

**STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT BY AND BETWEEN  
FEDERAL HIGHWAY ADMINISTRATION, RHODE ISLAND DIVISION  
AND THE  
STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION**

**SECTION I. BACKGROUND AND INTRODUCTION**

The Federal-aid Highway Program (FAHP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAHP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c), as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAHP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the State of Rhode Island Department of Transportation (State DOT) on the roles and responsibilities of the FHWA and the State DOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAHP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State DOT unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State DOT to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c) (1)) For projects under Title 23, U.S.C. that are not on the NHS, the State DOT shall assume the responsibilities for design, plans, specifications, estimates, contract awards, and inspections unless the State determines that such assumption is not appropriate. (23 U.S.C. 106(c) (2))

For all other project activities which do not fall within the specific project approvals listed in Section 106 or are not otherwise authorized by law, the FHWA may authorize a State DOT to perform work needed to reach the FHWA decision point, or to implement FHWA's decision. However such decisions themselves are reserved to FHWA.

The authority given to the State DOT under Section 106(c) (1) and (2) is limited to specific project approvals listed herein. Nothing listed herein is intended to include assumption of FHWA's decision-making authority regarding Title 23, U.S.C. eligibility or Federal-aid participation determinations. The FHWA always must make the final eligibility and participation decisions for the Federal-aid Highway Program.

Section 106(c) (3) requires FHWA and the State DOT to enter into an agreement relating to the extent to which the State DOT assumes project responsibilities. This Stewardship and Oversight Agreement (S&O Agreement), includes information on specific project approvals and related responsibilities, and provides the requirements for FHWA oversight of the FAHP (Federal-aid Highway Program), as required by 23 U.S.C. 106(g).

## **SECTION II. INTENT AND PURPOSE OF S&O AGREEMENT**

The intent and purpose of this S&O Agreement is to document the roles and responsibilities of the FHWA's Rhode Island Division Office (FHWA) and Rhode Island Department of Transportation (State DOT) with respect to project approvals and related responsibilities, and to document the methods of oversight which will be used to efficiently and effectively deliver the FAHP. In this document where the term State DOT is used the responsibilities are assumed by the Chief Engineer's Office unless stated otherwise in this document.

The Project Action Responsibility Matrix, Attachment A to this S&O Agreement and as further described in Section VIII of this S&O Agreement, identifies FHWA FAHP project approvals and related responsibilities State DOT assumes from FHWA on a program-wide basis pursuant to 23 U.S.C. 106(c) and other legal authorities. Upon execution of this agreement, Attachment A shall be controlling and except as specifically noted in Attachment A, no other agreements, attachments, or other documents shall have the effect of delegating or assigning FHWA approvals to State DOT on a program-wide basis under 23 U.S.C 106 or have the effect of altering Attachment A.

## **SECTION III. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS ON THE NATIONAL HIGHWAY SYSTEM**

- A. The State DOT may assume the FHWA's Title 23 responsibilities for design; plans, specifications, and estimates (PS&E); contract awards; and inspections, with respect to Federal-aid projects on the National Highway System (NHS) if both the State DOT and FHWA determine that assumption of responsibilities is appropriate as defined in Attachment A.
- B. Approvals and related activities for which the State DOT has assumed responsibilities as shown in Attachment A will apply program wide. However, where the responsibility is designated as 'STATE (4)', the State shall assume responsibility unless the project has been identified as a PODI, in which case responsibility will be designed in the PoDI

Stewardship and Oversight Plan developed in accordance with the FHWA Project of Division Interest/Project of Corporate Interest Guide (FHWA PoDI/PoCI Guide) located at <http://www.fhwa.dot.gov/federalaid/stewardship/140328.cfm>

- C. The State DOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c) (1))
- D. The State DOT is to exercise any and all assumptions of the Secretary responsibilities for Federal-aid projects on the NHS in accordance with Federal laws, regulations and policies.

