

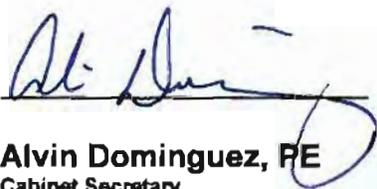
# NEW MEXICO DEPARTMENT OF TRANSPORTATION FEDERAL-AID HIGHWAY PROGRAM STEWARDSHIP AND OVERSIGHT AGREEMENT

**February 16, 2011**  
*Revision 0*

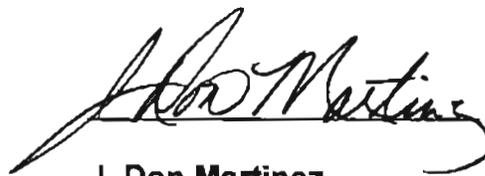
*This agreement supersedes all previous Stewardship and Oversight Agreements  
between the NMDOT and NM Division of the FHWA.*

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

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



**Alvin Dominguez, PE**  
Cabinet Secretary  
New Mexico Department of Transportation



**J. Don Martinez**  
FHWA, NM Division Administrator



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# 1.0 Introduction

## 1.1 Purpose

The purpose of this Stewardship Agreement is to formalize the roles and responsibilities of the Federal Highway Administration, New Mexico Division (referred to as FHWA), and the New Mexico Department of Transportation (NMDOT) in administering the Federal-Aid Highway Program.

This Stewardship Agreement outlines a consistent risk-based approach for the FHWA, and the NMDOT to effectively and efficiently manage public funds and to ensure the Federal-Aid Highway Program is delivered in accordance with applicable laws, regulations, policies, and consistent with good business practices.

This Agreement outlines the framework by which the FHWA and the NMDOT will administer the Federal-Aid Highway Program 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.

## 1.2 Background

Federal funding is provided to assist states to provide transportation services through the **Federal-Aid Highway Program (FAHP)**. Many of the programs within the FAHP provide federal assistance for state administered programs.

The flexibility afforded in: **ISTEA**, the Intermodal Surface Transportation Efficiency Act of 1991; **TEA-21**, the *Transportation Equity Act for the 21<sup>st</sup> Century of 1998*; and **SAFETEA-LU**, the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005* has allowed states to assume the U.S. Department of Transportation Secretary's responsibilities for design, plans, specifications, estimates, contract awards, and inspection of Federal-Aid projects.

Section 106 of Title 23, United States Code (USC), requires the FHWA and the NMDOT to enter into an agreement that documents the delegation of responsibilities.

- SAFETEA-LU further defined the requirements of stewardship and oversight responsibilities including increased efforts pertaining to major projects. SAFETEA-LU builds on the foundation of the two previous transportation laws that brought surface transportation into the 21st century, ISTEA and TEA-21.
- SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance while giving state and local transportation decision makers the ability to enhance transportation systems and implement innovative solutions to transportation challenges.
- Section 1016 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 gave the states the option to 'exempt' the FHWA from its traditional review and approval functions for the design and construction of certain Federal-Aid projects.

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 the NMDOT and the FHWA NM Division will review the document on a bi-annual basis. Each organization has the opportunity to make a change to the document at any time when there is mutual agreement that the change(s) is necessary. This document will also be modified to reflect changes in authorization or regulations.

## 1.3 Terminology

In order to ensure that 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 Federal Highway Administration to deliver the Federal-Aid Highway Program as well those public funds entrusted in the NMDOT for a safe and efficient transportation system.*

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

**Oversight** means the act of ensuring that the Federal-Aid Highway Program is delivered consistent with laws, regulations and policies.

Oversight is the compliance or verification component of FHWA stewardship activities that in turn ensures high-quality transportation projects. Narrowly focused, oversight activities ensure that the implementation of the FAHP is done in accordance with the applicable laws, regulations, and policies. More broadly focused oversight activities enable the 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 at specific milestones to assure compliance with federal regulations, policies, procedures, and standards and that federal dollars are being spent appropriately.

**NMDOT project level oversight** includes taking over FHWA responsibilities for all reviews and approvals associated with the design and construction, including final inspection, of Federal-Aid projects.

**Risk-based Approach** means 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 the 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 Federal-Aid Highway Program.

## 1.4 Scope

This Stewardship Agreement outlines the project approval and oversight activities for Federal-Aid projects that NMDOT has assumed within ISTEA, TEA-21, and SAFETEA-LU. These Transportation Bills have transferred responsibility to the States for the design, plans, specifications, estimates, contract awards and inspection of many Federal-Aid projects.

The Stewardship Agreement outlines the mechanisms that NMDOT will use to establish roles, responsibilities, and processes to ensure that all project and program actions will be carried out according to the appropriate laws, regulations, and policies. These responsibilities also apply to projects administered by local agencies.

The FHWA and the NMDOT administer the FAHP through continuous program and project evaluation, and utilize a number of management tools to monitor the health of the FAHP. Program level performance indicators/measures and other strategies such as the Risk Management Framework and the Program Delivery Improvement Tool (PDIT),

NMDOT/FHWA Process Review program, and FHWA's Financial Integrity Review and Evaluation (FIRE) Program, are utilized to evaluate the health of New Mexico's FAHP. The NMDOT and FHWA will jointly conduct annual process reviews of selected areas of the NMDOT programs, as agreed to by both the NMDOT and FHWA.

FHWA and/or NMDOT will provide oversight and stewardship on the following Federal-Aid projects and programs:

- Planning and Air Quality
- Environment
- Right of Way
- Safety
- Design and Construction
- Pavements and Materials
- Structures
- Maintenance and Operations
- Intelligent Transportation Systems
- Financial Management
- Research
- Civil Rights

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

## 2.0 Stewardship Agreement

Under Title 23, FHWA is ultimately accountable for all programs under the Federal-Aid Highway Program; however, the State will assume responsibility for project-level activities associated with 23 USC 106 as described in Section 2.

### 2.1 Oversight Screening Criteria

All projects detailed below will be subject to a risk assessment to determine oversight responsibility. Risk assessment documentation will become part of the permanent record of each project.

Section 2.2 defines State and FHWA administered projects. The office responsible for a specific project type will perform a risk analysis to confirm oversight. **The Oversight Screening Criteria and instructions for completion and administration of those criteria are located in Appendix A of this document.** Assessment will be conducted on every project upon STIP approval and at the time of any STIP amendments, reassessment will be conducted at PE/Environmental Document Approval.

The agency responsible for oversight will review and approve project designs, special contract provisions, addenda, changes in contract, change orders, time extensions, claims, etc. and conduct project inspections. Projects must comply with all Federal-Aid requirements contained in Title 23.

### 2.2 Delegated Program and Project Responsibilities

## **2.2.1 State Administered Projects- NMDOT**

As a condition to accepting Federal-Aid highway funds, NMDOT agrees to follow all applicable project and program requirements. Oversight will be performed in the same manner as if it is done by FHWA. NMDOT will assume responsibility for project-level activities associated with section 106 of 23 U.S.C. On these projects, NMDOT will be responsible to assure compliance with the current accepted design standards.

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

### **2.2.1.1 Projects on Non-NHS Federal-Aid highways and projects on public roads which are not Federal-Aid highways**

The NMDOT assumes the responsibilities of the FHWA for all reviews and approvals associated with the design, construction, award, and final inspection of Federal-Aid projects off the NHS.

### **2.2.1.2 Projects on the NHS Including the Interstate System**

If a project is designated as State Administered, the NMDOT will assume the responsibilities of the FHWA for all reviews and approvals associated with the design and construction, including final inspection, of Federal-Aid projects.

### **2.2.1.3 Local Transportation Facilities**

When a local government becomes the implementing agency of a construction project 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. 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.

### **2.2.1.4 Compliance with Federal Requirements**

Certain Title 23 requirements dealing with transportation planning, procurement of professional services, disadvantaged business enterprise, wage rates, advertising and award of bids, convict produced materials, Buy America provisions and all non-

Title 23 requirements as shown in Federal Responsibilities, Paragraph 5, apply to all Federal-Aid projects.

**2.2.1.5 NMDOT may invite FHWA to be involved in NMDOT oversight projects.**

## **2.2.2 Federal Oversight Projects- FHWA**

**2.2.2.1 The FHWA will assume oversight** on projects on the NHS in accordance with the risk analysis set forth in this agreement. This will generally include the following:

- Addition of capacity to existing corridor (rail or highway)
- Roadway relocation
- Major widening
- Reconstruction of bridges, interchanges and overcrossings
- All projects using emergency relief funds (unless project level oversight authority is specifically waived by FHWA and projects on major bridges)

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

**2.2.2.2 State Administered Projects-** the FHWA will monitor project compliance through program reviews, process improvement studies and verifications.

**2.2.2.3 Other Project Involvement** - The FHWA in consultation with the NMDOT may become actively involved with any Federal-Aid transportation project, including those for which the NMDOT has assumed FHWA's responsibilities, when unique circumstances arise or when program or process reviews are being conducted.

**2.2.2.4 Technical Assistance** - The FHWA is prepared to provide technical assistance to the NMDOT or local agencies on any aspect of an eligible Title 23 project including intermodal transportation projects. Technical assistance activities will be decided on a case-by-case basis in consultation with the NMDOT, other partners and the FHWA. The FHWA will continue to focus their time and effort on improving processes and procedures, in cooperation with the NMDOT.

**2.2.2.5 Non-Title 23 Responsibility** – The FHWA will continue to assume responsibility for Federal actions for all projects required under laws outside of Title 23, including, but not limited to:

- Activities for compliance with Section 102 (2)(c) of the National Environmental Policy Act (NEPA) of 1969
- Activities for compliance with Section 4 (f) of the Department of Transportation Act of 1966
- Civil Rights Act of 1964
- Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 Part 24.
- Disadvantaged Business Enterprise Program (DBE)
- Clean Air Act Amendments
- Requirements of the Americans with Disabilities Act (ADA)

## **2.3 Conflict Resolution Process**

Both the NMDOT and the FHWA encourage all disagreements that involve any process or procedure involved in stewardship of the FAHP to be resolved at the lowest possible level of the organization. If disagreements emerge the impasse shall be escalated as shown below. Table 2.2-1 represents the hierarchy that shall be used to reach a decision in the event of a disagreement between the NMDOT and the FHWA. 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.

NMDOT	FHWA
<ul style="list-style-type: none"> <li>▪ Regional Manager</li> <li>▪ Environmental Program Manager</li> <li>▪ Engineering Support Manager</li> <li>▪ Project Manager</li> <li>▪ District Construction Engineer</li> </ul>	<ul style="list-style-type: none"> <li>▪ FHWA Operations Engineer</li> <li>▪ FHWA Program Manager</li> <li>▪ NMDOT Construction Liaison Engineer (acting on behalf of FHWA)</li> </ul>
<ul style="list-style-type: none"> <li>▪ District Engineer</li> <li>▪ Chief Engineer</li> <li>▪ Highway Operations Engineer</li> <li>▪ Comptroller</li> </ul>	<ul style="list-style-type: none"> <li>▪ FHWA Planning &amp; Programming Team Leader</li> <li>▪ FHWA Field Operations Team Leader</li> <li>▪ NMDOT State Construction Engineer</li> <li>▪ FHWA Financial Manager</li> </ul>
Deputy Secretary	Assistant Division Administrator
Cabinet Secretary	Division Administrator

**Table 2.3-1; Conflict Resolution Process**

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 the FHWA 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 the FHWA Assistant Division Administrator to discuss the issues and come to a resolution. If an agreement cannot be reached, the issue will be escalated to the highest level, the NMDOT Cabinet Secretary and the FHWA Division Administrator, and a meeting date established within 2 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 furnished to all involved agencies and included in the project file.

FHWA seeks to assist NMDOT in spending Federal-Aid funds appropriately in the public interest. Toward that end, the Division will make use of available regulatory flexibility when in the public interest. The Division commits that it will provide an explanation of the rationale and decision-making process when flexibility does not exist.

## **2.4 Oversight Authority and Miscellaneous Stipulations**

The NMDOT recognizes its responsibility and accepts authority for managing Federal-Aid funds. Inherent in this assumption is that the NMDOT accepts the additional risk commensurate with its authority. Non-compliance with federal requirements can have consequences in terms of Federal-Aid 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.

#### **2.4.1 FHWA Full Oversight Authority**

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

- Plan, Specifications, and Estimates Approval
- Approval of Design Exceptions;
- Contract Addenda;
- Contract Concurrence in Award;
- Contract Change Order Approval
- Approval of Contract Claims Settlement;
- Final Inspection;
- Project Acceptance.

#### **2.4.2 Exceptions**

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

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

#### **2.4.3 Advance Construction**

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

#### **2.4.4 Bonding**

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

#### **2.4.5 Special Experimental 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.

## **2.5 Implementation of Oversight Agreement**

NMDOT and the FHWA agree to manage the implementation of this agreement by development of a joint Stewardship and Oversight Committee (SOC) which will oversee the Federal-Aid Program 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/Revise the Stewardship and Oversight Agreement annually, based on program health throughout the year
- Develop a Performance Indicators Dashboard comprised of the critical performance and compliance indicators contained within this agreement, and any additional measures deemed appropriate to meet State mandates. They will conduct an assessment no less than bi-annually, and facilitate actions to address program weaknesses
- Meet quarterly, rotating focus topics based on the oversight functions and Strategic Planning Cycle
- Annually conduct a joint Program Assessment/Risk Assessment, and define needed Program Reviews for the following year

### **2.5.1 Stewardship and Oversight Committee Membership**

The Stewardship and Oversight Committee (SOC) membership will include, at a minimum, the FHWA Assistant Division Administrator, the FHWA Field Operations Team Leader, the FHWA Planning Team Leader, the FHWA Financial Manager, the FHWA Program Management Analyst, the NMDOT Chief Engineer, the NMDOT Deputy Chief Engineer, the NMDOT Operations Division Director, the NMDOT State Construction Engineer, the NMDOT General Manager of Highway Operations, and the NMDOT Quality Manager. Ad hoc membership will be at the discretion of the SOC based on results from oversight activities.

### **2.5.2 Methodology**

**2.5.2.1 Define/Redefine Stewardship & Oversight Agreement w/Critical Performance Indicators, and update annually** – Based on FAHP Stewardship/Oversight Agreement Guidance, dated April 14, 2006, and Information Memorandum: Section 1904 of SAFETEA-LU Oversight Program Implementing Guidance, dated December 19, 2006, the FHWA Division Office, in agreement with the NMDOT, will develop an Agreement with outlined performance/compliance indicators that periodically gauge the health (effectiveness) of the delegated responsibilities.

**2.5.2.2 Define Dashboard that incorporates S&O Critical Performance Indicators** – Develop a dashboard based on the Critical Performance Indicators outlined within the Stewardship and Oversight Agreement. At the discretion of the FHWA, if the state meets or improves the Critical Performance Indicators, this may allow the State to request increased levels of Oversight Authority. Not meeting any or all of the Critical Performance Indicators allows the FHWA to rescind certain levels of State Oversight Authority. While the ability to request increased levels of Oversight Authority may be requested by the State, it is still the ultimate authority of FHWA to make the determination of appropriateness.

**2.5.2.3 Monitor success of meeting/ Improving Performance Indicators** – On a bi-annual basis, the Dashboard performance indicator results will be presented to NMDOT Executive Team by the NMDOT Quality Manager for

review of compliance to established performance levels; then assessed and a determination of action required made. The SOC will then review determinations for appropriateness and take action only when necessary to further the efficiency and effectiveness of the Federal-Aid program in New Mexico.

**2.5.2.4 Review Critical Performance Indicators for appropriateness** – Part of the Program Assessment/Risk Assessment will provide the information to determine if the Critical Performance Indicators are still the “best representation of program health” and enable true monitoring of the program, or if they need to be redefined.

**2.5.2.5 Conduct Program Assessment/ Risk Assessment** – Based on FHWA Memorandum: Risk Management Planning for 2007, dated May 10, 2007 and Risk Management techniques, the FHWA and State will conduct annual joint Risk Assessments of each functional area to prioritize oversight initiatives and focus reviews where needed. The result of these assessments will determine:

- If coordination between the NMDOT Construction Bureau and the FHWA New Mexico Division Office ensured that ‘State Administered’ projects are conducted in accordance with 23 C.F.R. and related regulations; and that the State will be allowed to maintain, increase or decrease Oversight Authority levels.
- If the Stewardship and Oversight Agreement requires revision and/or updates.
- Program Areas that are high risk and require a focused Program Review to determine a corrective plan of action.
- If the Critical Performance Indicators are still the “best representation of program health” and enable true monitoring of the program, or if they need to be redefined.
- If the current Quality Assurance Review Process provides appropriate infrastructure and monitoring of the FAHP.

**2.5.2.6 Define Program Reviews and monitor completion** – The SOC will 1) define Program Reviews that will be undertaken for the year, 2) provide oversight to the Program Review Program (i.e. Scope of Work development, team formation, reporting), 3) follow-up on implementation of Program Review recommendations and resolutions; agreeing to take appropriate actions on specific projects, regardless of the previous assignment of project authority, to ensure the effective implementation of the Federal highway programs.

**2.5.2.7 Review of Project phases and records** - The NMDOT will grant FHWA at any time access to and review of project phases and records under this agreement. Regulations require that records be retained for a minimum of 3 years or until litigation, claims, or audit findings initiated before the expiration of the 3-year period have been resolved.

## 3.0 Responsibilities 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.

A “FHWA Required Actions List” has been included in the FHWA Organization subheading of each subsection. This will help to delineate the actions that are required through the 23 Code of Federal Regulations (CFR) and Federal-Aid Policy Guide (FAPG).

Under this Stewardship/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. The FHWA Operations Engineers are responsible for the oversight activities and the FHWA Program Managers are responsible for the stewardship activities. In many instances, the Operations Engineers may be responsible for both stewardship and oversight. The Program Managers are responsible for relating policy, providing technical assistance, working with other federal agencies and guiding their programs on a statewide basis. Both the Operations Engineers and Program Managers are responsible for ensuring quality assurance (QA) of the entire 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 Environment**

### **3.1.1 Environmental Program Method of Operation**

For the environmental function, the FHWA maintains ultimate responsibility and approval authority for all activities requiring federal actions. Interagency coordination and stewardship are maintained through routine contacts in person, by telephone, by electronic mail, and in writing, during the course of transacting normal business operations. Contact normally occurs between the FHWA Environmental Program Manager (ENV PM), 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 tantamount to successfully ensuring statewide consistency in intergovernmental working relationships. NMDOT and FHWA personnel must communicate through appropriate channels within organizations and between organizations. Along these lines are critical times of communications where urgency may require detours from usual protocols or chain of command. Examples might be: public health, 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 that verifies the decision-making process that ultimately leads to a final design.

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 on Environmental Justice 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 US Fish and Wildlife Service, the Corps of Engineers, the Environmental Protection Agency, the State Historic Preservation Office, the New Mexico Department of Game and Fish, the New Mexico Environment Department, etc.).

**Table 3.1-1 FHWA Environmental Required Action List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, F = Forward					
<b>E Environmental</b>					
1.	Class of document determination	23 CFR 771.115 Thru 119	R & A	As submitted by NMEDD	OE and ENV PM
2.	Filing of Notice of Intent	23 CFR 771.123	R & A	As submitted by NMEDD	OE and ENV PM
3.	Environmental Assessment	23 CFR 771.119	R & A	As submitted by NMEDD	OE
4.	Finding of No Significant Impact (FONSI)	23 CFR 771.121	R & A	As submitted by NMEDD	OE
5.	Draft Environmental Impact Statement (EIS)	23 CFR 771.123	R & A	As submitted by NMEDD	DA
6.	Final EIS	23 CFR 771.125	R & A	As submitted by NMEDD	DA
7.	Record of Decision (ROD)	23 CFR 771.127	R & A	30 days after publishing final EIS As submitted by NMEDD	DA
8.	EIS written re-evaluations	23 CFR 771.129	R & A	If no action is taken within 3 years after final EIS As submitted by NMEDD	ENV PM
9.	Section 4(f) programmatic	23 CFR 771.135	R & A	As submitted by NMEDD	ENV PM
10.	Section 4(f) individual	23 CFR 771.135	R, A, F to USDOJ	As submitted by NMEDD	ENV PM
11.	Section 106 evaluation and consultation	23 CFR 771.133	R, A, F to ACHP	As submitted by NMEDD	ENV PM
12.	Section 7 consultation	23 CFR 771.133	R, A, F to USFWS	As submitted by NMEDD	ENV PM
13.	Categorical Exclusions	23 CFR 771.117	R, A, F	As submitted by NMEDD	ENV PM
13.	Wetland Findings	23 CFR 777	R & A	As submitted by NMEDD	ENV PM
14.	Annual reporting of wetland impacts and mitigations	23 CFR 777	R, F to HQ	Annually by NMEDD	ENV PM
15.	Annual reporting of T & E Expenditures	ESA	R, F to HQ	Annually by NMEDD	ENV PM
16.	Annual reporting on noise walls	23 CFR 772	R, F to HQ	Annually by NMEDD	ENV PM

NMEDD – NMDOT Environmental Design Division personnel  
 DA - FHWA Division Administrator  
 ENV PM - FHWA Environmental Program Manager  
 OE - FHWA Operation Engineers

**3.1.2 Environmental Program Implementation**

FHWA and NMDOT review all environmental documents. FHWA attends public hearings and other project development meetings on a review-level and as-needed basis. NMDOT is the

primary project level administrator. Both agencies monitor news articles to assess the quality of work being planned and developed by the 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 the 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 Environmental Design Division and the FHWA 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. NMDOT's Environmental Guidelines and Location 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. FHWA's Environmental Guidance and Procedures and Programmatic Categorical Exclusions process agreement will be updated as FHWA HQ produces new materials.

