety & Mobility?			
	Has the Transportation Management Plan (TMP) been approved by NMDOT and FHWA? Date Approved: _____			
630.1012	Traffic management plan is approved and included.			
652	Are appropriate accommodations provided for bicyclists and pedestrians along the project and intersecting roadways?			
	Are pedestrian facilities designed in accordance Americans with Disabilities Act requirements? (http://www.access-board.gov/)			
652.7(b)	Are pedestrian and bike routes pursuant to an overall plan?			
650.117	Is the required hydraulic data shown on the plans?			
	Are the details sufficient to describe the required installation of drainage facilities including culverts, erosion control structures, headwalls, inlets, and manholes?			
	Overall plan quality is generally acceptable.			

Comments:

CONTRACT DOCUMENTS

Reference	Item	Yes	No	N/A
	Does the project utilize the current version of the NMDOT Standard Specifications?			
	Are local specifications or supplemental specifications utilized on the project?			
	If so, have they been reviewed and approved by the NMDOT and FHWA? Date Approved: _____			
630.205	Special Provisions and Supplemental Specifications are satisfactory.			
635.309(j)	Special Provisions contain commitments for environmental mitigation (which is contained in the environmental documentation).			
630.205(b)	Specifications contain the written instructions for constructing the project.			
	Supplemental Specifications cover new or additional construction items or substantial changes regarding items not included in the standard specifications.			
	Are all pay items covered by an appropriate specification that agrees with the plans for basis of payment?			

	Detailed description of the work, materials, construction methods, measurement method, basis of payment, and pay item for each item of work is outlined.			
	Contract time is acceptable.			
	Appropriate documents from the NMDOT "Boiler Plate for Federal Funded Projects" have been included in the contract documents. http://nmshtd.state.nm.us/upload/images/Local_Government_Agreement_Unit/Boiler%20Plate%20for%20Federal%20Projects.pdf			

Comments:

ESTIMATES

Item	Yes	No	N/A
Does the estimate include a pay item for all work included in the plans?			
Are all estimated unit prices reasonable and comparable to average unit bid prices or construction industry trends?			
Are Federal-aid non-participating items included in this project?			
If so, non-participating items separately listed in the estimate and/or plans include items: _____			

Is the amount of the estimate consistent with the amount of Federal-aid funding requested for the construction phase?			
Engineer's Estimate unit prices are reasonable for the areas, times, and characteristics of the work to be done.			
Unit prices have been reviewed to determine if changes in estimated unit prices are needed to reflect any trends that have occurred within the past 3-6 months.			
Incentive/disincentive or escalation clauses have been considered in determining the estimated unit costs.			
Estimate includes an item number, description of the item, estimated quantity, unit, and price for each proposed item of work.			
Haul road restoration item is provided.			
State option borrow costs are provided.			
Salvage credit is shown.			
Utility and railroad force account work is covered.			
Class and breakdown of funding are correct for highway classification.			

Comments:

Appendix F - Acronyms

This Appendix contains Acronym and then spells out what each letter in the acronym represents.

Acronym	Definition of Acronym
AA/EEO	Affirmative Action/Equal Employment Opportunity
AASHTO	American Association of State Highway and Transportation Officials
AC	Advance Construction
ADA	Americans with Disabilities Act
Agreement	The FHWA and NMDOT Stewardship and Oversight Agreement
ARRA or Recovery Act	American Recovery and Reinvestment Act
BAC	Blood Alcohol Content
BMS	Bridge Management System
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CO	Change Order
CY	Calendar Year
DBE	Disadvantaged Business Enterprise Program
DOT	Department of Transportation
EA	Environmental Assessment
NMEDB	NMDOT Environmental Design Bureau
EIS	Environmental Impact Statement
EO-12898	Executive Order 12898 on Environmental Justice
EPA	Environmental Protection Agency
FAHP	Federal-aid Highway Program
FAPA	Federal-aid Project Agreement
FAPG	Federal-aid Program Guide
FARS	Fatal Accident Reporting System

FAPG	Federal Aid Policy Guide
FHWA	Federal Highway Administration
FIRE	Financial Integrity Review and Evaluation
FFY	Federal Fiscal Year
FMIS	Financial Management Information System
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
GARVEE	Grant Anticipation Revenue Vehicle
HBP	Highway Bridge Program
HPMS	Highway Performance Monitoring System
HQ	Headquarters
HSIP	Highway Safety Improvement Program
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITS	Intelligent Transportation Systems
LPA	Local Public Agency
LRTP	Long Range Transportation Plan
LTAP	Local Technical Assistance Program
MBE	Minority Business Enterprise
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MUTCD	Manual on Uniform Traffic Control Devices
NBI	National Bridge Inventory
NBIS	National Bridge Inspection Standards
NEPA	National Environmental Policy Act of 1969
NHS	National Highway System
NHTSA	National Highway Traffic Safety Administration

NMDOT	New Mexico Department of Transportation
NMEDB	NMDOT Environmental Design Bureau
NOI	Notice of Intent
OIG	Office of Inspector General
OJT	On-the-Job Training
OMB	Office of Management and Budget
PDIT	Program Delivery Improvement Tool
PE	Preliminary Engineering
PIF	Public Interest Finding
PL	Public Law
PMP	Project Management Plan
PMS	Pavement Management System
PS&E	Plans, Specifications and Estimates
PSI	Pavement Serviceability Index
PSR	Present Service Rating
QC/QA	Quality Control/Quality Assurance
RFP	Request for Proposal
ROD	Record of Decision
ROW	Right of Way
RPO	Regional Planning Organization
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005
SEP-14	Special Experimental Project – 14
SEP-15	Special Experimental Project – 15
SHSP	Strategic Highway Safety Plan
SHS	State Highway System
SIB	State Infrastructure Bank
SOC	Stewardship and Oversight Committee

SRTS	Safe Routes to School
STIP	State Transportation Improvement Program
TEA	Transportation Enhancements
TEA-21	Transportation Equity Act for the 21st Century of 1998
T/LPA	Tribal / Local Public Agency
Title IV	Title IV of the Civil Rights Act of 1964
Uniform Act	Uniform Relocation Assistance and Real Property Acquisitions Act of 1970
USC	United States Code
USDOT	United States Department of Transportation
VE	Value Engineering
VMT	Vehicle Miles Traveled