#### **SECTION IV. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS OFF THE NATIONAL HIGHWAY SYSTEM**

- A. The State DOT shall assume the FHWA's Title 23 responsibilities for design, PS&Es, contract awards, and inspections, with respect to Federal-aid projects off the NHS (non-NHS) unless the State DOT determines that assumption of responsibilities is not appropriate. (23 U.S.C. 106(c) (2))
- B. Except as provided in 23 U.S.C. 109(o), the State DOT is to exercise the Secretary's approvals and related responsibilities on these projects in accordance with Federal laws.
- C. Non-NHS Program Oversight - The State DOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as "State" in Attachment A on a program-wide basis.
- D. Non-NHS Project Oversight - For a project specific request, the State may request FHWA carry out any approval or related responsibility listed in Attachment A off the NHS. Such project-specific requests shall be designated in the PODI Stewardship and Oversight Plan in accordance with PoCI/PoDI Guide, located on the FHWA Stewardship and Oversight homepage at <http://www.fhwa.dot.gov/federalaid/stewardship/140328.cfm>.
- E. Pursuant to 23 U.S.C. 109(o), non-NHS projects shall be designed and constructed in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

#### **SECTION V. ASSUMPTION OF RESPONSIBILITIES FOR LOCALLY ADMINISTERED PROJECTS**

The State DOT may permit local public agencies (LPAs) to carry out the State DOT's assumed responsibilities on locally administered projects. The State DOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements per 23 U.S.C 106 and as defined in Attachment E and Attachment F of this document.

## **SECTION VI. PERMISSIBLE AREAS OF ASSUMPTION UNDER 23 U.S.C. 106(c)**

An assumption of responsibilities under 23 U.S.C. 106(c) may cover only activities in the following areas:

- A. Design, which includes preliminary engineering, engineering, and design-related services directly relating to the construction of a FAHP-funded project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services.
- B. PS&E, which represents the actions and approvals required before authorization of construction. The PS&E package includes geometric standards, drawings, specifications, project estimates, certifications relating to completion of right-of-way acquisition and relocation, utility work, and railroad work.
- C. Contract awards, which include procurement of professional and other consultant services and construction-related services to include advertising, evaluating, and awarding contracts.
- D. Inspections, which include general contract administration, material testing and quality assurance, review, and inspections of Federal-aid contracts as well as final inspection/acceptance
- E. Approvals and related responsibilities affecting real property as provided in 23 CFR 710.201(i) and any successor regulation in 23 CFR Part 710.

## **SECTION VII. FEDERAL APPROVALS AND RELATED RESPONSIBILITIES THAT MAY NOT BE ASSUMED BY THE STATE DOT**

- A. Any approval or related responsibility not listed in Attachment A cannot be assumed by the State DOT without prior concurrence by FHWA Headquarters. The following is a list of the most frequently-occurring approvals and related responsibilities that may not be assumed by the State DOT:
  - Civil Rights Program approvals;
  - Environmental approvals, except those specifically assumed under other agreements. (23 U.S.C. 326 and 327; programmatic categorical exclusion agreements);
  - Federal air quality conformity determinations required by the Clean Air Act;
  - Approval of current bill and final vouchers;
  - Approval of federally-funded hardship acquisition, protective buying, and 23 U.S.C. 108(d) early acquisition;
  - Project agreements and modifications to project agreements and obligation of funds (including advance construction);

- Planning and programming pursuant to 23 U.S.C. 134 and 135;
- Special Experimental Projects (SEP-14 and SEP-15);
- Use of Interstate airspace for non-highway-related purposes;
- Any Federal agency approval or determination under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, and implementing regulations in 49 CFR Part 24;
- Waivers to Buy America requirements;
- Approval of Federal participation under 23 CFR 1.9(b);
- Provide pre-approval for preventive maintenance project (until FHWA concurs with State DOT procedures);
- Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations, or other contributions applied to a project;
- Functional replacement of property;
- Approval of a time extension for preliminary engineering projects beyond the 10-year limit, in the event that actual construction or acquisition of right-of-way for a highway project has not commenced;
- Approval of a time extension beyond the 20-year limit for right of way projects, in the event that actual construction of a road on the right-of-way is not undertaken;
- Determine need for Coast Guard Permit;
- Training Special Provision – Approval of New Project Training Programs; and

Any other approval or activity not specifically identified in Attachment A unless otherwise approved by the FHWA, including the Office of Chief Counsel.