### 3.1.3 Environmental Performance/Compliance Indicators

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

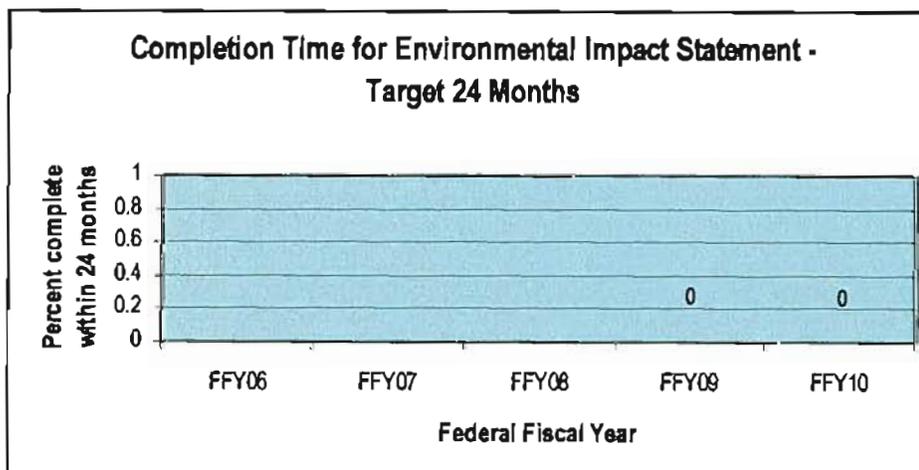
<b>1A) Completion Time for Environmental Documents Percent of EAs complete within the target of 90 days</b>	<b>FFY 06</b>	<b>FFY 07</b>	<b>FFY 08</b>	<b>FFY 09</b>	<b>FFY 10</b>
<u>Indicator:</u> The target completion time for an Environmental Assessment (EA) is 90 days. This timeframe is measured from the signature of the Phase B report to the signature of a Finding of No Significant Impact (FONSI).					
<u>Reporting Instrument:</u> Completion times are compiled for EA and EIS documents are compiled from information FHWA Reporting. A list of all EAs and EISs completed in the reporting period identifying the length of time along with a project description.					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					

<b>FFY 10</b>			
<b>CN</b>	<b>Scope/Location</b>	<b>Phase B</b>	<b>FONSI</b>
D6008	NM 4 Bridges	No Phase B	9/1/10
2384	US 58-Ponil Creek	Sometime in the late 1990s	8/11/10
4049	US 70, Portales	12/1/09	7/30/10
3927	NM 2	Unknown	7/30/10

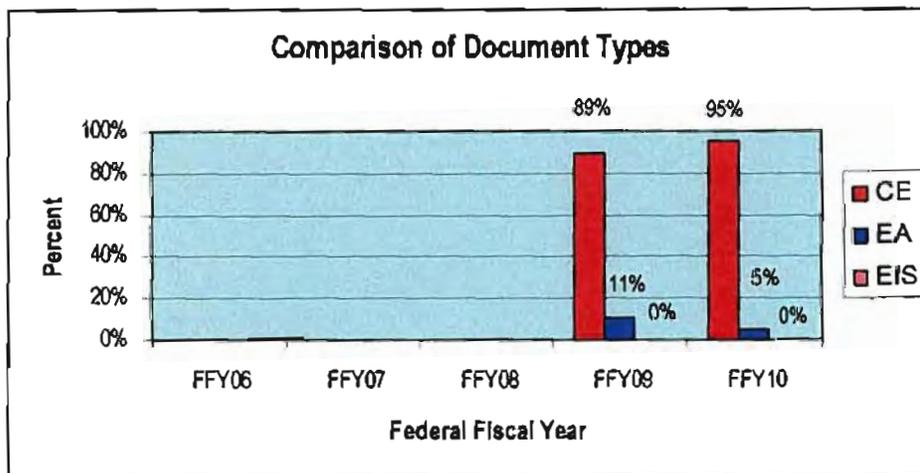
3827	Canal St. Reconstruction	6/4/09	2/23/10
ES31130	NM 22, Santo Domingo	No Phase B	2/10/10
G2b13	I-25 recon from NM 472-US 550	Unknown	1/10/10
ES 21340	Artesia ARRA project	No Phase B	12/1/09
ES11230	Del Rey Boulevard	No Phase B	10/30/09
3303	Bayard Street	3/15/06	10/6/09
<b>FFY 09</b>			
G2622	US 380, Priest Gulch Bridge	5/4/09	10/6/09
G18A3	I-10/NM 404 Interchange	12/6/07	8/18/09
CF 707	Las Vegas Grand Avenue	9/15/08	8/6/09
1100030	I-10/I-25 Interchange	12/6/07	6/25/09
G18A2	I-10 from Las Cruces-Tx	12/6/07	4/27/09
G2a13	I-25 recon from Tramway-NM 473	Unknown	4/20/09
GRIP	NM 599 Rail Runner Station	No Phase B	12/5/08

\*\*The performance measure does not take into account projects that are postponed for long periods of time between the Phase B and the environmental clearance. Ninety days may not be an appropriate goal. Also, not all projects that require an EA have a Phase B report and a different initiation date that is universal to all projects may be more appropriate.

<b>1B) Completion Time for Environmental Documents</b> <b>Percent of EISs complete within the target of 24 months</b>	<b>FFY 06</b>	<b>FFY 07</b>	<b>FFY 08</b>	<b>FFY 09</b>	<b>FFY 10</b>
<u>Indicator:</u> The target completion time for an Environmental Impact Statement (EIS) is 24 months, measured from the Notice of Intent (NOI) in the Federal Register to the Record of Decision (ROD) signature.				0	0
<u>Reporting Instrument:</u> Completion times are compiled for EA and EIS documents are compiled from information FHWA Reporting. A list of all EAs and EISs completed in the reporting period identifying the length of time along with a project description.					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					



2) Comparison of Documentation Types to National Baseline	FFY 06	FFY 07	FFY 08	FFY 09	FFY 10
<u>Indicator:</u> Alignment with National environmental documentation statistics with a targeted goal of environmental documentation <b>ratio per 100 documents of 92:7:1 (CE:EA:EIS).</b>					
<u>Reporting Instrument:</u> Percentage of Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					
<b>CE</b>				81	136
<b>EA</b>				10	7
<b>EIS</b>				0	0
* Note that FHWA New Mexico Division will track review times for all documents requiring approval in order to determine appropriate response time frames.					



## 3.2 Right-Of-Way

### 3.2.1 Right-of-Way Method of Operation

The FHWA New Mexico Division's relationship with NMDOT's Right-of-Way (ROW) program has historically been a very close working relationship that strives to identify best practices and training opportunities, and maintain good communications.

The operation from the agencies perspective includes the maximum delegation of authority to NMDOT. This offers the greatest possible innovation and flexibility to administer the ROW

program. In this regard, the NMDOT ROW operations manual, known as the Right of Way Handbook, is an important tool.

Coordination and oversight are maintained through meetings, and routine contacts in person, in writing and by phone, during the course of business. Contacts are normally between the NMDOT ROW personnel and the FHWA ROW Program Manager.

**Table 3.2-1: FHWA Right-of-Way Required Action List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
RW	Right-Of-Way				
1.	State ROW Handbook Certification	23 CFR 710.201	R & A	Every 5 years beginning 1/01/2001	RWPM
2.	State ROW Handbook Updates	23 CFR 710.201(c)(3)	R & A	As needed or as submitted by State	RWPM
3.	Requests for waivers of Federal Regulations	23 CFR 1.9	R & A	As needed or as submitted by State	RWPM/DA
4.	Local Public Agency Oversight	23 CFR 710.201(h)	Periodically R for C (State takes action)	As needed	RWPM
5.	FHWA Annual Acquisition and Relocation Statistics Previous form FHWA 1434, 1424	FHWA Order 6540.1	Prepare & submit to HQ	Annually by Nov. 15	RWPM
6.	Use of ROW Air Space authorization request (on Interstate system)	23 CFR 710.405	R & A	Project by project	RWPM
7.	Use of ROW Air Space authorization request (off Interstate system)	23 CFR 710.405	Periodically R for C (State takes action)	As needed	PAMD
8.	Access Break / ROW Disposal authorization request (if on Interstate system or fair market value not charged)	23 CFR 710.401 & 409	R & A	Project by project	RWPM
9.	Access Break / ROW Disposal authorization request (if not on Interstate system and fair market value charged)	23 CFR 710.409	Periodically R for C (State takes action)	As needed	RWPM
10.	Functional Replacement	23 CFR 710.509	R & A	Project by project	RWPM
11.	Outdoor Advertising policies and procedures revisions	23 CFR 750.304	R & A	As needed or submitted by State	RWPM
12.	Develop ROW oversight agreement	23 CFR 710.201(i)	R & A	Updated as needed	RWPM
13.	ROW Conditional Clearance Certification	23 CFR 635.309	R & C	Project by Project	RWPM / FHWA Area Engineer
14.	ROW Plan Authorization	23 CFR 710.201 (i)	R for C	Project by Project	ROW BC

RWPM - FHWA ROW Program Manager  
 ROW BC - NMDOT ROW Division Director  
 PAMD- Property Asset Management Division

### 3.2.2 Right-of-Way Program Implementation

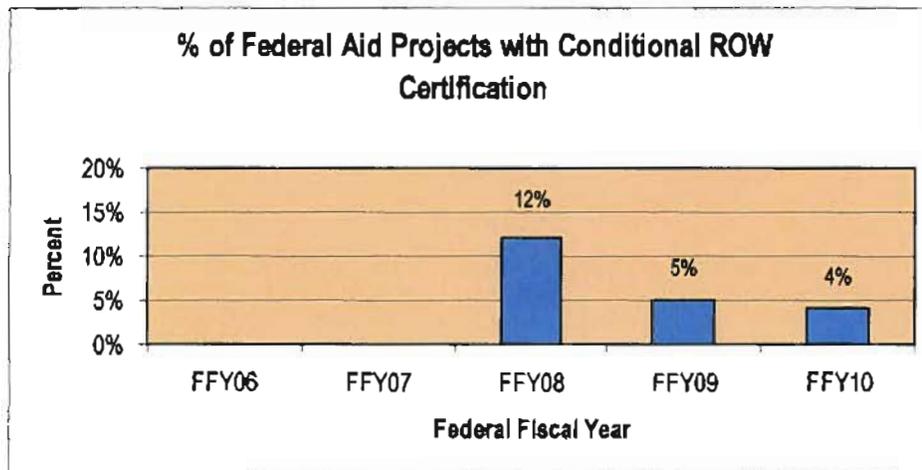
Program implementation review is performed in four functional areas within the NMDOT ROW process documented in the FHWA approved NMDOT ROW Manual. First, a ROW plan review is held at the beginning of the appraisal process to determine the adequacy of the ROW plans and reduce the potential for possible plan revisions during the process. Second, all appraisals are reviewed by NMDOT staff to provide assurance that all state and federal laws are complied with in the appraisal function. Third, all relocation

determinations are approved by NMDOT ROW staff prior to making an offer to the displaced person. 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 the NMDOT ROW personnel and the FHWA Division ROW Program Manager.

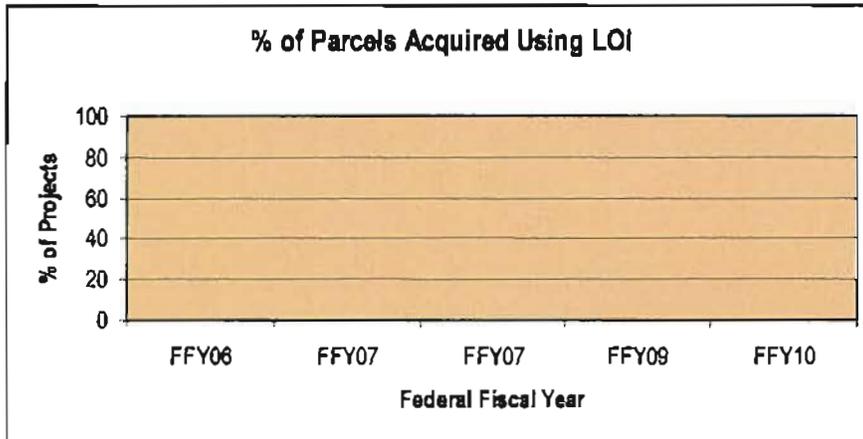
### 3.2.3 Right-of-Way Performance/Compliance Indicators

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

	FFY06	FFY07	FFY08	FFY09	FFY10
<b>1) Conditional Clearances</b>					
<u>Indicator:</u> Percentage of Federal-Aid projects with conditional ROW certifications			12%	5%	4%
<u>Reporting Instrument:</u> The number of Federal-Aid construction projects that had conditional clearances versus the total number of Federal-Aid construction projects					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					

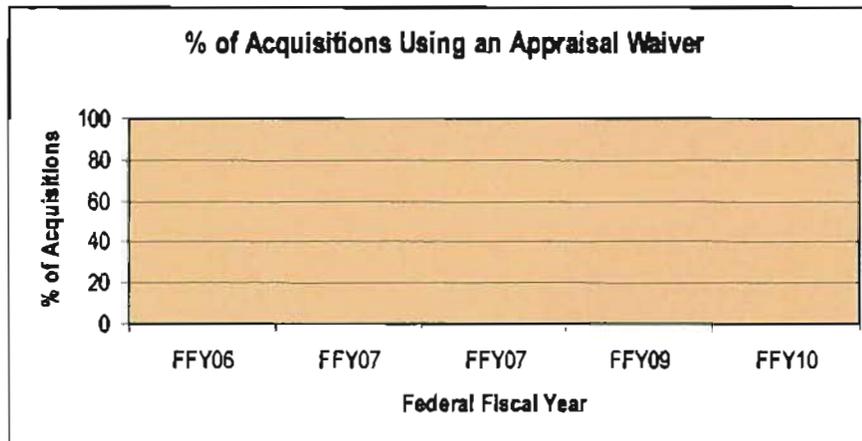


<b>2) Condemnation Letters of Intent</b>	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Percentage of parcels acquired using LOI to continue negotiations.					
<u>Reporting Instrument:</u> Payment package review and running statistics from Budget Control					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					



Data contributor did not submit any data to be reported therefore charts are blank

3) Appraisal Waiver Use	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> The percent of acquisitions using an appraisal waiver.					
<u>Reporting Instrument:</u> Payment package review and running statistics from Budget Control.					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					



Data contributor did not submit any data to be reported therefore charts are blank

### 3.3 Traffic Safety

#### 3.3.1 Traffic Safety Program Method of Operation

The Stewardship Agreement describes activities of the FHWA Division Office and NMDOT in implementing the required safety program activities. These activities are required under the Highway Safety Improvement Program (HSIP) (23 USC 148), which encompasses the Strategic Highway Safety Plan, the Hazard Elimination Program (HES), the High Risk Rural Roads Program (HRRRP) and the Rail/Highway Crossing Program

(23 USC 130), and the Safe Routes to School Program (SRTS) (Section 1404 SAFETEA-LU).

Activities consist of components of planning, implementation, evaluation and reporting of safety programs and projects. The NMDOT is responsible for implementing and managing these programs. This involves safety program support for problem identification, design, construction, maintenance, and technical assistance for NMDOT, FHWA, Federal Motor Carrier Safety Administration, National Highway Traffic Safety Administration, Federal Transit Administration, Federal Railroad Administration, and local governments.

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

**Table 3.3-1: FHWA Safety Required Action List**

#	Activity	Authority	Action	Frequency	Responsible Manager
R = Review, A = Approve, C = Compliance					
S Safety					
1.	Strategic Highway Safety Plan	SAFETEA-LU	R, C & A	Every 3rd year	SPE
2.	Highway Safety Improvement Program, Including HES Program, Safety Programs, High Risk Rural Roads Program, and 5% Reporting	23 CFR 924.15 SAFETEA-LU 23 USC 148	R, C & A process	Annually by Aug. 31	SPE
3.	Rail Highway Grade Crossing Program	23 USC 130	R C & A	Annually by Aug. 31	SPE
4.	Safe Routes to School Program	SAFETEA-LU 1404	R C & A	Annually by Aug. 31	SPE
5.	Work Zone Safety Process Review of Effectiveness	23 CFR 630.1010	R & A	Annually by Sept. 30	NMDOT / SPE
6.	MUTCD Adoption and New Mexico Supplement	23 CFR 655.603	R & A	Two years after MUTCD update is released	SPE
7.	Project crash data	23 CFR 630.1010	R	Continuous	NMDOT / SPE & OE
8.	Seat belt law	23 CFR 1215.6	R	Annually (each fiscal year)	SPE
9.	Drug offender DL revocation or suspension certification by Governor	23 USC 159, 23 CFR 192.5	R & C	Annually by Jan 1	SPE
10.	Repeat Offender law	23 USC 164, 1406	C, A (if anything changes)	Annually by Oct. 30	SPE
11.	Zero tolerance law & enforcement certification	23 CFR 1210.5	R	Update as amended	SPE

SPE - FHWA Safety Program Engineer

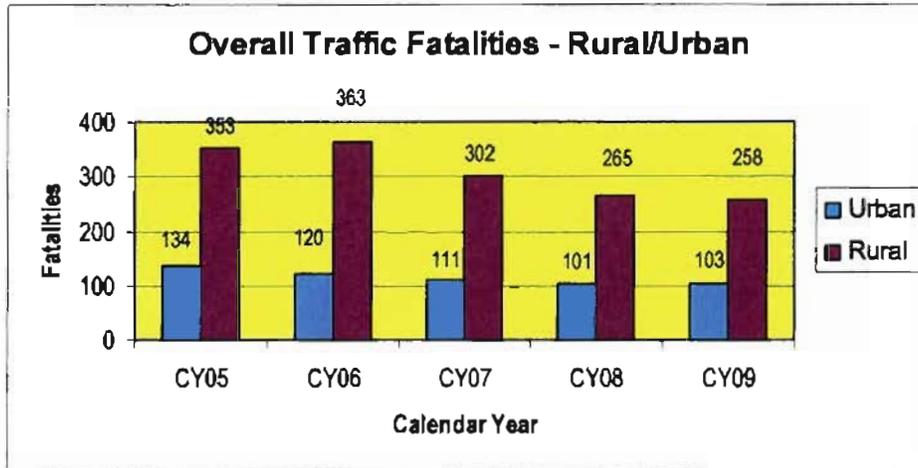
OE - FHWA Operation Engineers

NMDOT - NMDOT Safety and Traffic

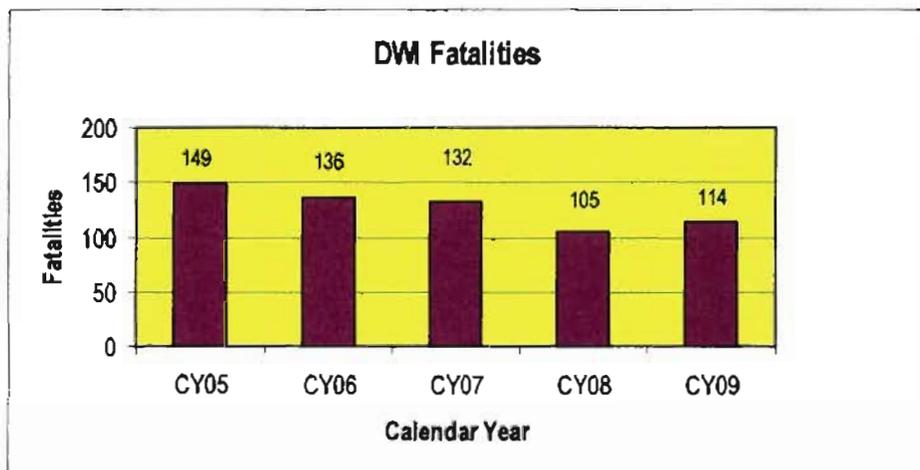
### 3.3.2 Traffic Safety Performance/Compliance Indicators

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

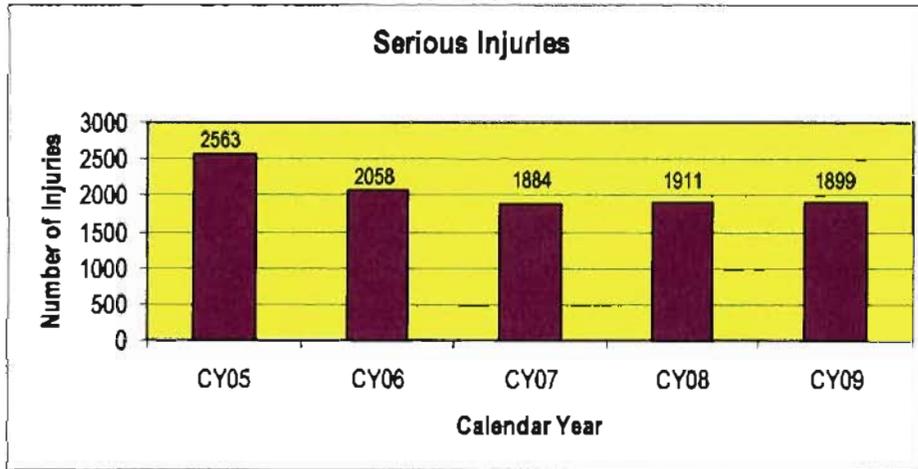
1) Reduce the Overall Traffic Fatality Rate	CY05	CY06	CY07	CY08	CY09
<u>Indicator:</u> Urban and Rural Fatalities (Using Calendar Year FARS data)	U 134	120	111	101	103
<u>Reporting Instrument:</u> NM Highway Safety Program Annual Report (produced by the Traffic Safety Bureau)	R 353	363	302	265	258
<u>Reporting Frequency:</u> Annually by Calendar Year					



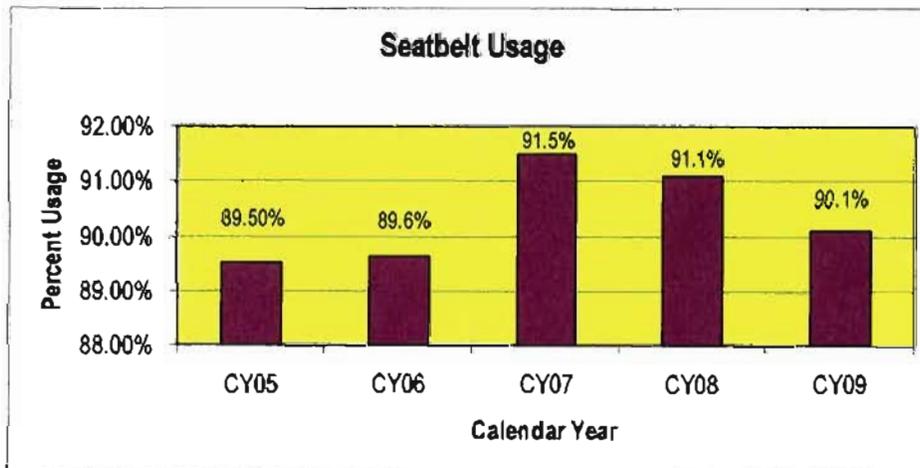
2) Reduce the Number of Fatalities in crashes involving a driver or motorcycle operator with a BAC of .08 and above	CY05	CY06	CY07	CY08	CY09
<u>Indicator:</u> Number of Fatalities in this category (Using Calendar Year FARS data)	149	136	132	105	114
<u>Reporting Instrument:</u> NM Highway Safety Program Annual Report (produced by the Traffic Safety Bureau)					
<u>Reporting Frequency:</u> Annually by Calendar Year					



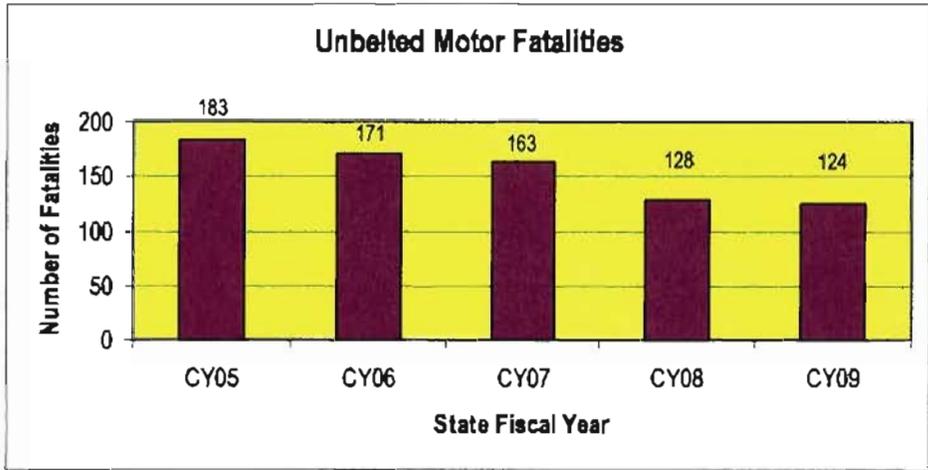
<b>3) Reduce the Number of Serious Injuries ("A" only) in traffic crashes</b>	<b>CY05</b>	<b>CY06</b>	<b>CY07</b>	<b>CY08</b>	<b>CY09</b>
<u>Indicator:</u> Number of overall serious injuries (Using Calendar Year State Crash Data) TSB used KAB or just AB in the past, including for the CTSP. For the Annual Report, NHTSA has now mandated the use of "A" injuries.	2563	2058	1884	1911	1899
<u>Reporting Instrument:</u> NM Highway Safety Program Annual Report (produced by the Traffic Safety Bureau)					
<u>Reporting Frequency:</u> Annually by Calendar Year					



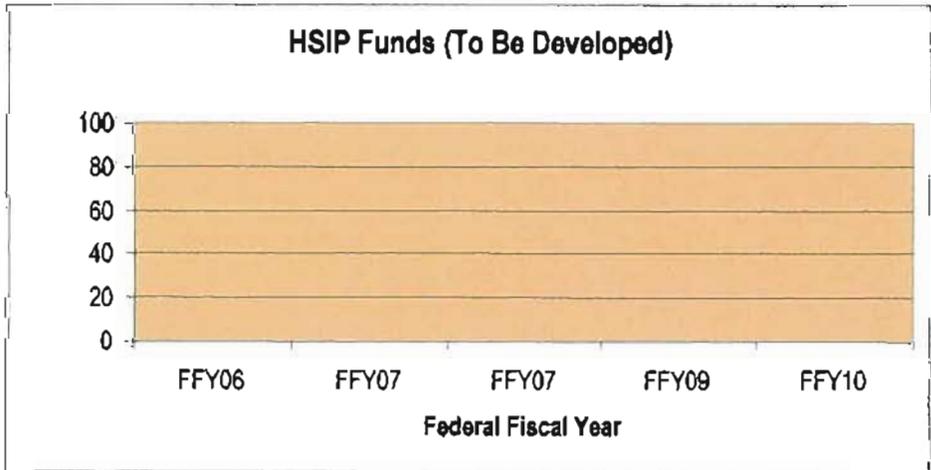
<b>4) Increase Observed Seatbelt use for passengers vehicles, front seat outboard occupants</b>	<b>CY05</b>	<b>CY06</b>	<b>CY07</b>	<b>CY08</b>	<b>CY09</b>
<u>Indicator:</u> Percentage of front seat outboard occupants wearing seatbelts	89.5	89.6	91.5	91.1	90.1
<u>Reporting Instrument:</u> Traffic Safety Bureau Seatbelt Survey Report					
<u>Reporting Frequency:</u> Annually by Calendar Year					



<b>5) Number of Passengers not wearing seatbelts in motor fatalities</b>	<b>CY05</b>	<b>CY06</b>	<b>CY07</b>	<b>CY08</b>	<b>CY09</b>
<u>Indicator:</u> Number of passengers not wearing seatbelts in motor fatalities (Using Calendar Year FARS data)	183	171	163	128	124
<u>Reporting Instrument:</u> NM Highway Safety Program Annual Report (produced by the Traffic Safety Bureau)					
<u>Reporting Frequency:</u> Annually by Calendar Year					



<b>6) Tracking of HSIP Funds (To Be Developed)</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u>					
<u>Reporting Instrument:</u>					
<u>Reporting Frequency:</u>					



**Table 3.3-2 Safety & Operations Actions and Outcomes**

WORK ACTIVITY	NMDOT ACTION	FHWA ACTION	OUTCOME
Strategic Highway Safety Plan	Prepare and submit to FHWA	Review, comment and approve	Strategic Highway Safety Plan
Highway Safety Improvement Program Guidance	Prepare and submit (Update as needed)	Review, comment and approve	Highway Safety Improvement Program Guidance
Hazard Elimination and High Risk Rural Roads Programs	Prepare & submit selected projects (every 3rd year)	Review, comment and approve	Project Selection
Railroad-Highway Grade Crossing Program	Prepare & submit selected projects (Every 3rd year)	Review, comment and approve	Project Selection
Work Zone Safety Process Reviews	Prepare and submit to FHWA (annually)	Review and comment	Work Zone Safety Report
Adopt MUTCD and issue New Mexico Supplement	Prepare & submit to FHWA (NLT 2 years after MUTCD update is released)	Review and comment	New Mexico Supplement to the MUTCD

### 3.4 Project Delivery

#### 3.4.1 Project Delivery Method of Operation

The FHWA 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 Federal highway program in New Mexico. These programs constitute a major portion of the federal funding that is distributed to the state.

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

Each District is responsible for administering the construction and maintenance of all 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 process outlined and approved in Appendix B. Incorporation of this process, into the body of this agreement will be revisited during the normal, annual review process of this agreement.

**Table 3.4-1 FHWA Project Delivery Required Action List**

#	Activity	Authority	Action	Frequency	Delegated To	
R = Review, A = Approve, C = Compliance						
DCM	Design and Construction					
FHWA assumes responsibility for the following on full-oversight projects and NMDOT assumes responsibility on all other projects.						
				NMDOT (State Administered)	FHWA (Full Oversight)	
1.	Environmental Documents (Environmental Commitments required by design and constructed accordingly)	23 CFR 771	R & A	Project Specific	Review	OE
2.	Scoping Reports	23 CFR 625	R	Project Specific	CLE	OE
3.	Design Reviews	23 CFR 625	R	Project Specific	CLE	OE
4.	Design Exceptions and Variances	23 CFR 625.3	R & A	As needed	CLE	OE
5.	Plans, Specifications, & Estimates (PS&E)	23 CFR 630.205	R & A *	Project Specific	CLE	OE
6.	Project Authorization	23 CFR 630.106 23 CFR 635 Subpart C	R & A	Project Specific	Review	OE
7.	Addenda	23 CFR 635.112	R & A	Project Specific	CLE	OE
8.	Changed Conditions Changes and Extra Work	23 CFR 635.120	R & A R & A	Project Specific	CLE	OE
9..	Concurrence in Award	23 CFR 635.114, 23 USC 112(d)	R & A	Project Specific	CLE	OE
10.	Construction Inspections		R	Project Specific	CLE	OE
11.	Final Acceptance		R	Project Specific	CLE	OE
12	Liquidated Damage Rates (project spec)	23 CFR 635.127	R&A	Project specific	CLE	OE
13	Liquidated Damage Rates (state wide)	23 CFR 635.127	R&A	Every 2 years		OTL

14	Claims	23 CFR 635.124	R&A	Project specific	Exec	OE
15	Claims (state wide)	23 CFR 635.124	R&A	As Updated	Exec	OTL
16	Consultant Services	23 CFR 172	R&A	Project specific	CLE	OE
17	Consultant Services (State Wide)	23 CFR 172	R&A	As needed		OTL
18	Patented/Proprietary Products (project)	23 CFR 635.411	R&A	Project specific	CLE	OE
19	Patented/Proprietary Products (state wide)	23 CFR 635.411	R&A	As needed		OTL
20	Buy America Waiver	23 CFR 635.410	R&A	As needed		OTL
21	Design Standards	23 CFR 625	R&A	As needed		PM
22	Value Engineering (project)	23 CFR 627	R&A	Project specific	CLE	OE
23	Value Engineering (Statewide)	23 CFR 627	R&A	As updated		PM
24	Local Public Agency Oversight Policies and Procedures	23 CFR 105	R&A	As updated		PM
25	Contract Time (state wide)	23 CFR 635.121	R&A	As updated		OTL
26	Railroad Agreement	23 CFR 646.216	R & A	Project by project		OTL
27	Project Agreements	23 CFR 630 Subpart	A	As needed		OTL
28	Convict Produced Material	23 CFR 635.417	R & A	As needed		OE
29	Advanced Construction (all projects)	23 CFR 630.705	R & A	As needed		OE
30	Payroll	23 CFR 635.118	R	As needed		OTL
31	Termination of Contract	23 CFR 635.125	R & A	As needed		OE
32	Bid Review Procedure	23 CFR 635.113	R&A	As updated		OTL
33	Emergency Repair/Projects	23 CFR 635.204	R & A	As requested		OE
34	Utility Agreement Alternate Procedure	23 CFR 645.119	R & A	One time		OTL

35	Utility Accommodation Policy	23 CFR 645.215	R & A	When changes occur		OTL
36	Railroad Agreement Alternate Procedure	23 CFR 646.220	R & A	One time		OTL
37	Defense Access Roads	23 CFR 660 Part E	R	As needed		OE

(Notes: #5- CLE does not approve the PSE submittal.

#15 CLE does not review and approve claims. Refer to section 100 of specifications for process)

OE - FHWA Operations Engineers,  
 OTL - Field Operations Team Leader,  
 PM - FHWA Program Manager  
 CE - State Construction Engineer  
 CLE - NMDOT Construction Liaison Engineer;  
 EXEC- NMDOT Secretary of Transportation  
 Shaded area- Non delegated task

### 3.4.2 Project Delivery Process Improvement Activities

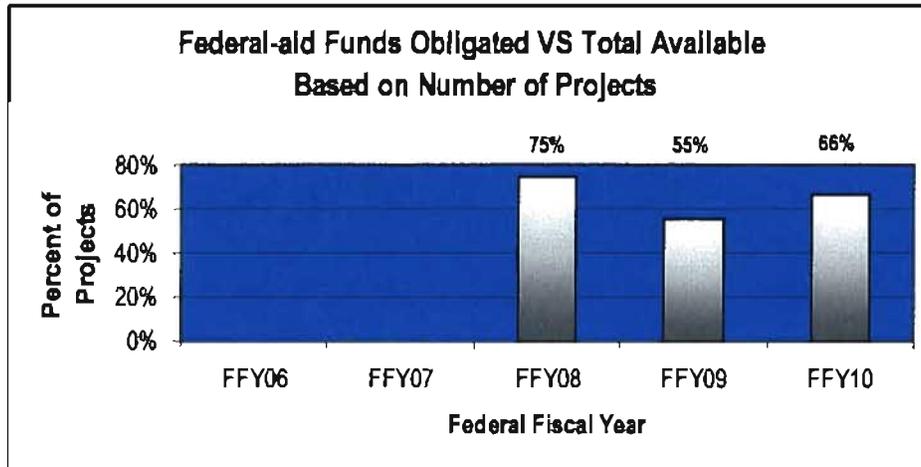
The NMDOT CLEs, FHWA OEs, and the Districts/Regions will cooperate to ensure that process improvement activities are established and carried out for design and construction activities.

Following are some of the cooperative process improvement activities:

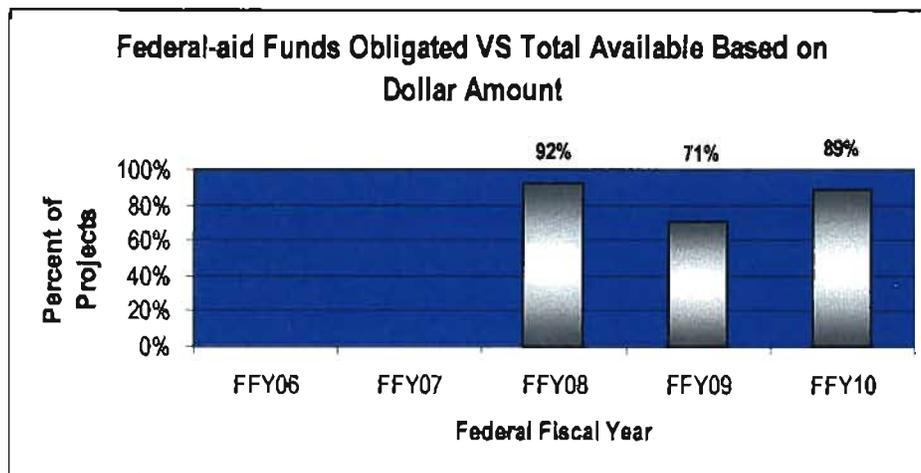
- Environmental Document/Process Inspections: Review environmental documents/process for NEPA compliance and evaluate how well they cover impacts.
- Design Inspections: Inspections occur during the 30%, 60%, 90%, and PS&E.
- Construction Inspections: Three inspections occur on full oversight projects.
- 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).
- Traffic Control Reviews: The CLEs and OEs will conduct annual traffic control reviews to monitor traffic control on construction projects to ensure compliance with established policies, procedures, and guidelines.

### 3.4.3 Project Delivery Performance/Compliance Indicators. Developing process to track % of STIP projects advance in the same year. Measure will focus on overall project advancement rather than amendments.

1) Amount of federal-aid funds obligated versus total available per federal fiscal year.	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Percent of STIP projects advanced in the same year as programmed based on number of projects			75%	55%	66%
Reporting Instrument: NMDOT STIP					
Reporting Frequency: Annually by Federal Fiscal Year					

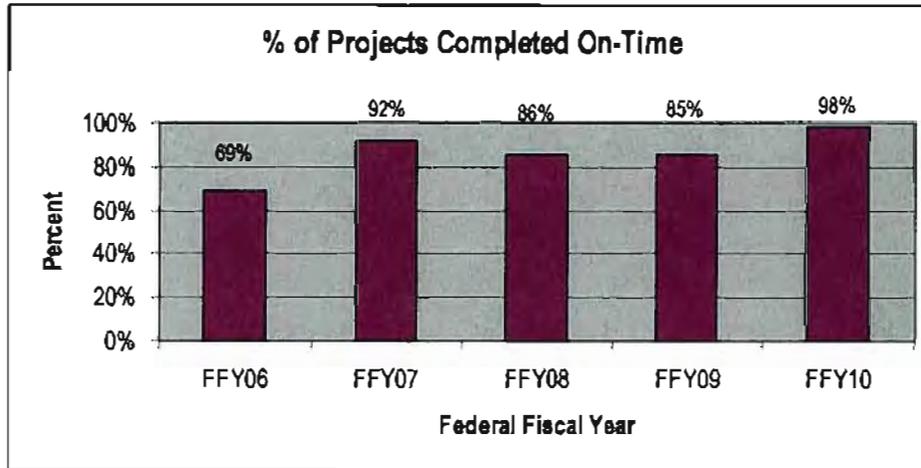


<b>1A) Amount of federal-aid funds obligated versus total available per federal fiscal year.</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of STIP projects advanced in the same year as programmed based on dollar amounts.			92%	71%	89%
<u>Reporting Instrument:</u> NMDOT STIP					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					

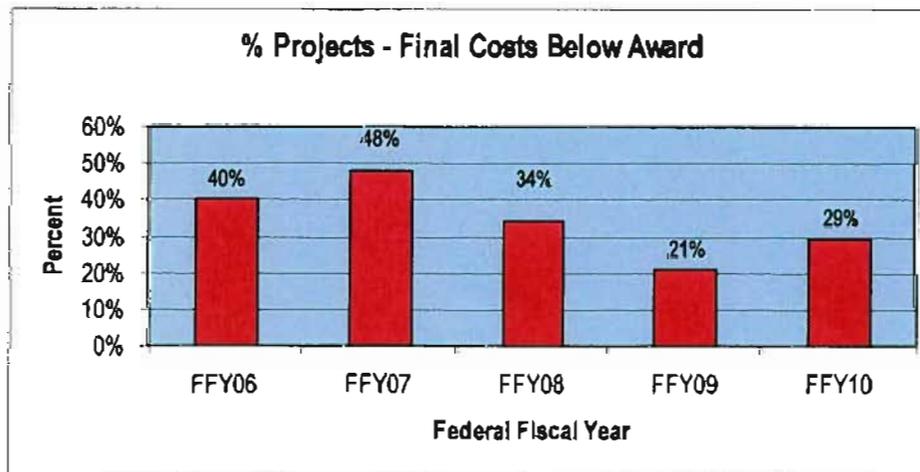


<b>2) Percent of projects completed on time</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of projects completed on time based on approved construction schedule.	Total 48 projects	Total 48 projects	Total 77 projects	Total 47 projects	Total 65 projects

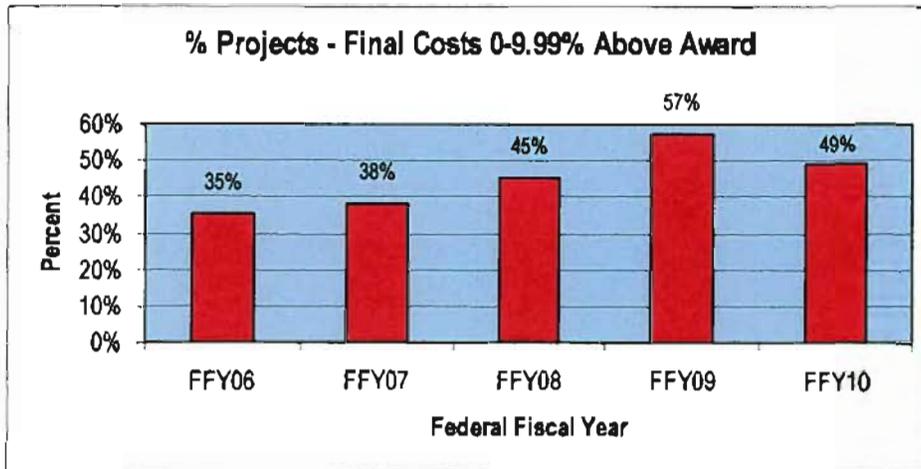
<b>Reporting Instrument:</b> NMDOT Work Plan	33	44	66	40	64
<b>Reporting Frequency:</b> Annually by Federal Fiscal Year	69%	92%	86%	85%	96%



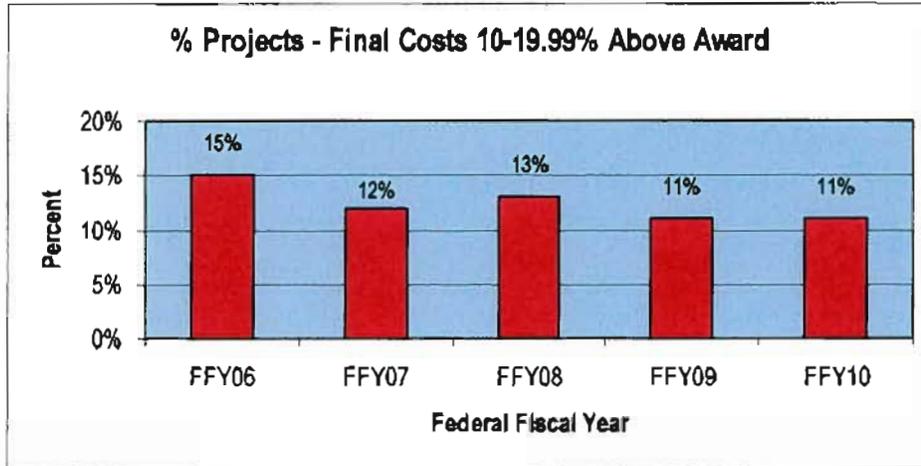
<b>3) Percent of projects with final construction costs (less GRT) below award.</b>	<b>FFY 06</b>	<b>FFY 07</b>	<b>FFY 08</b>	<b>FFY 09</b>	<b>FFY 10</b>
Indicator: Percent of projects with final construction costs below award.	40%	48%	34%	21%	29%
Reporting Instrument: NMDOT Work Plan TOTAL Projects	48	48	77	47	65
<b>Reporting Frequency:</b> Annually by Federal Fiscal Year	19	23	26	10	19