- B. For all projects and programs, the State DOT will comply with Title 23 and all applicable non-Title 23, U.S.C. Federal-aid program requirements, such as metropolitan and statewide planning; environment; procurement of engineering and design related service contracts (except as provided in 23 U.S.C. 109(o)); Civil Rights including Title VI of the *Civil Rights Act*, and participation by Disadvantaged Business Enterprises; prevailing wage rates; and acquisition of right-of-way, etc.
- C. This Agreement does not modify the FHWA’s non-Title 23 program approval and related responsibilities, such as approvals required under the Clean Air Act; National Environmental Policy Act, Executive Order on Environmental Justice (E.O. 12898), and other related environmental laws and statutes; the Uniform Act; and the Civil Rights Act of 1964 and related statutes.

## **SECTION VIII. PROJECT ACTION RESPONSIBILITY MATRIX**

Attachment A, Project Action Responsibility Matrix, to this S&O Agreement identifies FAHP project approvals and related responsibilities. The Matrix specifies which approvals and related responsibilities are assumed by the State under 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as approvals and related responsibilities reserved to FHWA.

## **SECTION IX. IDENTIFYING PROJECTS OF DIVISION INTEREST**

- A. In May/June of each year, FHWA and State DOT will assess the current list of PODIs in planning for the upcoming federal performance year. Existing PODIs may be removed by FHWA if the identified risk areas have been mitigated or no longer exist. New PODIs will be identified for consideration through (but not limited to) a review of active PE and construction projects, the current STIP, and the outcome of process/program reviews and project inspections completed in the year.
- B. In general, all FHWA defined major projects and TIGER projects will be PODIs and consideration will be given to other projects having regional significance or substantial traffic impacts, controversy or community interest, innovative financing or contracting techniques, or environmental and permit compliance concerns.
- C. FHWA and State DOT agree that additional PODIs may be added during the year as new projects or risk elements are identified.

## **SECTION X. HIGH RISK CATEGORIES**

- A. In 23 U.S.C. 106(c), Congress directs that the Secretary shall not assign any approvals or related responsibilities for projects on the Interstate System if the Secretary determines the project to be in a high risk category. Under 23 U.S.C. 106(c) (4) (B), the Secretary may define high risk categories on a national basis, State-by-State basis, or national and State-by-State basis.
- B. FHWA has determined there are no high risk categories.

## **SECTION XI. FHWA OVERSIGHT PROGRAM UNDER 23 U.S.C. 106(g)**

- A. In 23 U.S.C. 106(g), Congress directs that the Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out the FAHP. This program includes FHWA oversight of the State DOT's processes and management practices, including those involved in carrying out the approvals and related responsibilities assumed by the State DOT under 23 U.S.C. 106(c). Congress defines that, at a minimum, the oversight program shall be responsive to all areas relating to financial integrity and project delivery.
- B. FHWA shall perform annual reviews that address elements of the State DOT's financial management system in accordance with 23 U.S.C. 106(g) (2) (A). FHWA will periodically review the State DOT's monitoring of sub recipients pursuant to 23 U.S.C. 106(g) (4) (B).
- C. FHWA will perform annual reviews that address elements of the project delivery systems of the State DOT, which elements include one or more activities that are involved in the

life cycle of project from conception to completion of the project. FHWA will also evaluate the practices of the State DOT for estimating project costs, awarding contracts, and reducing costs. 23 U.S.C. 106(g) (2) and (3).