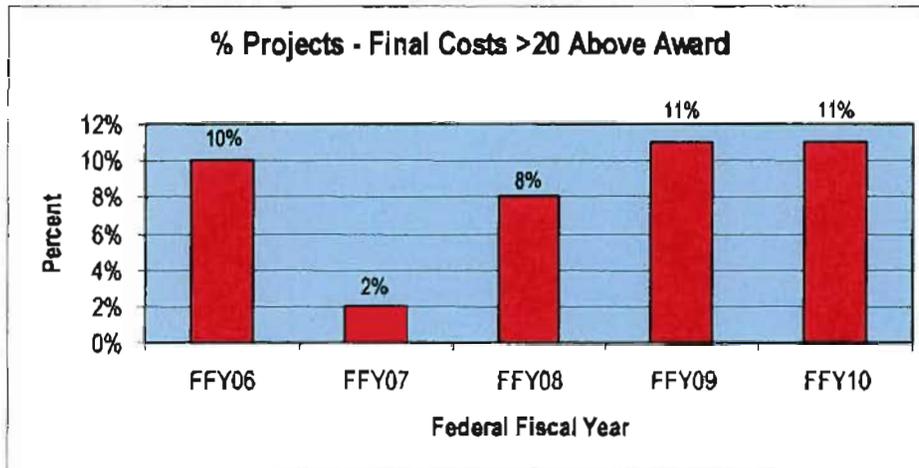
<b>4) Percent of projects with final construction costs (less GRT) &gt; 0%, but &lt; 10% (9.99%) above award.</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of projects with final construction costs > 0%, but < 10% (9.99%) above award.	35%	38%	45%	57%	49%
<u>Reporting Instrument:</u> NMDOT Work Plan TOTAL Projects	48	48	77	47	65
<u>Reporting Frequency:</u> Annually by Federal Fiscal	17	18	35	27	32



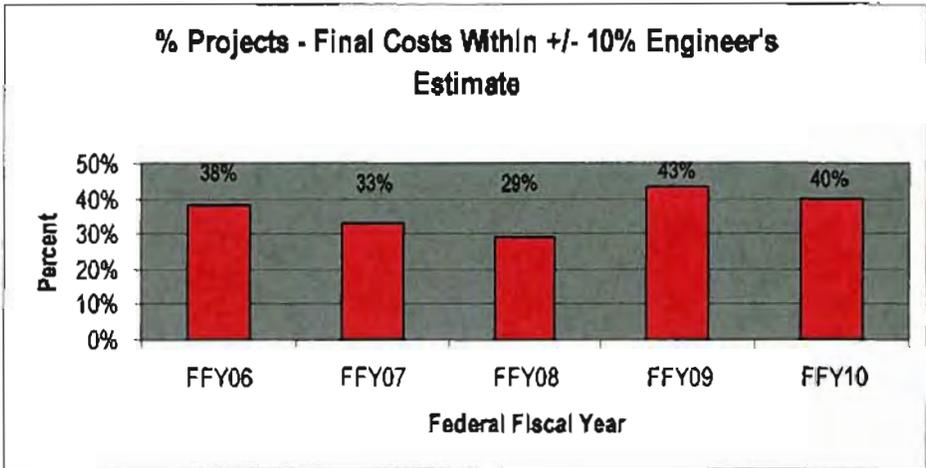
<b>5) Percent of projects with final construction costs (less GRT) ≥ 10%, but &lt; 20% (19.99%) above award.</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of projects with final construction costs ≥ 10%, but < 20% (19.99%) above award.	15%	12%	13%	11%	11%
<u>Reporting Instrument:</u> NMDOT Work Plan TOTAL Projects	48	48	77	47	65
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year	7	6	10	5	7



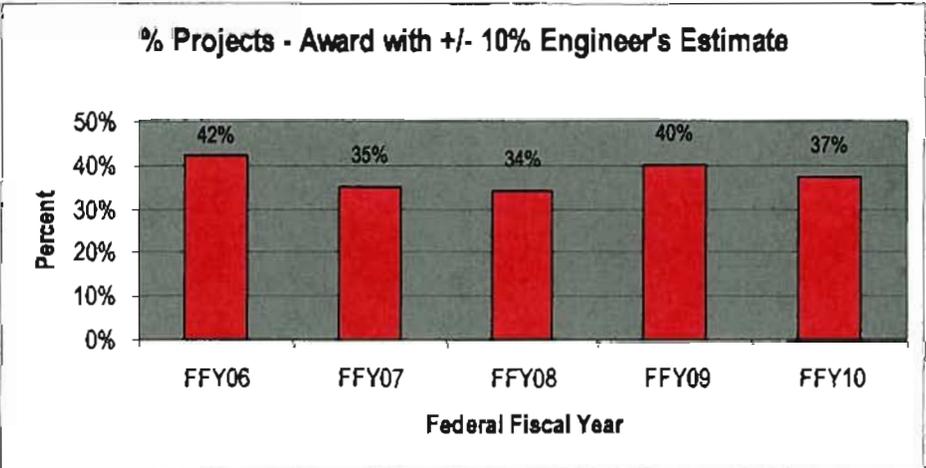
6) Percent of projects with final construction costs (less GRT) $\geq$ 20% above award.	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Percent of projects with final construction costs $>$ 20% above award.	10%	2%	8%	11%	11%
<u>Reporting Instrument:</u> NMDOT Work Plan TOTAL Projects	48	48	77	47	65
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year	5	1	6	5	7



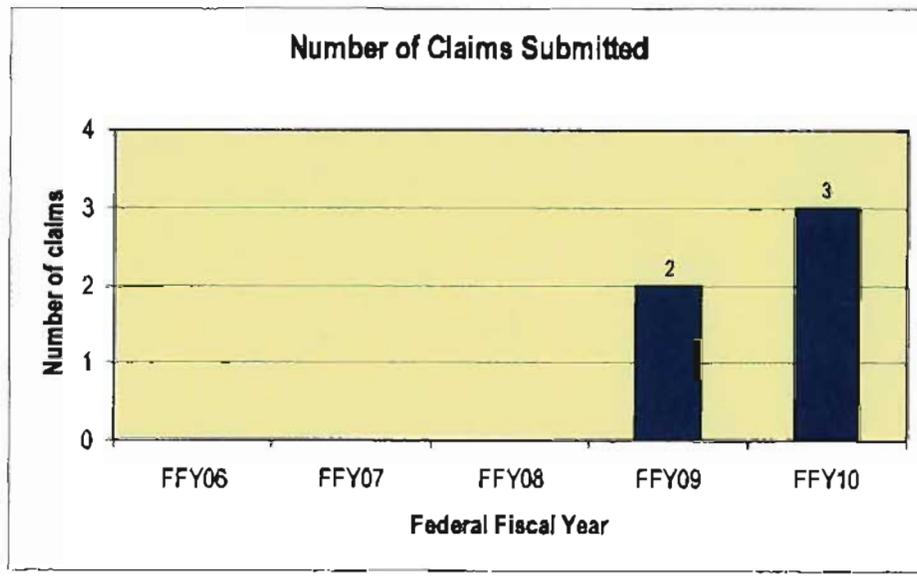
<b>7) Percent of projects with final construction costs (less GRT) within +/- 10% of Engineer's Estimate</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of projects with final costs within +/- 10% of Engineer's Estimate	38%	33%	29%	43%	40%
<u>Reporting Instrument:</u> NMDOT Work Plan Total Projects	48	48	77	47	65
<u>Reporting Frequency:</u> Annually by Federal Fiscal year.	18	16	22	20	26



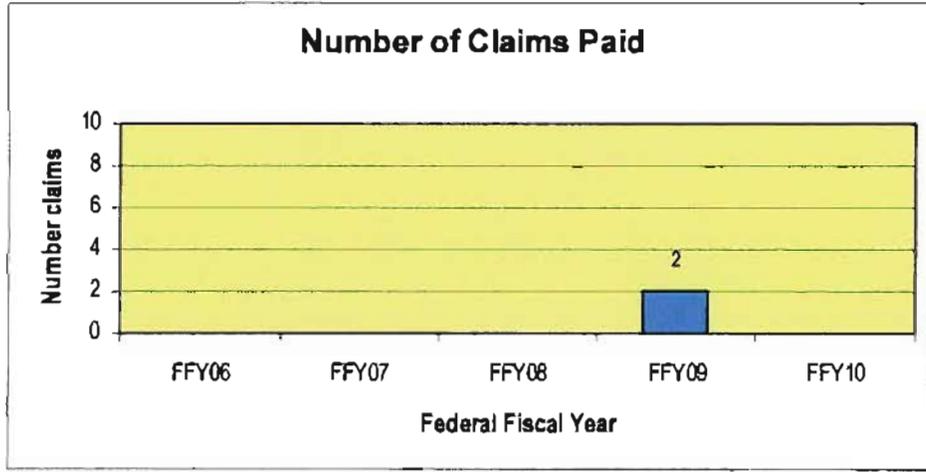
<b>8) Percent of projects with award within +/- 10% of Engineer's Estimate</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of projects with award within +/- 10% of Engineer's Estimate	42%	35%	34%	40%	37%
<u>Reporting Instrument:</u> NMDOT Work Plan – Total Projects	48	48	77	47	65
<u>Reporting Frequency:</u> Annually by Federal Fiscal.	20	17	26	19	24



9) Number of claims submitted each year	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Number of claims submitted (correlation chart with number of claims paid)				2	3
Reporting Instrument: NMDOT Work Plan					
Reporting Frequency: Annually by Federal Fiscal Year.					



10) Number of claims paid each year	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Number of claims paid (correlation chart with number of claims submitted)				2	
Reporting Instrument: NMDOT Work Plan					
Reporting Frequency: Annually by Federal Fiscal Year.					

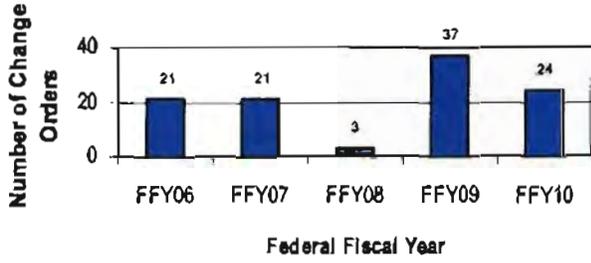


FFY data may not be available prior to FFY09.

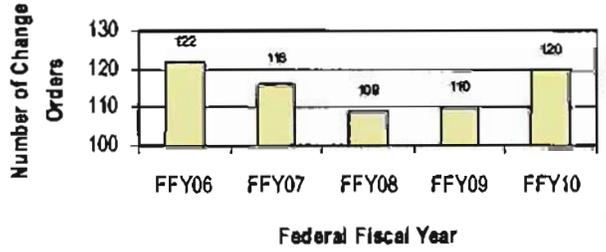
11) Number of Change Orders by Type	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Number of Change Orders	615	760	706	693	789
Reporting Instrument: Site Manager					
Reporting Frequency: Annually by Federal Fiscal.					



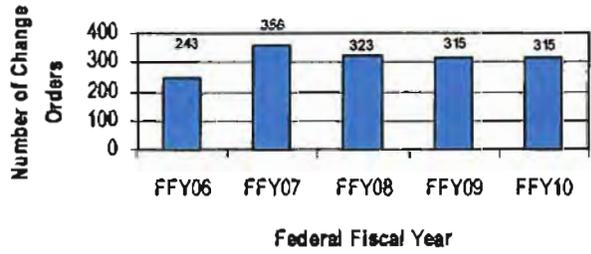
Design Oversight - 01



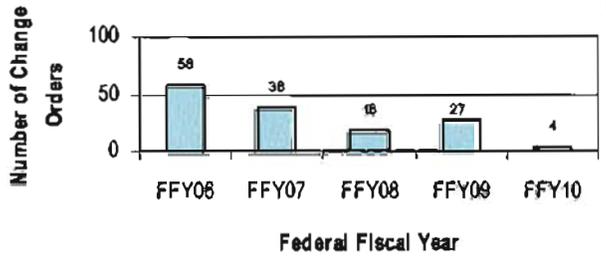
Decreasing/Increasing Quantities - 04



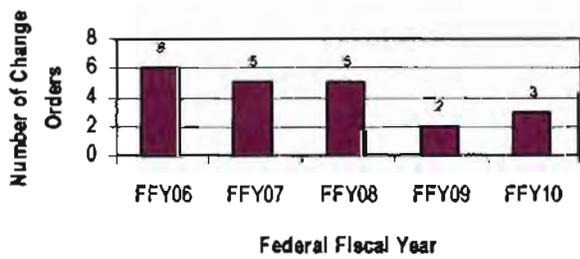
Modif. by Construction Personnel - 02



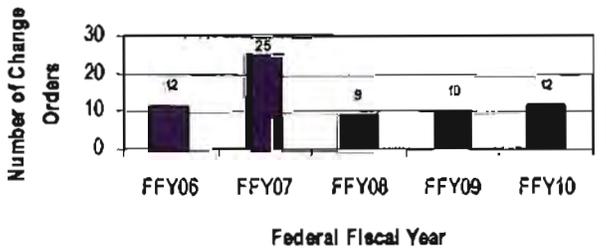
Deleting/Adding Items - 05

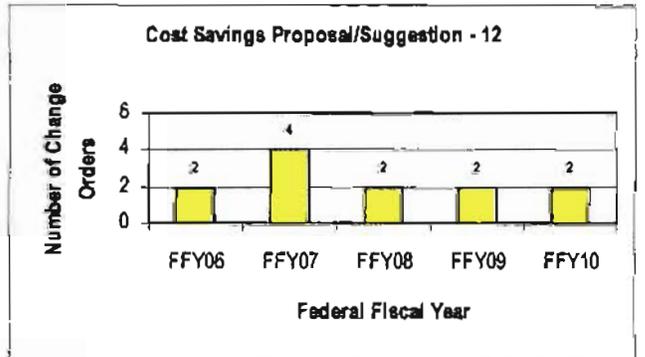
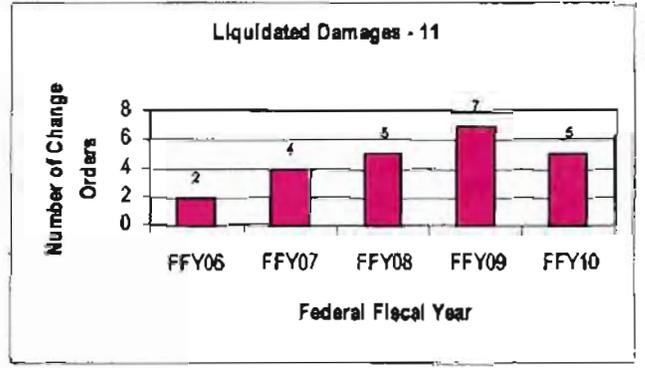
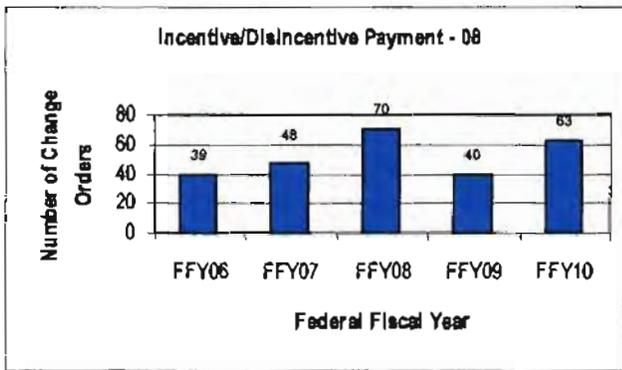
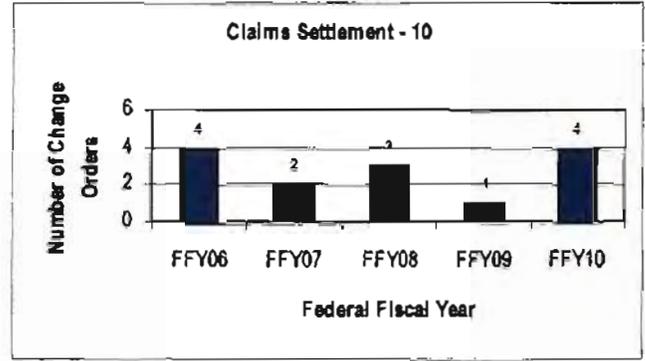
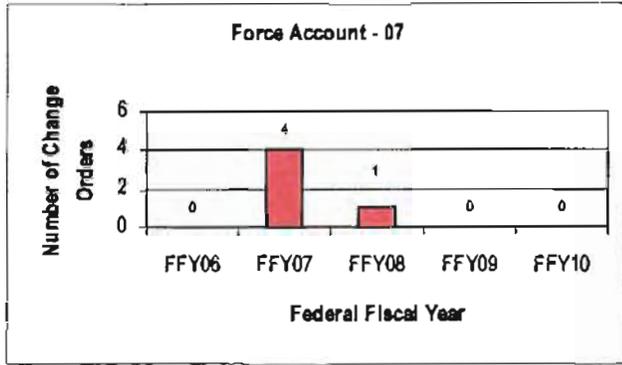


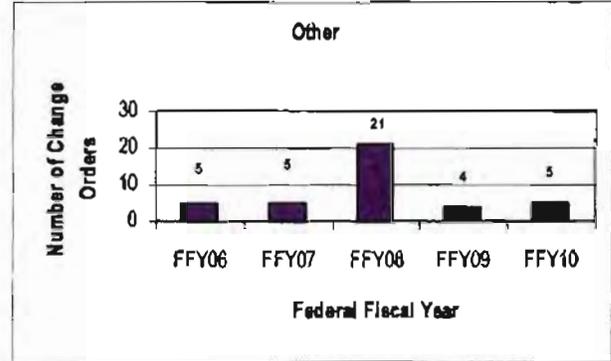
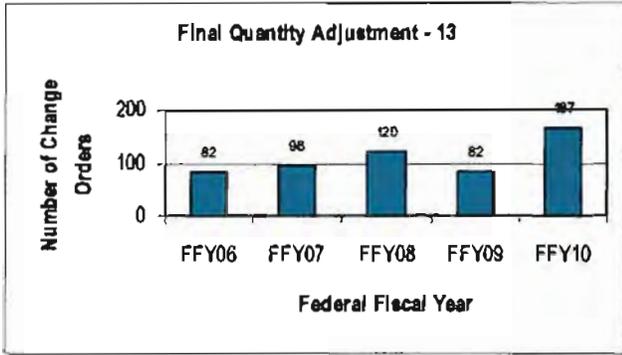
Traffic Control Modification - 03



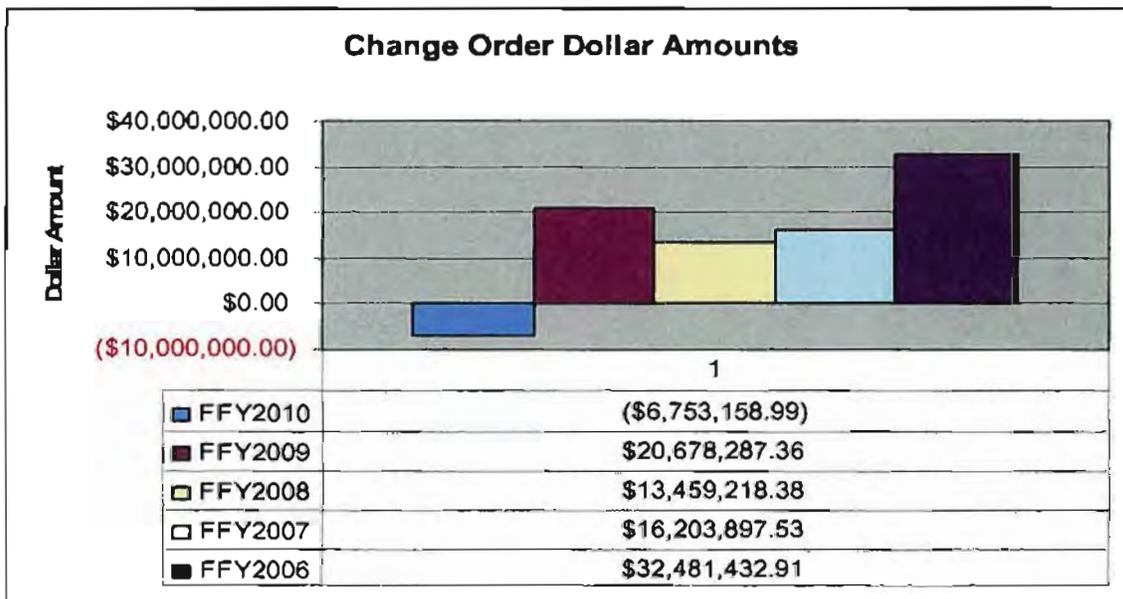
Contract Time Adjustment - 06



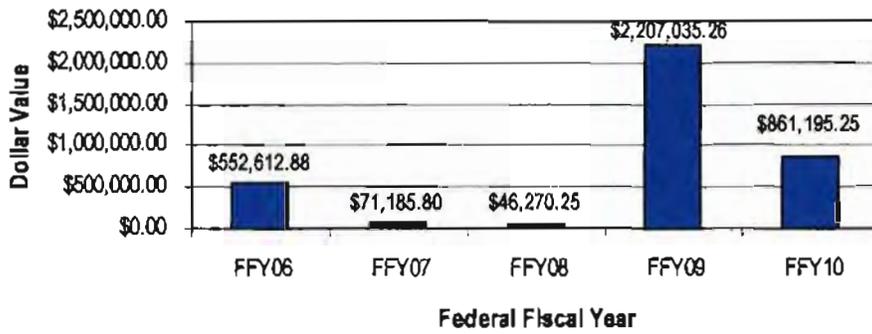




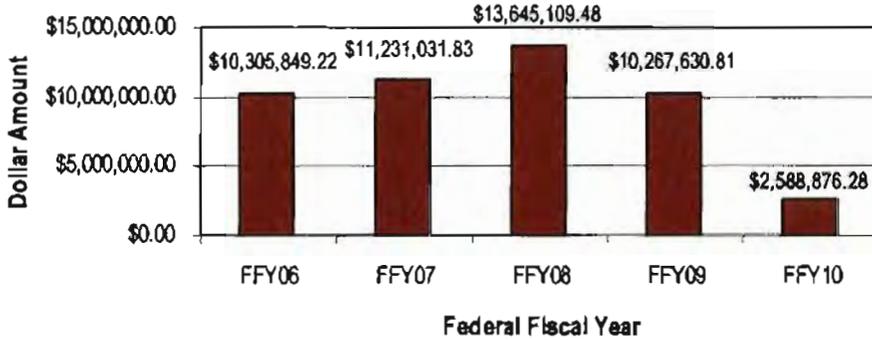
12) Change Orders by Dollar Amount	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator: Dollar Amount of Change Orders</u>	32481432.91	1620389753	13459218.38	20678287.36	-6753158.99
<u>Reporting Instrument: Site Manager</u>					
<u>Reporting Frequency: Annually by Federal Fiscal.</u>					