- D. To carry out the requirements of 23 U.S.C. 106(g), FHWA will employ an FHWA-developed risk management framework to evaluate financial integrity and project delivery, and balance risk with staffing resources, available funding, and the State's transportation needs. The FHWA-developed risk management framework is outlined below. FHWA may work collaboratively with the State DOT to assess the risks inherent with the FAHP and funds management, and how that assessment will be used to align resources to develop appropriate risk response strategies

Techniques FHWA and State DOT may use to identify and analyze risks and develop response strategies include the following:

- Program Assessments;
- Financial Integrity Review and Evaluation (FIRE) Reviews;
- Program Reviews;
- Certification Reviews;
- Recurring or periodic reviews such as the Compliance Assessment Program (CAP)
- Inspections of project elements or phases.

These techniques will be carried out in a manner consistent with applicable FHWA Standard Operating Procedures or other control documents relating to program assessments, FIRE, program reviews, CAP, etc.

- E. Program Responsibility Matrix

Attachment B to this S&O Agreement is the Program Responsibility Matrix example that identifies all relevant FHWA program actions, and FHWA and State DOT program contact offices.

- F. Manuals and Operating Agreements

State DOT manuals, agreements and other control documents that have been approved for use on Federal-aid projects are listed in Attachment C to this S&O Agreement. Attachment G includes additional guidance regarding project delivery.

## **SECTION XII. STATE DOT OVERSIGHT AND REPORTING REQUIREMENTS**

- A. State DOT Oversight and Reporting Requirements

The State DOT is responsible for demonstrating to FHWA how it is carrying out its assumed authorities in accordance with this S&O Agreement. In order to fulfill this responsibility, the State DOT will provide reports, reviews, data, staffing information,

performance assurances, etc., that will provide documented assurance that the State DOT is properly carrying out its responsibilities in accordance with this S&O Agreement, and how and what frequency this information will be shared with FHWA. The State DOT oversight and reporting requirements are listed in Attachment D of this S&O Agreement.

B. State DOT Oversight of Local Public Agency Administered Projects (LPAs)

- B1 The State DOT has been given the authority by legislation to provide Federal-aid Highway Program funds to local public agencies, municipalities or other State Agency sub-recipients (LPAs) to perform the work. Municipalities are not recognized as direct recipients of Federal funds, the Federal funds for local aid projects are provided through the State DOT. As a direct recipient of Federal funds, the State DOT remains responsible for the LPA's compliance with Federal requirements. A full time State DOT employee is assigned to see each LPA project.
  
- B2 State DOT is required to provide adequate oversight of LPAs including oversight of any assumed responsibilities the State DOT delegates to an LPA. Through a series of checklists, the State DOT monitors each step of the project delivery process including PS&E approval, consultant selection, construction and project closure. The State DOT does not delegate ROW actions to the LPA.
  
- B3 Pursuant to 23 U.S.C. 106(g)(4), the State DOT shall be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The State DOT is also responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).
  
- B4 The State DOT acknowledges that it is responsible for sub-recipient awareness of Federal grant requirements, management of grant awards and sub-awards, and is familiar with and comprehends pass through entity responsibilities (2 C.F.R 200.331 Requirements for Pass-thru Entities). The State DOT shall assess whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects. The State DOT enters into a project agreement with each LPA; these agreements outline the roles and responsibilities of each agency for project delivery.



- B5 The State DOT shall assess whether a sub-recipient is staffed and equipped to perform work satisfactorily and cost effectively, and that adequate staffing and supervision exists to manage the Federal-aid project(s). The State DOT shall assess whether sub-recipient Federal-aid projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications. The State DOT shall ensure that when LPAs elect to use consultants for engineering services, the LPA, as provided under 23 CFR 635.105(b), shall provide a full-time employee of the agency to be in responsible charge of the project.
- B6 The State DOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations.
- B7 The State DOT will document its oversight activities of LPA administered projects in the form of an LPA Manual, which shall encompass the following areas of responsibility:
- a Consultant selection and management;
  - b Environment;
  - c Design;
  - d Civil Rights;
  - e Financial management including audits and indirect cost allocation plans;
  - f Right-of-way;
  - g Advertising Procedures for Construction Contracts Administered by LPAs;
  - h Master LPA Agreement;
  - i Construction monitoring and inspection, including an LPA-specific Quality Assurance Program (reduced scope 23 CFR 637), and;
  - j Contract administration including the State DOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding.
- B8 The State DOT shall document its oversight activities for LPA projects and findings, and how it will share this information with the FHWA. This includes the sharing of the current status of construction every quarter using RIDOT's Project Management Portal or other approved electronic record keeping and reporting system and making available to the FHWA project files for LPA administered projects.
- B9 Attachment E (LPA Administered Project Action Responsibility Matrix during Pre-construction Project Development) and Attachment F (LPA Project Action Responsibility Matrix during Construction) of this document highlight key project

work activities and the actions required by municipalities, the State DOT and FHWA. Attachment E applies when pre-construction activities are funded with Federal-aid funds. Attachment F applies when construction activities are funded with Federal-aid funds. FHWA's approval must be obtained for all Design Exceptions concerning projects affecting the Interstate System, regardless of oversight determination or funding source.

The following activities will not be delegated to the LPAs and are reflected in Attachment E, Attachment F and other sections of this Stewardship and Oversight Agreement:

- NEPA Approval
- Design Approval
- Design Exceptions
- Right-of-Way Certificates
- Plan (PS&E) Approval
- DBE determinations and goals
- Labor Compliance enforcement
- Final Inspection and Acceptance
- Project Audits

**References:**

- 23 U.S.C. 106(c)(2)
- 23 U.S.C. 109(o)
- 23 CFR 1.11
- 23 CFR 635

**SECTION XIII. IMPLEMENTATION AND AMENDMENTS**

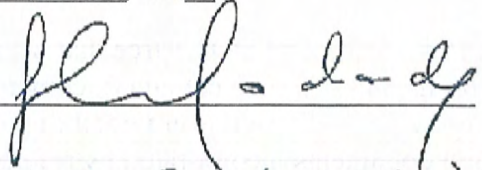
- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA Rhode Island Division Administrator, who shall sign this S&O Agreement last.
- B. FHWA and State DOT agree that updates to this Agreement will be considered periodically on a case-by-case basis or when:
  - Significant new legislation, Executive Orders, or other initiatives affecting the relationship or responsibilities of one or both parties to the S&O Agreement occurs;

- Leadership, or leadership direction, changes at the State DOT or FHWA; or
  - Priorities shift as a result of audits, public perception, or changes in staffing at either the State DOT or FHWA.
- C. FHWA and State DOT agree that changes may occur to the contents of the Attachments to this S&O Agreement and documents incorporated by reference into the S&O Agreement. Except as provided in paragraph XIII D. and E., changes to the Attachments and documents incorporated by reference will not require FHWA and State DOT to amend this S&O Agreement. The effective date of any revisions to one of these documents shall be clearly visible in the header of the revised document. This Agreement and any revised document shall be posted on the FHWA's S&O Agreement website as well as FHWA's SharePoint website within five (5) business days of the effective date. The website is located at <http://www.fhwa.dot.gov/federalaid/stewardship/>.
- D. Any changes to the high risk categories must be documented by an amendment to this S&O Agreement.
- E. Any changes to the Project Action Responsibility Matrix must be approved by the FHWA Office of Infrastructure in writing and documented by an amendment to this S&O Agreement.

**EXECUTION BY THE FHWA RHODE ISLAND DIVISION OFFICE**

Executed this 28 day of MAY, 2015.

Signature



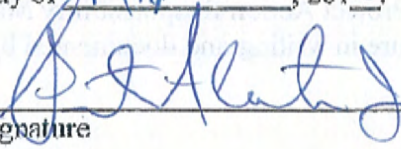
CARLOS E. MACHADO

Carlos Machado  
Division Administrator

**EXECUTION BY THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION**

Executed this 28<sup>th</sup> day of MAY, 2015.