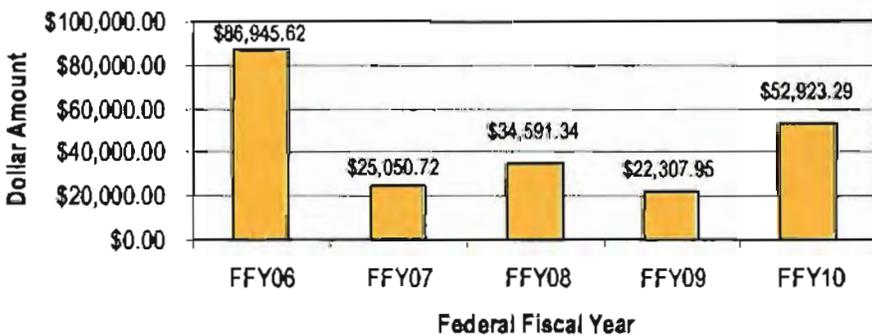
### Design Oversight - 01

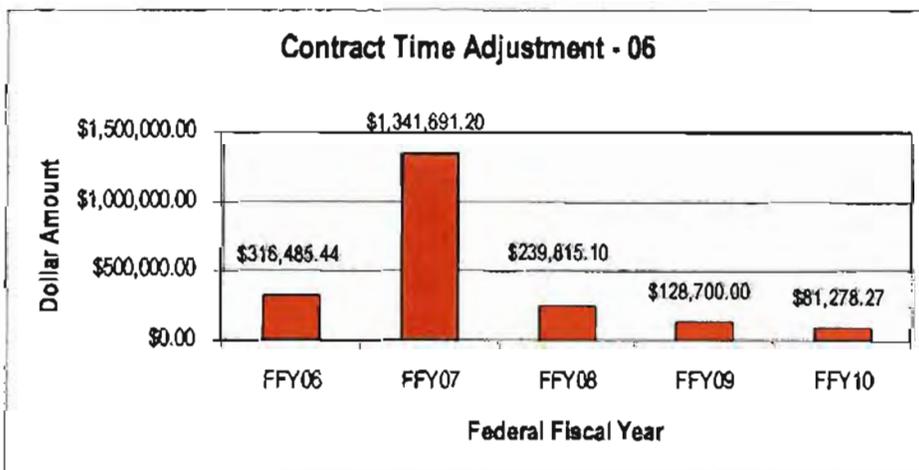
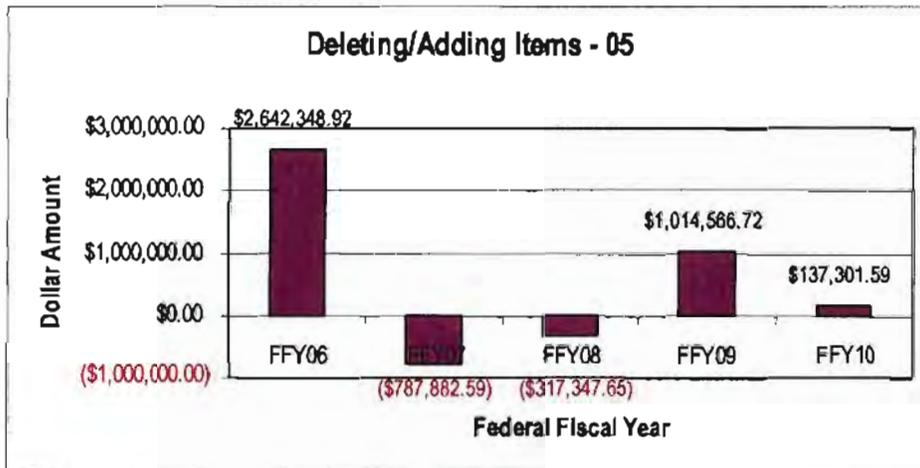
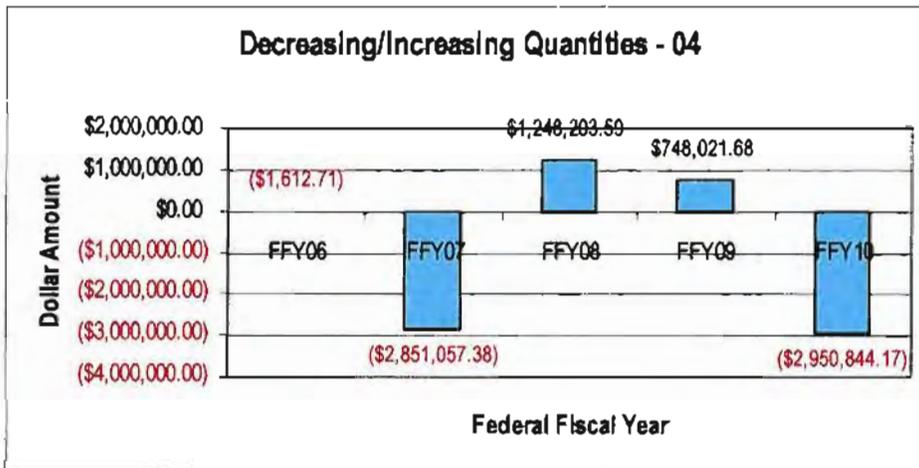


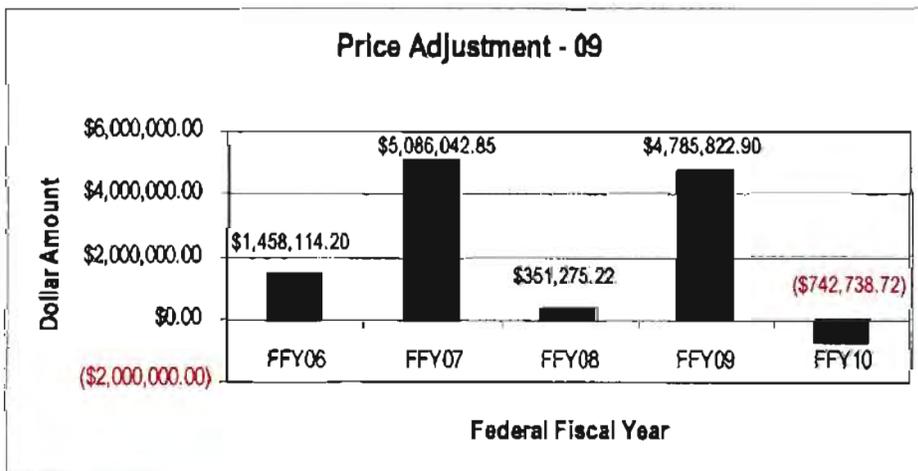
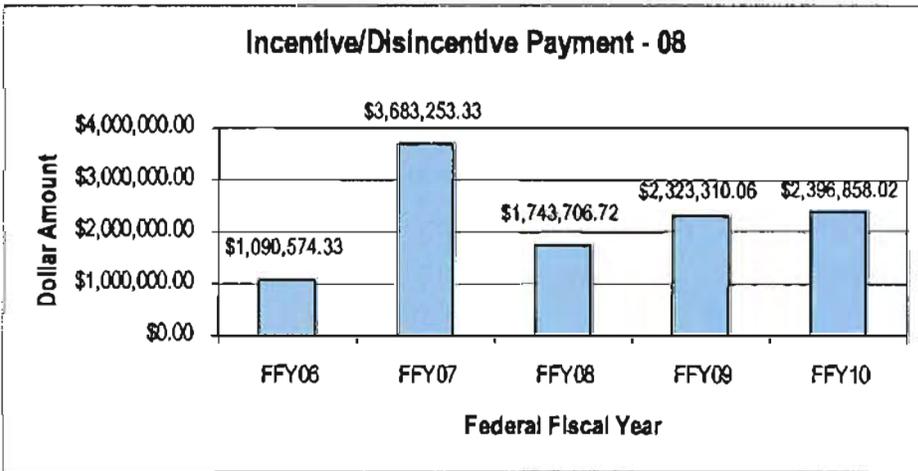
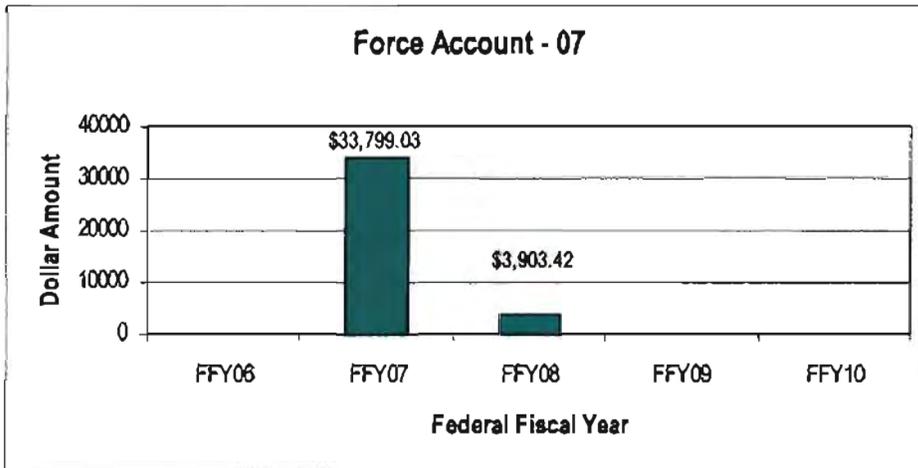
### Modif. by Construction Personnel - 02



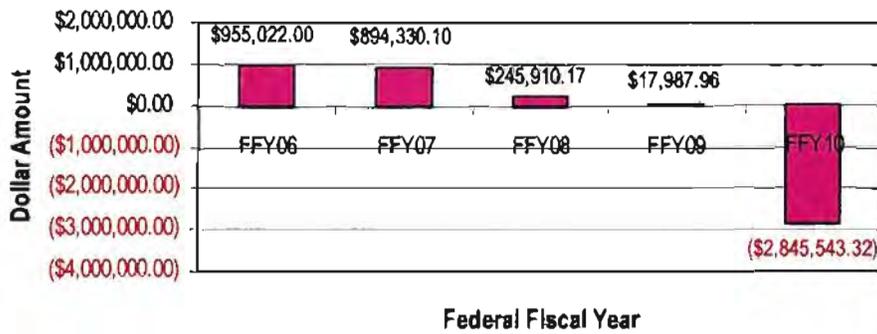
### Traffic Control Modification - 03



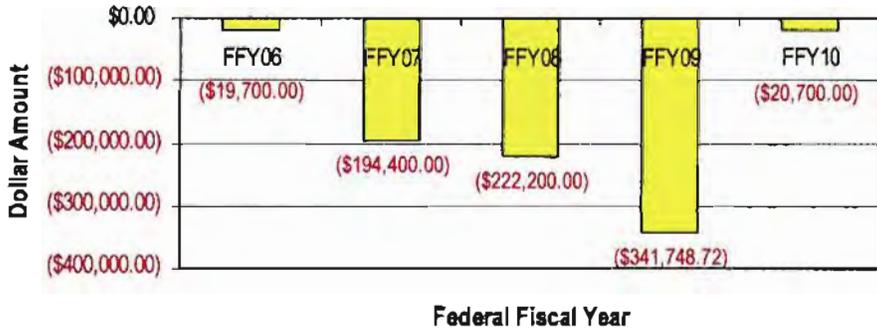




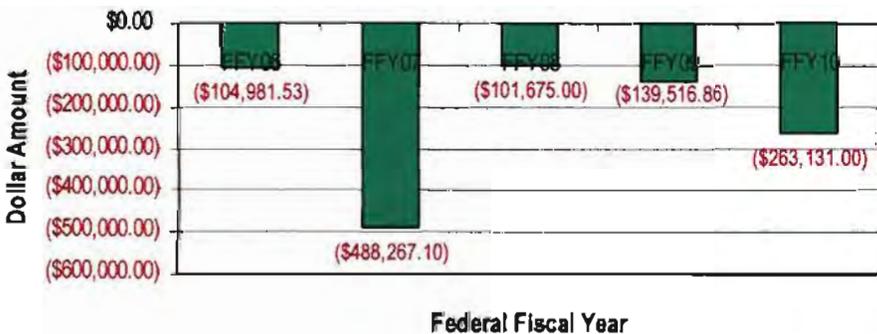
### Claims Settlement - 10

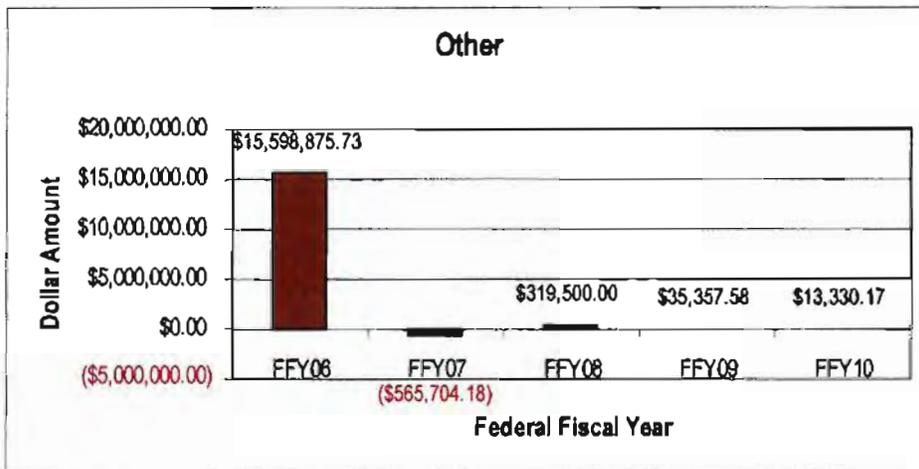
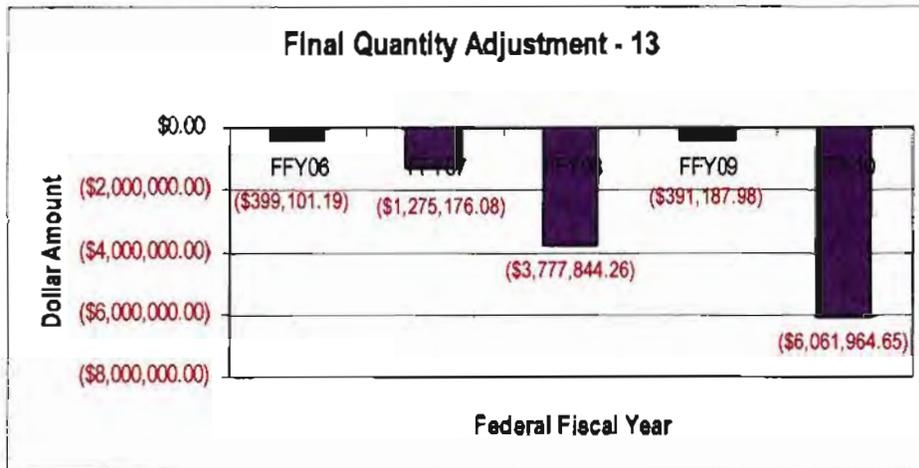


### Liquidated Damages - 11



### Cost Savings Proposal/Suggestion - 12





## 3.5 Pavement Design and Materials

### 3.5.1 Pavement Design and Materials Method of Operation

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 the NMDOT. The utilization of outside resources, such as industry groups and organizations, will be considered in this joint effort.

**Table 3.5-1: FHWA Pavements and Materials Required Action List**

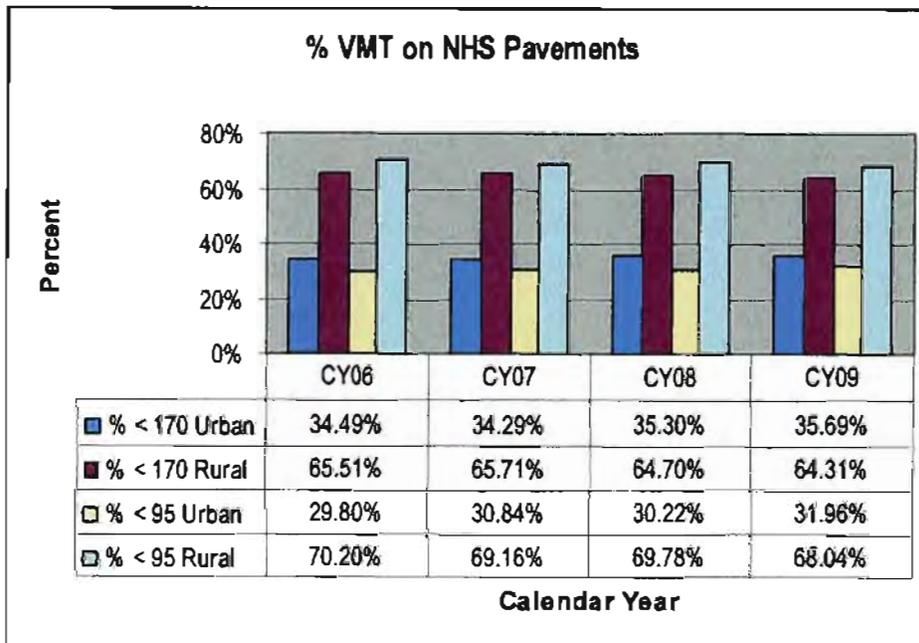
#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
PM	Pavement & Materials				
1.	Materials Acceptance	FAPG 23 CFR 637B	R & A	As updated	Field Ops Engineer
2.	Pavement Design Policy	23 CFR 626.3	R	As needed	PVMT ENGR

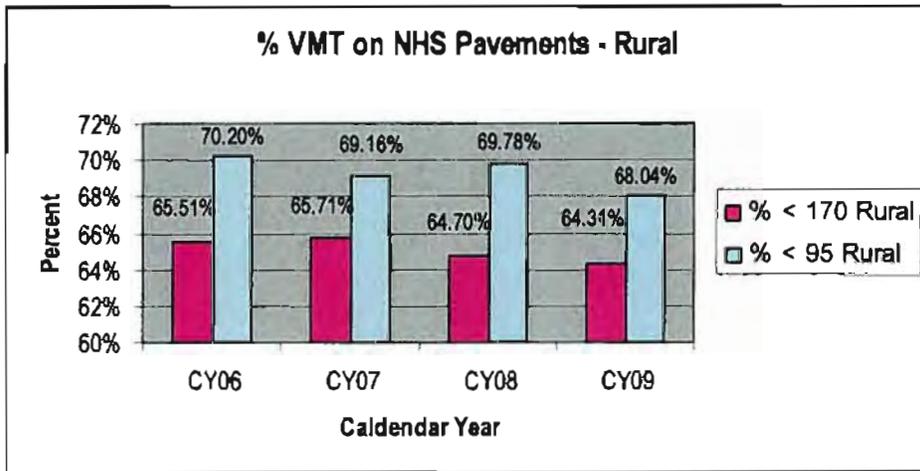
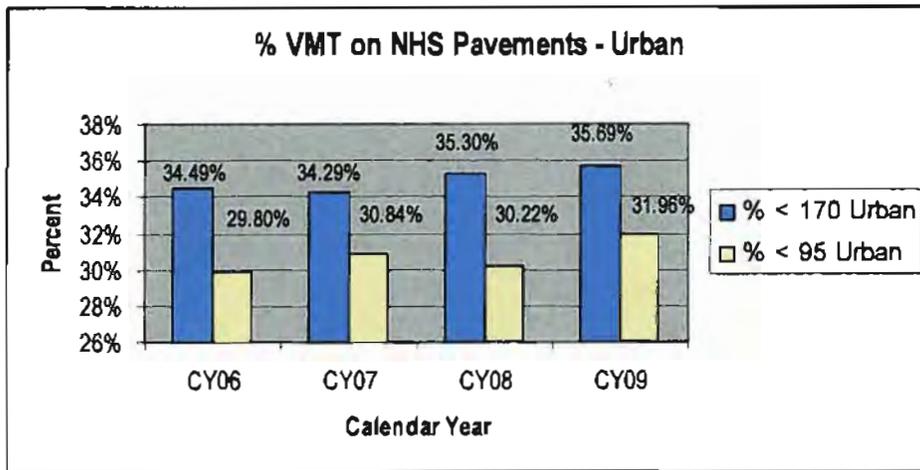
PVMT ENGR - FHWA Pavement Engineer

**3.5.2 Pavement and Materials Performance/Compliance Indicators**

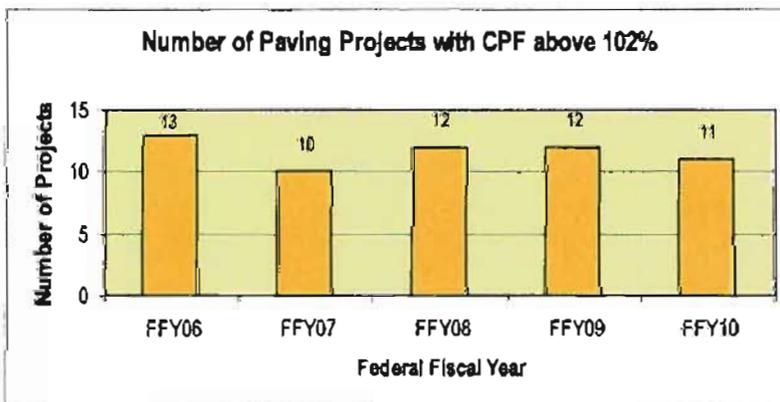
The following performance indicators will be used to assess the health of the Pavement Design and Materials Program:

1) Percent of Vehicle Miles Traveled (VMT) on the NHS Pavements within New Mexico with:	CY06	CY07	CY08	CY09
IRI <= 170 inches/mile urban				
IRI <= 170 inches/mile rural				
IRI <= 170 inches/mile all				
IRI < 95 inches/mile urban				
IRI < 95 inches/mile rural				
IRI < 95 inches/mile all				
Performance Indicator: Criteria listed above				
Reporting Instrument: HPMS Data (calendar year data)				
Reporting Frequency: Annually (HPMS is submitted June 15, data for prior calendar year)				





2) Number of total paving projects with a Composite Pay Factor of 102% or higher	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Performance Indicator: Number of projects with Composite Pay Factor</u>	13	10	12	12	11
<u>Reporting Instrument: Site Manager</u>					
<u>Reporting Frequency: Annually by Federal Fiscal Year</u>					



## 3.6 Structures

### 3.6.1 Structures Method of Operation

NMDOT will provide the FHWA Bridge Engineer the following on full oversight projects: scoping reports, type, size and location reports. NMDOT design engineers shall provide pre-final and final PS&E plans for all of the above-referenced bridges to the FHWA for review and information. Similarly, all discretionary bridge project plans will be treated in the same manner as Interstate Bridges.

The FHWA will provide comments on any bridge at their discretion. The NMDOT will provide written responses to any written FHWA comments. Foundation and hydraulic reports will be made available to FHWA.

The National Bridge Inventory (NBI) program will be monitored on a continuing basis with an annual review of all phases of the program (inspections, bridge posting, consultant overview, etc.) and by random reviews as determined appropriate by the FHWA. The FHWA Bridge Engineer and NMDOT Bridge Engineer will meet on a regular basis to discuss input into all assigned programs.

**Table 3.6-1: FHWA Structures Required Action List**

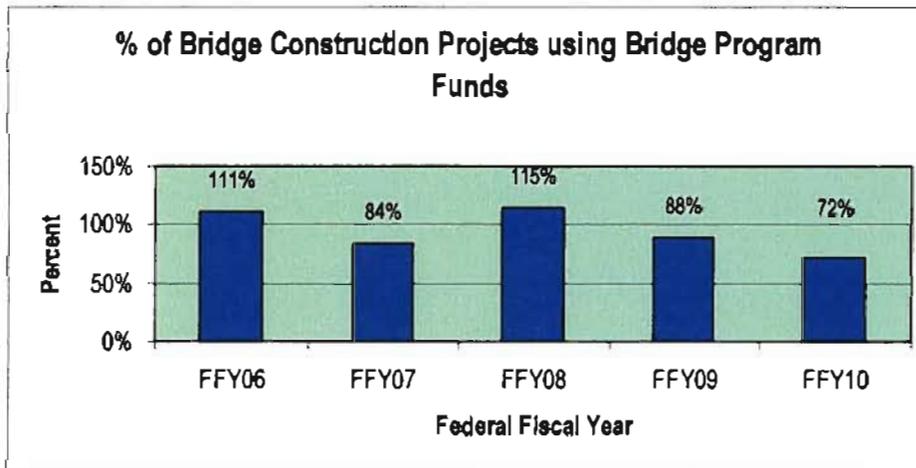
#	Activity	Authority	Action	Frequency	Delegated to
R = Review, A = Approve, C = Compliance					
BR	Bridge				
1.	NBIS Review Statewide report	23 CFR 650 Subpart C	R for C	Annually (date determined by Division)	BE
2.	HBP Unit Cost submittal & NBI tape submittal	23 CFR 650 Subpart D	R & A	Annually by April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

BE - FHWA Bridge Engineer

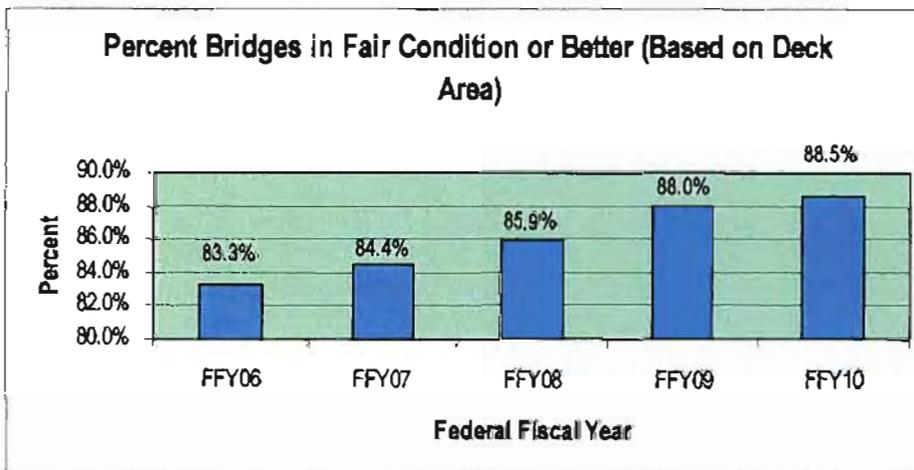
### 3.6.2 Structures Performance/Compliance Indicators

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

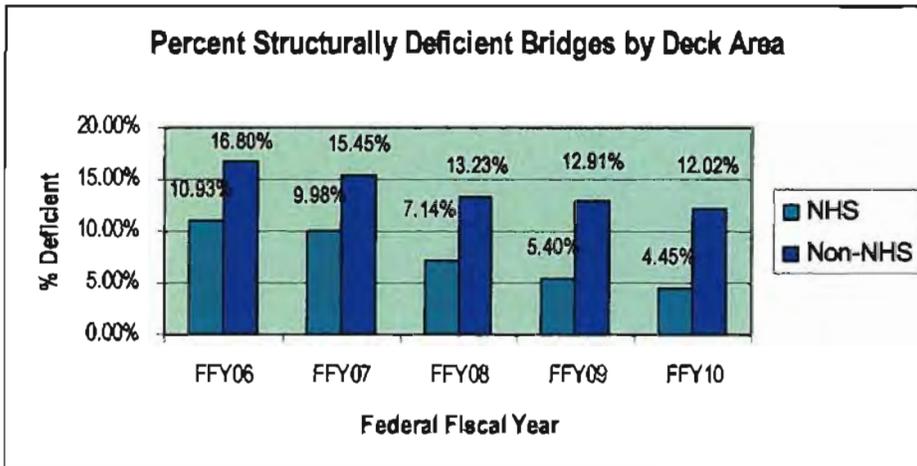
1) Percent of bridge construction projects using bridge program funds	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Amount of Bridge funds obligated as opposed to apportioned annually	111%	84%	115%	88%	75%
<u>Reporting Instrument:</u> FMIS 4.0 data (Funding Control)					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					



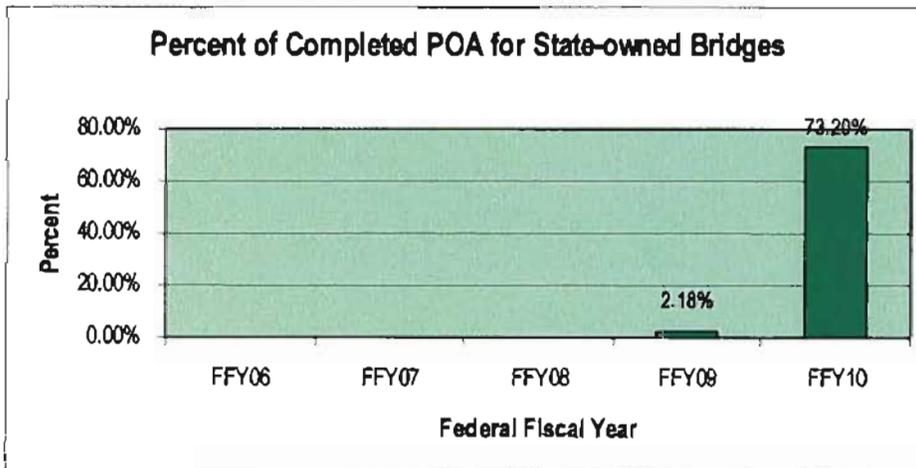
<b>2) Percent of bridges that are in fair condition or better (based on deck area)</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<b>Indicator:</b> Percent of bridges that are in fair condition or better (based on deck area)	83.3%	84.4%	85.9%	88.0%	88.5%
<b>Reporting Instrument:</b> Pontis/CHDB/TIMMS/Excel Spreadsheets					
<b>Reporting Frequency:</b> Annually by Federal Fiscal Year					



<b>3) Percent of structurally deficient Bridges by Deck Area</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<b>Indicator:</b> Percentage of structurally deficient bridge deck area on the NHS and Non-NHS	NHS 10.93%	NHS 9.98%	NHS 7.14%	NHS 5.4%	NHS 4.45%
<b>Reporting Instrument:</b> Pontis/CHDB/TIMMS/Excel Spreadsheets	Non-NHS 16.80%	Non-NHS 15.45%	Non-NHS 13.23%	Non-NHS 12.91%	Non-NHS 12.02%
<b>Reporting Frequency:</b> Annually by Federal Fiscal Year					



4) Percent of completed Plans of Action for state-owned bridges coded as Unknown Foundation or Scour Critical	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Percent of complete Plans of Action	0	0	0	2.18	73.2
<u>Reporting Instrument:</u> Pontis/CHDB/TIMMS/Excel Spreadsheets					
<u>Reporting Frequency:</u> Annually by Federal Fiscal Year					



### 3.7 Maintenance & Operations

#### 3.7.1 Maintenance and Operations Method of Operation

There are six District Offices responsible for constructing and maintaining 12,525 centerline miles of highway infrastructure statewide. There are 82 maintenance patrol units that perform various routine maintenance activities within the six districts.

The Operations Support Division resides within the General Office and provides support services in Administration, Intelligent Transportation Systems, Construction, Maintenance, Fleet and Materials. Administration, ITS, and Construction are addressed elsewhere; this section addresses Maintenance, Fleet and Materials.

The Operations and Support Division and FHWA will assure that available resources are utilized effectively to assure compliance with applicable federal requirements, and that adequate information is made available to the NMDOT Planning Division for appropriate incorporation in plans.

On an annual basis, Operations and Support Division and FHWA staff will review the interstate system in New Mexico to assure that it is being adequately maintained and operated.

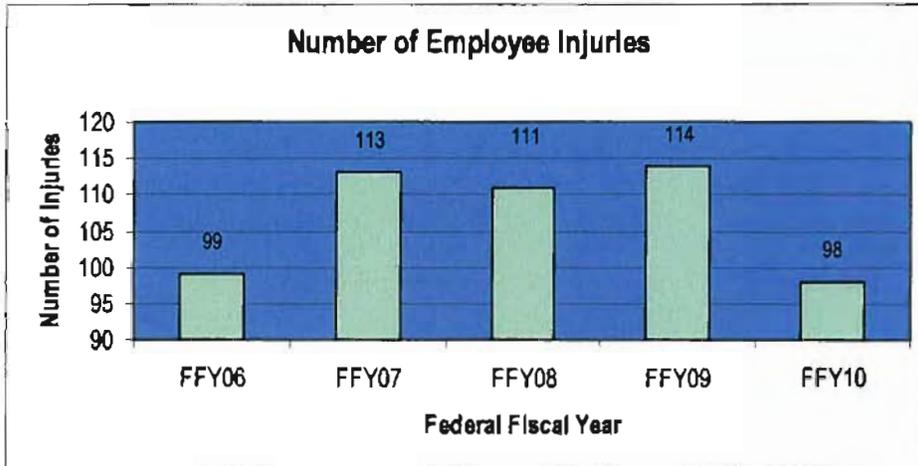
#### 3.7.2 Maintenance and Operations Performance/Compliance Indicators

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

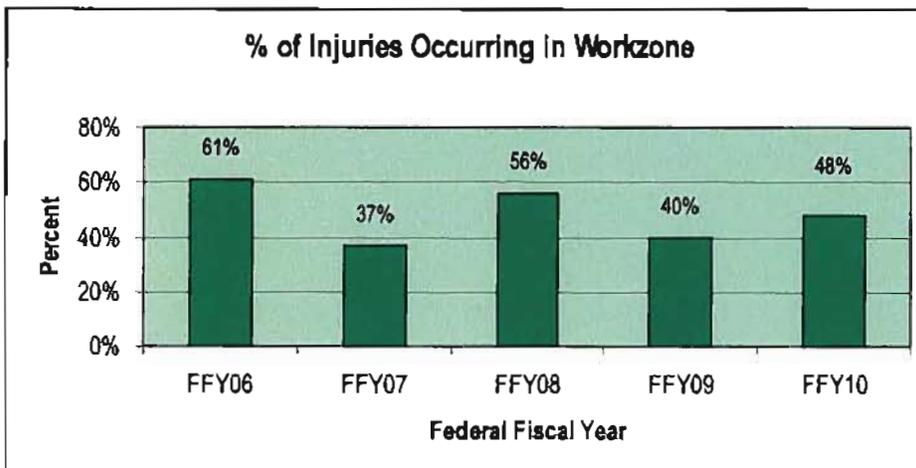
1) Days Lost to Injury – Lost days of work	FFY07	FFY08	FFY09	FFY10
Indicator: Number of days lost of work due to injury	351.2	673.5	1005	158
Reporting Instrument: Correlation table with number of employee injuries				
Reporting Frequency: Annually by September 1st				



<b>2) Days Lost to Injury – Number of employee injuries</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
Indicator: Number of employee injuries	113	111	114	98
Reporting Instrument: Correlation table with lost days of work				
Reporting Frequency: Annually by September 1st				



<b>3) Percent of total Injuries occurring in the Work zone</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
Indicator: Number of Work-Zone injuries	61%	37%	56%	40%	48%
Reporting Instrument:					
Reporting Frequency: Annually by Federal Fiscal Year					



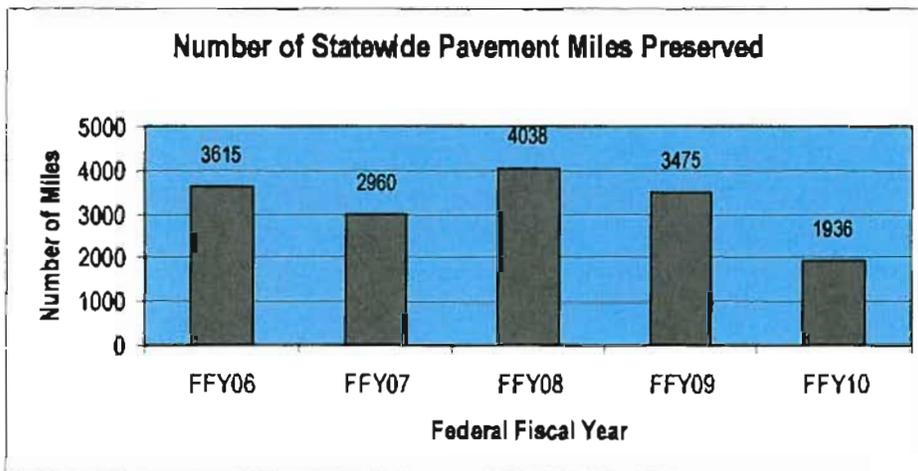
Indicators 3 and 4 are new proposals to be included in February 2011 Stewardship Agreement

4) Type of work zone injuries	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator:					
Reporting Instrument:					
Reporting Frequency: Annually by Federal Fiscal Year					

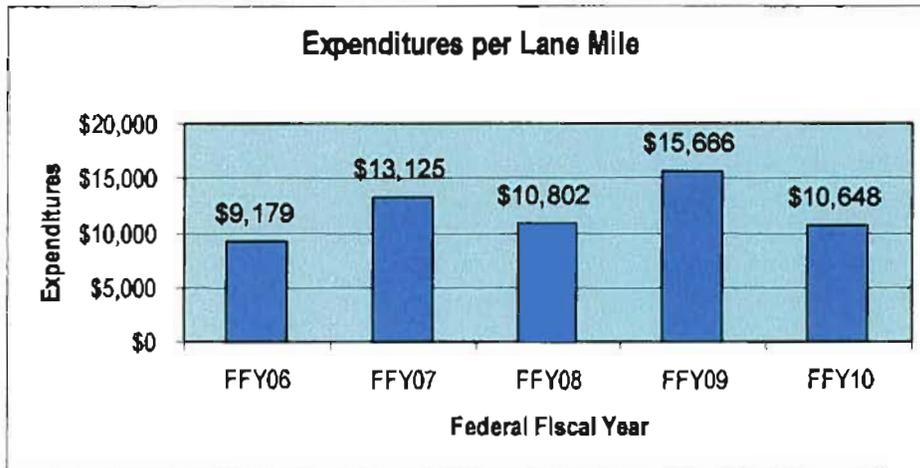
5) Maintain the equipment fleet per NMDOT and manufacturer specifications.	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: (To Be Developed)					
Reporting Instrument: Fleet Focus					
Reporting Frequency: Annually by Federal Fiscal Year					

6) Develop and maintain measure on Snow and Ice Removal (To Be Developed)	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator:					
Reporting Instrument:					
Reporting Frequency:					

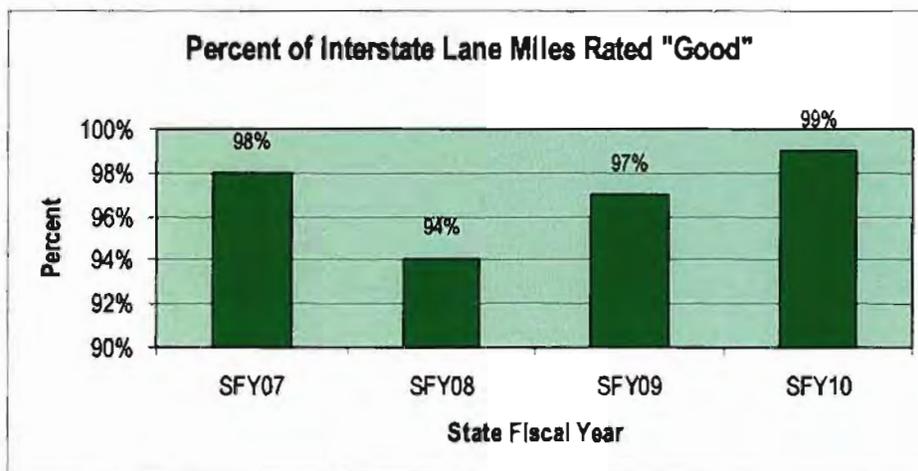
7) Number of statewide pavement miles preserved	FFY06	FFY07	FFY08	FFY09	FFY10
Performance Indicator: Number of improved surface or preserved lane miles	3615	2960	4038	3475	1936
Reporting Instrument: HMMS					
Reporting Frequency: Annually by September 1st					



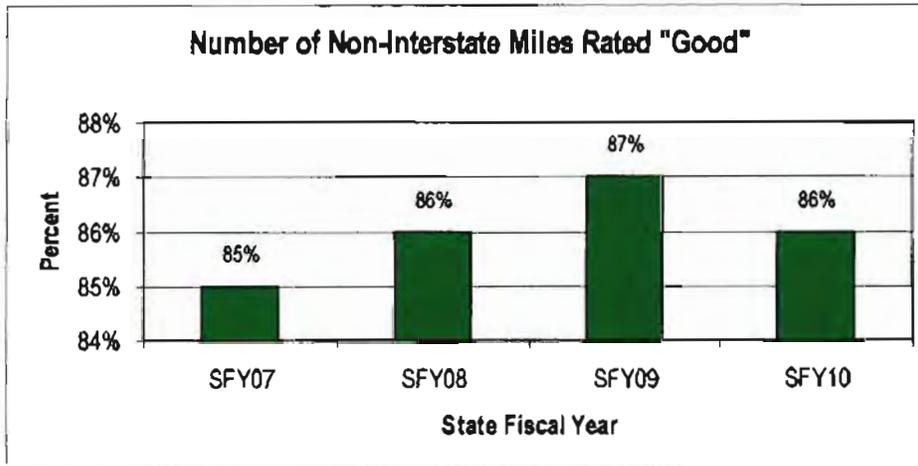
<b>8) Statewide Pavement Preservation Expenditures per Lane Mile</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<b>Performance Indicator:</b> Expenditures per lane mile on pavement preservation program	\$9179	\$13125	\$10802	\$15666	\$10648
<b>Reporting Instrument:</b> HMMS					
<b>Reporting Frequency:</b> Annually by September 15th					



<b>9) Percent of Interstate lane miles rated "good"</b>	<b>SFY06</b>	<b>SFY07</b>	<b>SFY08</b>	<b>SFY09</b>	<b>SFY10</b>
<b>Performance Indicator:</b> Pavement Serviceability Index (PSI) >=3	98%	98%	94%	97%	98%
<b>Reporting Instrument:</b> Pavement Management System (PMS)					
<b>Reporting Frequency:</b> Annually- October 15					



10) Percent of Non-Interstate lane miles rated good.	SFY06	SFY07	SFY08	SFY09	SFY10
Performance Indicator: Pavement Serviceability Index (PSI) >=2.5	83%	85%	86%	87%	86%
Reporting Instrument: Pavement Management System (PMS)					
Reporting Frequency: Annually-October 15					



### 3.8 Intelligent Transportation Systems (ITS) Program

#### 3.8.1 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 New Mexico Department of Transportation (NMDOT) and Federal Highway Administration (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 Intelligent Transportation Systems (ITS) and undertake incident management strategies and operations to maximize the efficiency of the transportation system.