Signature



Peter Alviti Jr.  
Director of Rhode Island Department of Transportation

Director

Title

ATTACHMENT A

PROJECT ACTION RESPONSIBILITY MATRIX

(As of February 6, 2015 )

<b>PROJECT ACTION RESPONSIBILITY MATRIX (Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
Identify proposed funding category	STATE(1)	STATE(1)
Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA(2)	FHWA(2)

Categorical Exclusion approval actions (Note this action cannot be assumed by the State except through an assignment under 23 U.S.C. 326 or 327, or through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and 23 CFR 771.117(g))	FHWA(2)	FHWA(2)
Consultant Contract Selection	STATE (3) (4)	STATE (3)
Sole source Consultant Contract Selection	STATE (4)	STATE (3)
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects)(23 CFR 172.9)	STATE (4)	STATE
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE (4)	STATE
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A
Interstate System Access Justification Report [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e))	STATE (4)	N/A
Airport highway clearance coordination and respective public interest finding (if required)[23 CFR 620.104]	STATE (4)	STATE
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA	FHWA
Provide pre-approval for preventive maintenance project (until FHWA concurs with STATE procedures) (Note: this action cannot be assumed by State)	FHWA	FHWA

Provide approval of preliminary plans for unusual /complex bridges or structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA (6)	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate)[23 USC 109(a) and FHWA Policy]	STATE (6)	STATE
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	FHWA	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE (4)	STATE
Approve use of publicly owned equipment [23 CFR 635.106]	STATE (4)	STATE
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE (4)	STATE
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE (4)	STATE
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	FHWA	STATE
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels. [23 CFR 635.309(c)(3)]	FHWA for Interstate FHWA for Non-Interstate	STATE
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	FHWA	STATE
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate FHWA for Non-Interstate	STATE (3)
	FHWA	FHWA

Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA for Interstate STATE for Non-Interstate (3) (4)	STATE (3)
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (note: this action cannot be assumed by State)	FHWA	FHWA
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE (4)	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE (4)	STATE
Approve PS&E [23 CFR 630.201]	STATE (4)	STATE
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE (4)	STATE
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE (4)	STATE
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE (4)	STATE
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE (4)	STATE
Authorize (approve) advertising for bids [23 CFR 635.112, 309]	STATE (4)	STATE
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 635.104 & .204]	STATE (4)	STATE



Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA	FHWA
Approve construction engineering by local agency [23 CFR 635.105]	STATE (4)	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA	FHWA
Approve addenda during advertising period [23 CFR 635.112]	STATE (4)	STATE
Concur in award of contract [23 CFR 635.114]	STATE (4)	STATE
Concur in rejection of all bids [23 CFR 635.114]	FHWA for Interstate STATE for Non-Interstate (4)	STATE
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE (4)	STATE
Approve changes and extra work [23 CFR 635.120]	STATE (4)	STATE
Approve contract time extensions [23 CFR 635.120]	STATE (4)	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE (4)	STATE
Accept materials certification [23 CFR 637.207]	STATE (4)	STATE
Concur in settlement of contract claims [23 CFR 635.124]	FHWA (5)	STATE (5)
Concur in termination of construction contracts [23 CFR 635.125]	STATE (4)	STATE
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE (4)	STATE
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE	STATE

Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE	STATE
Equal Employment Opportunity (EEO) Contract Compliance Review [23 CFR Part 230, Subpart D])	STATE	STATE
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA	FHWA

FOOTNOTES:

- (1) State is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.
- (2) If there is a 23 U.S.C. 326 or 325 assignment or PCE agreement, decisions are handled in accordance with those assignments or agreements.
- (3) State's process and modifications to, or variation in process, require FHWA approval.
- (4) The State shall assume responsibility unless the project has been identified as a PODI, in which case responsibility will be designated in the PODI Stewardship and Oversight Plan.
- (5) The State shall submit all claims over \$100,000 with merit and proposed settlements to FHWA for determination of eligibility and participation. Such claims and settlements over \$100,000 shall be submitted in the form of Change Orders. The State may assume responsibility for all claims under \$100,000.
- (6) Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydrologic (including climate change and extreme weather events) aspects, complex hydraulic elements or scour related elements, or that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch, segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems)