NMDOT and FHWA will establish the ITS Steering Committee comprised of Two District Engineers, FHWA ITSPM and the Highway Operations Engineer. The ITS Bureau Chief and 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 based on the following:

NMDOT shall maintain and update a Statewide ITS Architecture Plan in compliance with 23 CFR 940 with concurrence by FHWA. FHWA will have oversight of the ITS development and deployment. ITS projects shall be developed consistent with the Architecture Plan 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.

NMDOT shall prepare an annual ITS work plan for the upcoming year. The work plan shall be due by January 15<sup>th</sup> of each year. The plan shall include a summary of the progress of the past year and identify the anticipated program for the forward year. The plan will also include performance indicators related to the work plan.

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

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

1. ITS system development and deployment progress,
2. Effectiveness of the ITS system operation, and
3. Response time of the incident management operation.

NMDOT shall develop and implement an ITS Project Certification for compliance with the Systems Engineering requirements for all projects pursuant to 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.

**Table 3.8-1: FHWA ITS Required Actions List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
ITS Intelligent Transportation Systems					
1.	Traffic Engineering and Analysis	23 CFR 940.11	R & A	Traffic surveillance and control system projects	ITSPM
2.	Conformity with National ITS Architecture	23 CFR 940.5	R & A	ITS projects using Highway Trust	ITSPM
3.	ITS Deployment Program-Congressional Earmarks	—	R & A	As needed	ITSPM
4.	ITS Regional Architecture	23 CFR 940.9	R & A	Project by project	ITSPM
5.	Project Administration - ITS	23 CFR 940.13	R & A	Project by project	ITSPM
6.	ITS standards	23 CFR 940.11	R & A	Project by project	ITSPM
7.	Congestion Management System	23 CFR 500.109	R for C	As needed/ revised by MPO/State	ITSPM
8.	Traffic Surveillance and Control	23 CFR 655.411	R for C	As needed w/PS&E submission (full oversight projects)	OE
9.	Work Zone Safety Assessment	---	R & A	Annually by June 1	ITSPM/SPE
10.	Incident Management Assessment	—	R & A	Annually by June 1	ITSPM

OE – FHWA Operation Engineer;  
 ITSPM – FHWA ITS Program Manager  
 SPE – FHWA Safety Program Engineer

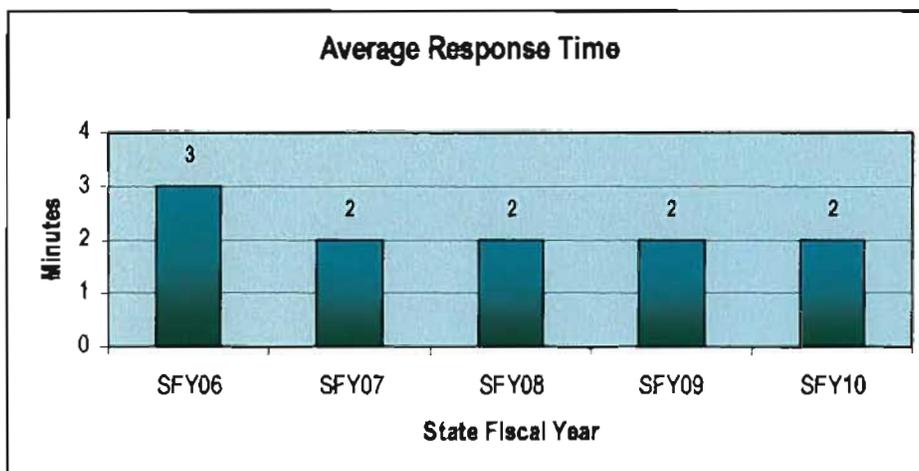
### 3.8.2 ITS Performance/Compliance Indicators

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:

<b>1) Percent of congested corridors (v/c &gt; 0.85 on interstates and freeways) implemented with incident management plans</b>	<b>SFY06</b>	<b>SFY07</b>	<b>SFY08</b>	<b>SFY09</b>	<b>SFY10</b>
Indicator: Percent of congested corridors (v/c > 0.85 on interstates and					

freeways) implemented with incident management plans.					
<u>Reporting Instrument:</u> ITS Work Plan Performance Measures					
<u>Reporting Frequency:</u> Annually by July of each year					

<b>2) Average response time between NMDOT's notification of an incident to on-scene arrival of the courtesy patrol</b>	<b>SFY06</b>	<b>SFY07</b>	<b>SFY08</b>	<b>SFY09</b>	<b>SFY10</b>
<u>Indicator:</u> Average response time between NMDOT's notification of an incident to on-scene arrival of the courtesy patrol.	3	2	2	2	2
<u>Reporting Instrument:</u> ITS Work Plan Performance Measures					
<u>Reporting Frequency:</u> Annually by July of each year					



### 3.9 Financial Management

#### 3.9.1 Financial Method of Operation

FHWA and NMDOT personnel maintain a cooperative working relationship in the administration and oversight of financial management. 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.

**Table 3.9-1: FHWA Financial Management Required Actions List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance S = Submit					
FM	Financial Management				
1.	Project Agreements (authorization/obligation)	23 CFR 630 Subpart C	Approve	As needed	FM
2.	Fed-aid billing reimbursement of eligible expenditures	23 CFR 140 and 635.122	R & A	As requested by NMDOT	FM
3.	Transfer of funds as requested	23 USC 104 (c)	R & A	As requested	FM

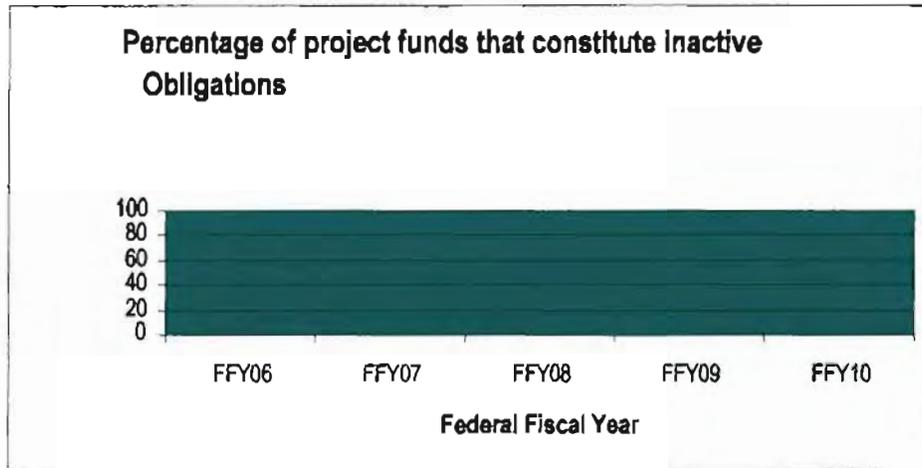
	by State	and 119 (f)			
4.	Federal Managers Financial Integrity Act Assurance Statement (FHWA Certification)	Congressional Act 1982	R & A	Annually by Oct. 1	FM
5.	State Infrastructure Bank Report	SIB Guidance 9/97 & Coop Agreement	R & S to HQ	Annually by Dec. 31	FM
6.	FIRE – Management Decision Letter on NMDOT Annual Financial Statement Audit findings if any	FIRE Order 4560.1a	R, C & S	Annually September 30 <sup>th</sup>	FM
7.	FIRE – Grant Process Review	FIRE Order 4560.1a	R, C & S	Annually by June 1	FM
8.	FIRE – Inactive Projects Review	FIRE Order 4560.1a	R, C & S	Annually by June 1	FM
9.	GARVEE BOND COMPLIANCE (GRIP and Other Bonds)	Memo HABF-40, March 2004	R, C	As Requested	FM
10.	Major Projects	Memo – HIPA-40 January 2007 Memo, and 23USC106	R&A	As Needed	FM
11.	10 yr 20 yr rule	23 CFR 630.112(c)(1&2)	R, C	Annually by July 31st	FM, FS
11.	Motor Fuel Tax (MFT) Evasion Project funds request	HQ memo soliciting applications	R & A	Periodic (usually annually)	PVT. ENG.
12.	Highway taxes and fees report	HQ memo of request	R for C and send to HQ	Periodic (usually biennially)	PVT. ENG.
13.	Monthly fuel report (PR 511M)	Chapter 2 of FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	Monthly. Also, a review of Motor Fuel Data reporting is done every 3 years.	PVT. ENG.
14.	Heavy Vehicle Use Tax Payment Certification	23 CFR 669.7	R for C and send to HQ	Annually by July 1	PVT. ENG.
15.	Heavy Vehicle Use Tax Payment Review	23 CFR 669.21 & FAPG NS 23 CFR 669	Conduct	Every 3 years	PVT. ENG.
16.	Vehicle Size & Weight enforcement certification	23 CFR 657.13	R for C	Annually by Jan 1	PVT. ENG.
17.	Vehicle Size & Weight enforcement plan	23 CFR 657.11	R & A w/evaluation report	Annually by July 1, w/approval by Oct 1	PVT. ENG.

FM - Financial Manager,  
FS - Financial Specialist  
PVT.ENG- Pavement Engineer  
DA- Division Administrator

### 3.9.2 Financial Performance/Compliance Indicators

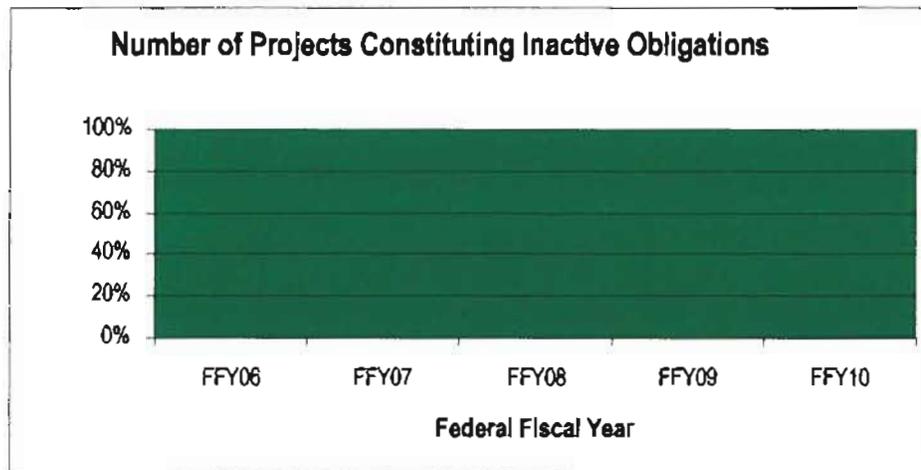
The following performance indicators will be used to assess the health of the Financial Program:

<b>1) Determine the percentage of project funds that constitute inactive obligations as prescribed by 23 CFR 630.106(a)(4).</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of inactive projects does not exceed 4% (national goal)					
<u>Reporting Instrument:</u> Inactive Reports FMIS 4.0					
<u>Reporting Frequency:</u> Monthly					



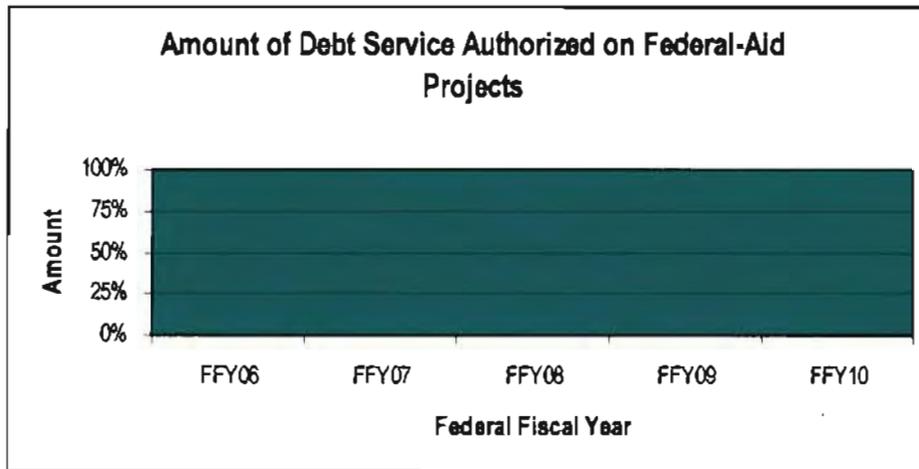
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2) Determine the number of projects that result in inactive obligations as prescribed by 23 CFR 630.106(a)(4)	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Number of projects on inactive list is reduced to 30 from 43 by September 30, 2011 (NM Goal)					
<u>Reporting Instrument:</u> Inactive Reports from FMIS 4.0					
<u>Reporting Frequency:</u> Monthly					



Data contributor did not submit any data to be reported therefore charts are blank

3) Determine the amount of Debt Service authorized on Federal-Aid projects	FFY06	FFY07	FFY08	FFY09	FFY10
<u>Indicator:</u> Federal Share of Debt Service does not exceed \$122 million per fiscal year.					
<u>Reporting Instrument:</u> NMDOT Debt Service Reconciliation Report and Project Allocation Report					
<u>Reporting Frequency:</u> Semi-Annual					



Data contributor did not submit any data to be reported therefore charts are blank

### 3.10 Planning and Air Quality

#### 3.10.1 Planning and Air Quality Method of Operation

The NMDOT and FHWA Stewardship Agreement objectives will be met through:

- Semiannual meetings that will be held between NMDOT Planning Staff and FHWA to review NMDOT's progress in meeting work objectives contained in the SP&R work program. Accomplishment reports will also be reviewed.
- Technical Assistance to MPOs and RPOs as necessary.

**Table 3.10-1: FHWA Planning Required Actions List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance S = Submit					
PL	Planning				
1.	20 Yr Statewide Transportation Plan	23 CFR 450.214	R for C	As updated	PLPM
2.	SPR and PL funded work programs	23 CFR 420	R & A	Annually by May 15	PLPM
3.	SPL/PL program performance/expenditure reports	23 CFR 420.117	R for C and send to HQ	Annually by Sept. 30	PLPM
4.	State PL funds formula	23 CFR 420.109	R & A	As needed or as revised by State	PLPM
5.	State certification of their planning process	23 CFR 450.218	R for C	In conjunction with STIP approval (at least biennially)	PLPM
6.	Public involvement for State planning process	23 CFR 450.212	R for C	As needed or as revised by State	PLPM
7.	Functional classification of highways/streets	23 CFR 105, 115	R & A	As needed or as revised by State	PLPM
8.	Urban area boundaries	23 CFR 470.105	R & A	As needed or as revised by State	PLPM
9.	Interstate additions & revisions	23 CFR 470.111, 115	R & Recommend action to HQ	As requested by State	PLPM
10.	NHS revisions	23 CFR 470.113, 115	R & Recommend action to HQ	As requested by State	PLPM
11.	Public Lands discretionary funds application	HQ memo soliciting applications	R & Recommend action to HQ	Periodic (usually annually, date varies)	PLPM
12.	Unified Planning Work Program for Transportation Management Areas (TMA)	23 CFR 450.308	R & A	Annually by May 15	PLPM
13.	Transportation plan for non-attainment metropolitan areas	23 CFR 450.322	R & A	Every 3 yrs	PLPM

14.	Transportation plan for attainment metropolitan areas	23 CFR 450.322	R for C	Every 5 yrs	PLPM
15.	Transportation Improvement Program (TIP) and corollary STIP amendments for non-attainment areas	23 CFR 450.324 – 330	R & A	As requested by State – at least biennially	PLPM
16.	TIP and corollary STIP amendments for attainment areas	23 CFR 450.324 – 330	R & A	As requested by State – at least biennially	PLPM
17.	FHWA/FTA TMA planning certification	23 CFR 450.334	Conduct w/FTA	Every 4 yrs	PLPM
18.	Metro planning area boundary changes	23 CFR 450.312	R for C	As needed/ revised by MPO/State	PLPM
19.	MPO/State certification of MPO planning process	23 CFR 450.334	R for C	In conjunction with TIP approval (at least biennially)	PLPM
20.	LTAP centers work plan and budget	FHWA LTAP Field Manual	R & A	Annually by March 31	R&T2 Engr.

PLPM – FHWA Planning Program Manager  
PVT ENGR – FHWA Pavement Engineer

**Table 3-10-2: FHWA Air Quality & Highway Information Required Actions List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance S = Submit					
<b>AQ</b>	<b>Air Quality</b>				
1.	Transportation plan conformity determination for non-attainment areas	23 CFR 450.322	R & A	Every 3 years	PLPM
2.	TIP conformity determination for non-attainment	23 CFR 450.324, 330	R & A	Every 2 years	PLPM
3.	CMAQ funds report	10/31/06 HQ CMAQ guidance memo	R for C and send to HQ	Annually by Feb 1	PLPM
4.	CMAQ funds eligibility determination	10/31/06 HQ CMAQ guidance memo	R & A	As requested by State	PLPM
5.	MPO/state air quality agency agreements	23 CFR 450.314	R for C	As needed or revised by MPO/State	PLPM
<b>HI</b>	<b>Highway Information</b>				
1.	HPMS data submission	FHWA HPMS Field Manual	R for C (State sends direct to HQ w/copy to Div.)	Annually by June 15	PVT ENGR
2.	HPMS data review	FHWA HPMS Field Manual	Conduct	Annually	PVT ENGR
3.	Highway statistics reports (various)	FHWA Guide to Reporting Highway Statistics	R for C (State sends direct to HQ w/copy to Div.)	Most annually, one biennially per FHWA guidance	PVT ENGR
6.	Public road mileage certification	23 CFR 460.3 & FAPG NS 23 CFR 460	R for C and send to HQ	Annually by June 1	PVT ENGR
7.	Traffic Monitoring System	23 CFR 500.203	R for C	As needed or revised by State	PVT ENGR

PLPM – FHWA Planning Program Manager  
PVT ENGR – FHWA Pavement Engineer

### 3.10.2 Planning and Air Quality Program Success

Factors expected to improve and influence program success are:

- Level of public input into the planning process;
- Public acceptance of Long-range Transportation Plans (LRTP) and TIPS;
- Fiscally constrained plans, including accurate projections of revenues and expenditures;

- Fiscally constrained TIPs;
- Fiscally constrained STIP and STIP amendments;
- Air quality improvements through reduction of mobile source emissions; and
- Reduction of congestion through use of TCMs and TDMS.

Program success will be informally measured by the following

- Acceptance of LRTP, TIPs, and STIP by the public;
- Timely submission of information;
- Limited number of revisions to the LRTPs, TIPs, and STIP; and
- Demonstration of conformity to the applicable emissions budgets identified in the State Implementation Plan.

### 3.10.3 Planning and Air Quality Performance/Compliance Indicators

The following performance indicators will be used to formally assess the health of the NMDOT's Planning and STIP development program:

1) Ensure coordination of the LRTP by NMDOT and Regional Planning Organizations	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Participation percentage for RPO/MPO meetings of eligible members and comments received on plan					
Reporting Instrument: Performance and Expenditure Report					
Reporting Frequency: Annually by September 30.					

## 3.11 Research

### 3.11.1 Research Method of Operation

The role of FHWA is to conduct research of national focus and to transfer those technologies to state and local transportation agencies. The role of NMDOT Research is to conduct research specific to state transportation needs and problems and to transfer technologies developed elsewhere into practice in New Mexico.

**Table 3.11-1 FHWA Research Required Actions List**

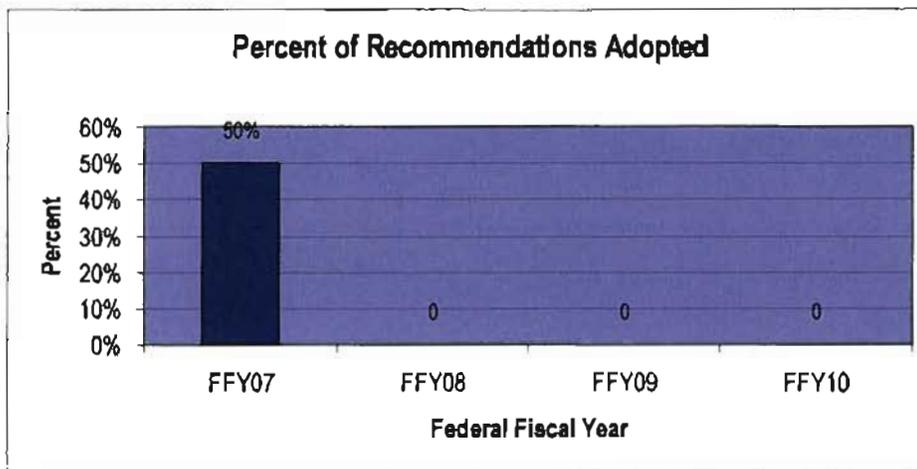
#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
R	Research				
1.	SPR work program	23 CFR 420.111	R & A	Annually by June 30	PPM Manager
2.	Experimental Project work plans	FHWA LTAP Field Manual	R & A	Project by project	R&T2 Engr.
3.	RD&T work program	23 CFR 420.209	R & A	Annually by June 30	R&T2 Engr.