**ATTACHMENT B  
PROGRAM RESPONSIBILITY MATRIX**

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A)& (B); 31 USC 1517(a); 23 USC 118(b), 23 USC 121	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Planning and Program Development - Grants	State will monitor appropriations, allotments and obligations to ensure that all funding is used efficiently within each quarter and use all Obligation Authority (OA) by the end of the year.
Approval of Indirect Cost Allocation Plans (ICAPs)	49 CFR Part 18; 2 CFR 200 Subpart E (previously 2 CFR 225); ASMBC-10	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Office of Financial Management	The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.
FIRE Program Activities	FHWA Order 4560.1B (or as superseded)	Ongoing		Office of Chief Financial Officer	Finance	Planning and Program Development - Grants	State will continue to provide oversight and conduct reviews to ensure Federal-aid compliance. FHWA will review and monitor. State responsibilities include multiple tasks in support of risk assessments, conducting reviews and implementation of recommendations.
Audit Coordination/FHWA Financial Statement Audit/State External Audit Reviews/State Internal Audit Reviews	FMFIA, 49 CFR 18.26; OMB Circular A-123, 133; GAAP, CFO Act of 1990; DOT Order 8000.1C	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Office of Financial Management	State assures corrective action is taken to resolve audit findings and FHWA will monitor activities to ensure implementation.
Improper Payments Review	Improper Payments Information Act of 2002, PL 107-300, Improper Payments Elimination and Recovery Act of 2010, PL 111-204, Improper Payments Elimination and Recovery Improvement Act of 2012, PL 112-248	Annually		Office of Chief Financial Officer	Finance	Planning and Program Development - Grants	State will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms.
Transfer of Funds between programs or to other FHWA offices or agencies as requested by State	23 USC 126	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Planning and Program Development - Grants	State will submit requests for transfer and FHWA approves and processes the funding transfers between programs, to other States, to other agencies, and to FHWA HQ, Federal Lands, or Research offices.
Reviews of State Transportation Departments Financial Management Systems - Financial Integrity	23 USC 106(g)(2)(A)	Annually	Not Applicable	Office of Chief Financial Officer	Finance	Office of Financial Management	23 USC 106(g)(2)(A) states that the Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).
Review Adequacy of Sub-recipient Project Delivery Systems and Sufficient Accounting Controls to Manage Federal Funds	23 USC 106(g)(4)(A)(i)	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Office of Financial Management	
Periodic Reviews of States Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Auditor General	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Increased Federal Share Agreement (Sliding Scale)	23 USC 120(b)(2)	As determined by the Federal Share Agreement	Not Applicable	Office of Chief Financial Officer	Finance	Planning and Program Development - Grants	A State must enter into an agreement with FHWA for use of the increased Federal share allowable under this section, which must be reviewed and updated periodically as agreed to in the agreement. States must demonstrate that they are in compliance with the statute and the agreement.
Prepare / Review Title VI Plan Accomplishments and Next Year's Goals	23 CFR 200.9(b)(10)	Annually	1-Oct	Office of Civil Rights	Program Development Team - Civil Rights	Office of Policy and Government Relations	Division office reviews and comments.
Prepare / EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually	1-Oct	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division office reviews and comments.
Prepare / Review State Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals	23 CFR 230.311	Annually	1-Oct	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Courtesy copy to HQ.
Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division sends to HCR for review and approval as
Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division Office reviews and sends to HCR
Prepare / Annual Analysis and Corrective Action Plan (if necessary)	49 CFR 26.47(c)	Annual (as necessary)	December 31st	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division Office approves sends copy to HCR
Prepare / State DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division reviews and approves;HCC provides legal sufficiency review and approval sends copy to HCR
Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division office reviews and comments.
Approval of OJT and DBE Supportive Services fund requests	23 CFR 230.113 & 23 CFR 230.204	Annual	TBA	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division recommends approval submits to HCR for final approval
Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Planning and Program Development	Division works with HCR and CFO
Prepare / Review of Report on Supportive Services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Quarterly		Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Division office reviews and comments.
Prepare / Review Annual Contractor Employment Report (Construction Summary of Employment Data (Form PR-1392)	23 CFR 230.121(a); Appendix D to Subpart A, Part 230, General Information and Instructions	Annually	1-Dec	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Recommendation sent to HQ for approval.