R&T2 Engr. – FHWA Research Program Manager

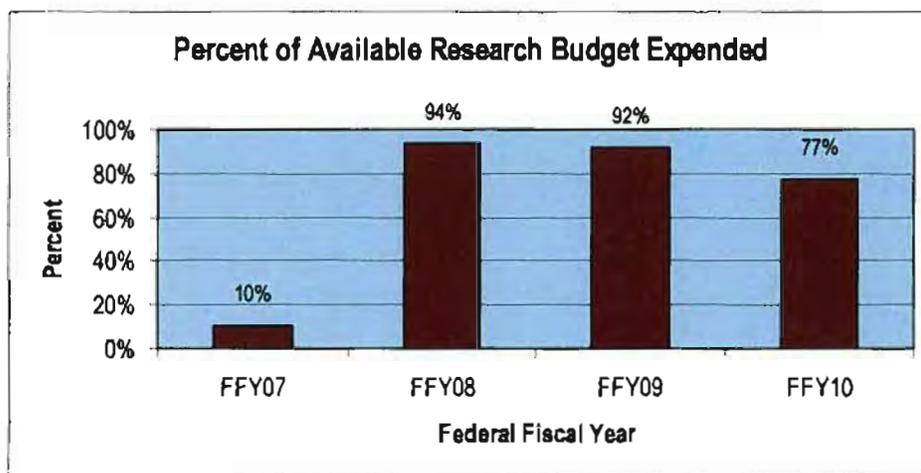
### 3.11.2 Research Performance/Compliance Indicators

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

<b>1) Percent of recommendations (i.e. spec changes, methodology changes, etc.) implemented or adopted within two years of final research report.</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of recommendations implemented		50%	0%	0%	0%
<u>Reporting Instrument:</u> Performance and Expenditures Report					
<u>Reporting Frequency:</u> Annually by September 30 of each year					

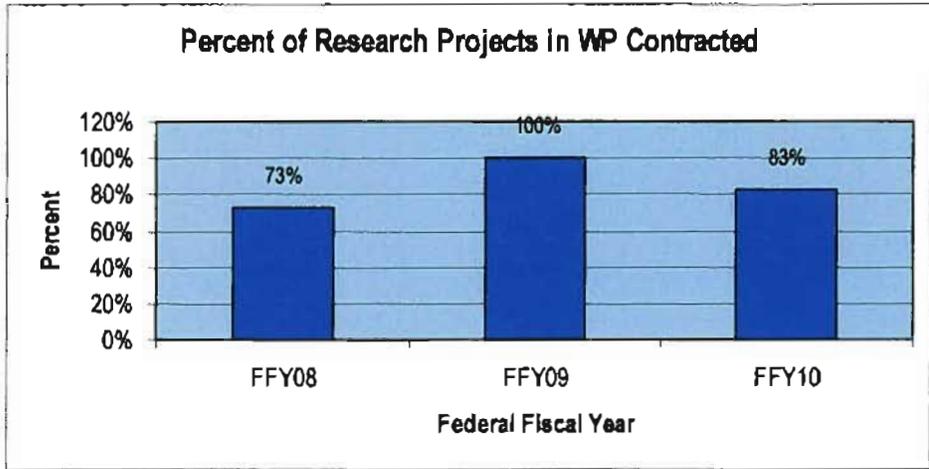


<b>2) Percent of available research budget expended</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of available budget expended on research program		10%	94%	92%	77%
<u>Reporting Instrument:</u> Performance and Expenditures Report					
<u>Reporting Frequency:</u> Annually by September 30 of each year					



<b>3) Percent of research projects in work plan actually contracted</b>	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
<u>Indicator:</u> Percent of those projects approved		N/A	73%	100%	83%

for a given fiscal year actually contracted during that year.					
Reporting Instrument: Performance and Expenditures Report					
Reporting Frequency: Annually by September 30 of each year					



4) Percent of research projects completed on-time and on-budget	FFY06	FFY07	FFY08	FFY09	FFY10
Indicator: Percent of those projects completed within the time and budget established by professional services agreements		N/A	N/A	88%	100% on time 96% on budget
Reporting Instrument: Performance and Expenditures Report					
Reporting Frequency: Annually by September 30 of each year					

### 3.12 Civil Rights

#### 3.12.1 Civil Rights Method of Operation

The Civil Rights programs are non-exempt under SAFETEA-LU; therefore, FHWA maintains ultimate responsibility and approval authority for all activities. The Civil Rights Program is 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.

**Table 3.12-1: FHWA Civil Rights Required Actions List**

#	Activity	Authority	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
CR	Civil Rights				
1.	Title VI Plan accomplishments and next year's goals	23 CFR 200.9	R & A	Annually by Oct 15	CRS
2.	Title VI Plan update	23 CFR 200.9	R & A	As needed or requested by State	CRS
3.	State internal EEO affirmative action plan (Title VII) accomplishments and goals, update plan as necessary	23 CFR 230.311	R & A	August 15	CRS
4.	EEO Contract Compliance review reports (form FHWA 86)	23 CFR 230.409, 230.413	R & A	within 30 days of compliance review	CRS
5.	State Employment Practices Report (EEO-4)	23 CFR 230.313 (III) (B)	R for C and send to HQ	August 15	CRS
6.	Uniform Report of DBE Awards or Commitments and Payments	49 CFR 26 Subpart C	R for C and send to HQ	Bi-annually by June 1 and Dec. 1	CRS
7.	State's DBE program goals	49 CFR 26.41	R & A	Annually by Aug 1	CRS
8.	DBE & OJT Supportive services funds requests	23 CFR 230.113	R & A	June 2	CRS
9.	DBE & OJT Quarterly Reports	23 CFR 230.121(e)	R for C	15 <sup>th</sup> of January, April, July, October	CRS
10.	Annual Contractor Employment Report (Construction Summary of Employment Data (form PR-1392))	23 CFR 230.121(a)	R for C and send to HQ	September 15	CRS
11.	OJT goals & accomplishments	23 CFR 230.111(b)	R for C	January 1	CRS
12.	Report on supportive services (OJT & DBE)	23 CFR 230.111, 113	R for C	Quarterly	CRS
13.	ADA Review NMDOT's ADA Transition Plan	23 CFR 35.150	R for C	Annually by Aug 1	CRS
14.	Coordinate with local governments ADA Coordinator	23 CFR 35.150	R for C	July 1	CRS
15.	Develop an ADA training plan for local governments	23 CFR 35.150	R for C	July 1	CRS
16.	MIHE Annual Planned Awards	Presidential Executive Orders 13230, 13256, 13270	R for C	September 29	CRS

The NMDOT Civil Rights program is documented as follows:

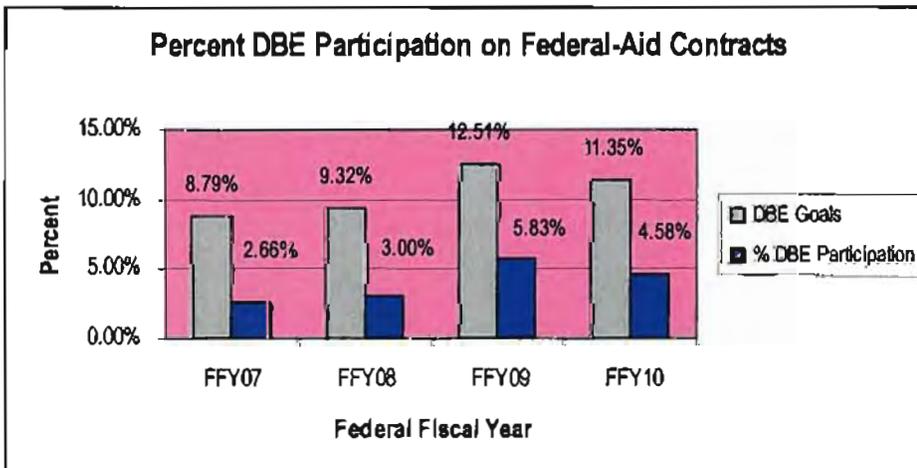
- DBE Program Plan and Methodology
- Title VI Plan
- EEO/Affirmative Action/ADA Plan
- Contract Compliance Program
- ADA Plan

Program Plans are updated as necessary when changes are made. For example, when changes were made to the NMDOT retainage policy, appropriate changes were made to that section of its DBE Program Plan.

**3.12.2 Performance/Compliance Indicators**

<b>1) Number of Local Government entities with ADA Transition Plans In effect</b>	No history exists prior to July 28, 2009			
Indicator: MPO/RPO submittals	<b>FY07*</b>	<b>FY08*</b>	<b>FY09*</b>	<b>FY10</b>
Reporting Instrument: Submitted ADA transition plan on public rights-of-way				24
Reporting Frequency: Annual				
<p>*Data reported is for period Jan. 1, 2010 thru Sept. 30, 2010.  Training for Local Government ADA Coordinators is scheduled to start on Jan. 1, 2011. All LGUs will be required to have a work Transition Plan by Aug. 17, 2011 as per FHWA. 38 LGUs responded to request for transition plans. Of the 38, only 9 have completed Transition Plans.</p>				

<b>2) % DBE participation on Federal-aid contracts</b>	The DBE program was implemented in 1999. At that time, data was collected in the former NMDOT database called CHAMPS. As of 2008, CHAMPS was replaced with B2GNow, which is the current data collector for the DBE program.				
Indicator: Meet or exceed NMDOT DBE goal					
Reporting Instrument: DBE Awards & Commitments Report					
Reporting Frequency: Semi Annual					
	<b>FFY06</b>	<b>FFY07</b>	<b>FFY08</b>	<b>FFY09</b>	<b>FFY10</b>
DBE Goals		8.79%	9.32%	12.51%	11.35%
% DBE Participation		2.66%	3.00%	5.83%	4.58%



<b>3) OJT compliance</b>	<p>The NMDOT On the Job Training Program was implemented in June of 2009. No data exists prior to that date. We cannot yet determine whether 75% compliance has been met.</p> <p>The NMDOT OEOP has thus far assigned OJT goals and trainee requirements to five highway construction projects. We have reviewed the OJT Plan and OJT Schedule for one of those projects. Of the remaining four projects, one was suspended, 2 have not yet been awarded, and one has been awarded, but the contractor has not yet submitted the OJT Plan and OJT Schedule for review.</p>
<u>Indicator:</u> 75% compliance with OJT goals for calendar year	
<u>Reporting Instrument:</u> OJT Training Goals & Accomplishments	
<u>Reporting Frequency:</u> Annually	

<b>4) Timely submittal of reports/updates, etc</b>	<p>Required reports have been submitted on due date requested. NMDOT is not currently engaged in Supportive Services program for DBE. Therefore, no reports are being submitted. Historical data is kept at the Office of Equal Opportunity Programs and is available upon request.</p>
<u>Indicator:</u> 75% of reports submitted on due date	
<u>Reporting Instrument:</u> Various, as outlined by Headquarters' templates	
<u>Reporting Frequency:</u> As stipulated by CFR or FHWA.	

## 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 the Division's Federal-Aid oversight responsibilities based on regulations and national policies. Core functions in the Division Office are Planning, Environment, Right-of-Way, Design, Construction, Finance, Operations, System Preservation, Safety, and Civil Rights.

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

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

**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.

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

**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 m (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 Federal Aid National Highway system in New Mexico, inclusive of the interstate system.

**NMDOT project level oversight** includes taking over FHWA responsibilities for all reviews and approvals associated with the design and construction, including final inspection, of Federal-Aid projects.

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

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

**Reconstruction** – Is any improvement that adds capacity to, or alters the vertical or horizontal geometry of an existing roadway segment or facility. Any new alignment 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 the 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 Federal-aid highway program.

**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 Federal Highway Administration to deliver the Federal-Aid Highway Program as well those public funds entrusted in the NMDOT for a safe and efficient transportation system.

**APPENDIX A**  
**FHWA New Mexico Division and New Mexico Department of Transportation**  
**Oversight Screening Criteria**

**Federal Project Number:** \_\_\_\_\_

**State Control Number:** \_\_\_\_\_

<b>Tier I Criteria</b>	<b>Check One</b>
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.*

<b>Tier II Criteria</b>	<b>Risk (0-3)</b>
Level of Environmental Review (EIS/EACE)	
• Natural Resources	0-3
• Cultural Resources	0-3
• Public Controversy	0-3
Certifications (Environment, Utilities, R/W)	0-3
Project Complexity	
• 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.

<b>TOTAL SCORE for Tier II</b>	<b>Check One</b>
Full Oversight	
State Oversight	

*A project with a score of 20 or higher will be categorized as Federal Oversight.*

<b>Notes:</b>
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**Concurred on by:**

**NMDOT** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FHWA** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Oversight will be further reassessed upon authorization of the project’s environmental documents:**

**NMDOT** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FHWA** \_\_\_\_\_

**Date:** \_\_\_\_\_

**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:**

1. The FHWA 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.
2. The FHWA retains responsibility of authorizing environmental documents. The FHWA Operations Engineer, in cooperation with NMDOT, will further evaluate oversight assignment at this time and document that determination on the Screening Criteria form.
3. 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  
List of Indicators and Owner's of the Data**

<b>S&amp;O Agreement Location</b>	<b>Indicator Description</b>	<b>Timing of Updates</b>	<b>Data Owner(s)</b>
<b>3.1.3</b>	<b>Environmental Performance / Compliance Indicators</b>		
3.1.3 1A)	Environmental Documents: % of EAs Complete within 90 days	Annually FFY	NMDOT – Jeff Fredine
3.1.3 1B)	Environmental Documents: % of EIS complete within 24 months	Annually FFY	NMDOT – Jeff Fredine
3.1.3 2)	Comparison of Documentation Types to National Baseline	Annually Calendar Year	NMDOT – Jeff Fredine
<b>3.2.3</b>	<b>ROW Performance / Compliance Indicators</b>		
3.2.3 1)	Conditional ROW Certification	Annually FFY	NMDOT – Sandy Kruzich
3.2.3 2)	Condemnation letters of intent	Annually FFY	NMDOT – Ron Nodel
3.2.3 3)	Appraisal waiver use	Annually FFY	NMDOT – Ron Nodel
<b>3.3.2</b>	<b>Traffic Safety Performance / Compliance Indicators</b>	<b>Annually Calendar Year</b>	
3.3.2 1)	Reduce the overall traffic fatality rate	Annually Calendar Year	NMDOT – Franklin Garcia
3.3.2 2)	DWI Fatalities – BAC of .08 and above	Annually Calendar Year	NMDOT – Franklin Garcia
3.3.2 3)	Number of serious injuries in traffic crashes “A” only	Annually Calendar Year	NMDOT – Franklin Garcia
3.3.2 4)	Observed Seatbelt usage for passenger vehicles – front seat	Annually Calendar Year	NMDOT – Franklin Garcia
3.3.2 5)	Number of passengers not wearing seatbelts in motor fatalities.	Annually Calendar Year	NMDOT – Franklin Garcia
3.3.2 6)	Tracking of HSIP funds (to be developed)	Annually Calendar Year	NMDOT – Franklin Garcia
<b>3.4.3</b>	<b>Project Delivery Performance / Compliance Indicators</b>		
3.4.3 1)	Amount of fed-aid funds obligated vs. total available (based on No. of Projects)	Annually FFY	NMDOT – Rebecca Sena
3.4.3 1A)	Amount of fed-aid funds obligated vs. total available	Annually FFY	NMDOT – Rebecca Sena
3.4.3 2)	% of projects completed on time	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 3)	% of projects with final construction costs (less GRT) below award	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 4)	% of Projects with final construction costs (less GRT) >0% but <10% above award	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 5)	% of projects with final construction costs (less GRT) ≥ 10%, but <20% above award	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 6)	% of projects with final construction costs (less GRT) ≥ 20% above award	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 7)	% of projects with final construction cost (less GRT) with +/- 10% of Engineer's	Annually FFY	NMDOT – Bobby Benavidas

	Estimate		
<b>S&amp;O Agreement Location</b>	<b>Indicator Description</b>	<b>Timing of Updates</b>	<b>Data Owner(s)</b>
3.4.3 8)	% of projects with award within +/- 10% of Engineer's Estimate	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 9)	Number of claims submitted each year	Annually FFY	NMDOT – Joe Garcia
3.4.3 10)	Number of claims paid each year	Annually FFY	NMDOT – Joe Garcia
3.4.3 11)	Number of Change Orders by Type	Annually FFY	NMDOT – Bobby Benavidas
3.4.3 12)	Change orders by Dollar Amount	Annually FFY	NMDOT – Bobby Benavidas
<b>3.5.2</b>	<b>Pavement and Materials Performance / Compliance Ind.</b>		
3.5.2 1)	% of vehicle miles traveled on NHS pavement	Annually HPMS*	NMDOT – Antonio Abeta / Leroy Kahn
3.5.2 2)	# of paving projects with composite pay factor >102%	Annually FFY	NMDOT – Bobby Benavidas
<b>3.6.2</b>	<b>Structures Performance / Compliance Indicators</b>		
3.6.2 1)	% of bridge construction projects using bridge funds	Annually FFY	NMDOT – Rebecca Sena
3.6.2 2)	% of bridges that are in fair condition or better (based on deck area)	Annually FFY	NMDOT – Jeff Vegil
3.6.2 3)	% of structurally deficient bridges by deck area	Annually FFY	NMDOT – Jeff Vegil
3.6.2 4)	% of completed plans or actions coded "unknown foundation or scour critical"	Annually FFY	NMDOT – Jeff Vegil
<b>3.7.2</b>	<b>Maintenance and Operations Performance / Compliance Indicators</b>		
3.7.2 1)	Days lost to injury – Work days lost to injury	Annually by 09/01	NMDOT – Aaron Penaido
3.7.2 2)	Days lost to injury – Number of employee injuries	Annually by 09/01	NMDOT – Aaron Penaido
3.7.2 3)	% of total injuries occurring in the work zone	Annually FFY	NMDOT – Aaron Penaido
3.7.2 4)	Type of Work-Zone Injuries	Annually FFY	NMDOT – Aaron Penaido
3.7.2 5)	Maintain equipment fleet per NMDOT and manufacturer specifications	Annually by 09/01	NMDOT – Ton Trujillo
3.7.2 6)	Develop and maintain measure on Snow and Ice Removal		NMDOT – David Bradshaw
3.7.2 7)	# of statewide pavement miles preserved	Annually FFY	NMDOT – David Bradshaw
3.7.2 8)	Statewide pavement preservation expenditures per lane mile	Annually by 09/15	NMDOT – David Bradshaw
3.7.2 9)	% of Interstate lane miles rated "good"	Annually by 10/15	NMDOT – Robert Young
3.7.2 10)	% of Non-Interstate lane miles rated good	Annually by 10/15	NMDOT – Robert Young
<b>3.8.2</b>	<b>ITS Performance / Compliance Indicators</b>		
3.8.2 1)	% of congested corridors (v/c>0.85 on interstates and freeways)	Annually by 07/01	NMDOT – Charles Remkes
3.8.2 2)	Average response time between NMDOT notification of an incident to	Annually by 07/01	NMDOT – Charles Remkes

<b>S&amp;O Agreement Location</b>	<b>Indicator Description</b>	<b>Timing of Updates</b>	<b>Data Owner(s)</b>
<b>3.9.2</b>	<b>Financial Performance / Compliance Indicators</b>		
3.9.2 1)	% of project funds that constitute inactive obligations	Monthly	NMDOT – Delores Gallegos
3.9.2 2)	Number of projects that result in inactive obligations	Monthly	NMDOT – Delores Gallegos
3.9.2 3)	Determine amount of Debt Service authorized on Fed-Aid projects	Semi-Annual	NMDOT – Delores Gallegos
<b>3.10.3</b>	<b>Planning and Air Quality Performance / Compliance Indicators</b>		
3.10.3 1)	Ensure coordination of the LRTP by NMDOT and Regional Planning Organizations	Annually by 09/30	
<b>3.11.2</b>	<b>Research Performance / Compliance Indicators</b>		
3.11.2 1)	% of recommendations implemented or adopted within 2 years of final research project	Annually by 09/30	NMDOT – Scott McClure
3.11.2 2)	% of available research budget expended	Annually by 09/30	NMDOT – Scott McClure
3.11.2 3)	% of research projects in work plan actually contracted	Annually by 09/30	NMDOT – Scott McClure
3.11.2 4)	% of research projects completed on-time and on-budget	Annually by 09/30	NMDOT – Scott McClure
<b>3.12.2</b>	<b>Civil Rights Performance / Compliance Indicators</b>		
3.12.2 1)	# of Local Government entities with ADA transition plans in effect	Annually	NMDOT – Bryan Brock
3.12.2 2)	% DBE participation on Fed-aid contracts	Semi-Annually	NMDOT – Bryan Brock
3.12.2 3)	OJT compliance	Annually	NMDOT – Bryan Brock
3.12.2 4)	Timely submittal of reports / updates, etc.	Annually	NMDOT – Bryan Brock

\*HPMS data is available June 15<sup>th</sup> for the prior calendar year.