Prepare / Review State DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	1-Dec	Office of Civil Rights	Program Development Team - Civil Rights	Office of Civil Rights	Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Prepare / Review Annual Federal Projected Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes, American Indian Alaskan Native, Asian Pacific & American Islander.	Presidential Executive Orders: 13230, 13256,13270, 13361, 13515	Annual	TBA	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Divisions submit data to HCR who prepares report for DOCR
Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Program Development Team - Civil Rights	ADA Coordinator	Division office reviews, FHWA HQ approves and issues finding.
Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually	1-Oct	Office of Civil Rights	Program Development Team - Civil Rights	Office of Policy and Government Relations	Division office reviews and comments.
Return of unexpended funds used for Summer Transportation Institutes	23 CFR 230.117(2)	Annual	August 30; however, State procurement rules may govern	Office of Civil Rights	Program Development Team - Civil Rights	Planning and Program Development - Grants	Divisions work with HCR and CFO
Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Divisions recommend approval. HCR gives final approval
Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Program Development Team - Civil Rights	Administrator, Contract Administration	Divisions provide to HCR
Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	Program Delivery Team - Environment	Chief Civil Engineer, Environmental and Cultural Resources	Informational Purposes.
Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Environment	Office of Performance Management and Professional Development	FHWA Division Office Approval.
Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Environment	Administrator, Planning and Program Development & Deputy Chief Engineer, Design	Office of Program Administration determines national categories and must concur on any State designations.
Approval of State 3R Program	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Chief Engineer	FHWA Division Office Approval.
Verify adoption of Design Standards (National Highway System, including Interstate)	23 CFR 625, 23 USC 109(b), 23 USC 109(c)(2), 23 USC 109(o)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area / Bridge Engineer	Chief Engineer	FHWA HQ regulatory action to adopt NHS standards.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Chief Engineer	Director of HIBT has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
Approval of State Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Chief Engineer	FHWA Division Office Approval.
Verify State Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area / Bridge Engineer	Chief Engineer	FHWA Division Office Approval.
Approval of State Standard Detail Plans	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Chief Engineer	FHWA Division Office Approval.
Approval of Pavement Design Policy	23 CFR 626.3	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Chief Engineer	FHWA Division Office Approval.
Review of Value Engineering Policy and Procedures	23 CFR 627.1(b)&(c), 23 CFR 627.7 FHWA Order 1311.1B	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Chief Engineer	FHWA Division Office Review.
Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Managing Engineer, Project Management	FHWA Division Office collects, reviews, and submits to HQ for review and reporting.
Review and Approval of Interstate Access Requests	23 USC 111, 23 CFR 710, 74 FR 43743-43746 (Aug. 27, 2009)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Chief Engineer	FHWA Division Office approval with concurrence from HQ on more complex access requests.
Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Chief Engineer	FHWA Division Office Approval.
Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Associate Chief Engineer, Materials and Research	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Associate Chief Engineer, Materials and Research	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab performing Independent Assurance sampling and testing accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Associate Chief Engineer, Materials and Research	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab used in dispute resolution accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area Engineer	Associate Chief Engineer, Materials and Research	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Review Independent Assurance Annual Report	23 CFR 637.207	Annually	1-Mar	Office of Infrastructure	Program Delivery Team - Area Engineer	Associate Chief Engineer, Materials and Research	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area / Bridge/ Safety/ Operations Engineer	Deputy Chief Engineer, Construction	FHWA Division Office Review and Approval
Determination of Eligible Preventive Maintenance Activity - Cost-Effective Means of Extending Useful Life Determination	23 USC 116(e)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Deputy Chief Engineer, Design	FHWA Division Office Approval
Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Chief Engineer	FHWA Division Office Approval
Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Chief Engineer	FHWA Division Office Approval
Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Managing Engineer, Bridge Engineering	
Review Plans of Corrective Action established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Program Delivery Team - Bridge Engineer	Managing Engineer, Bridge Engineering	Division office performs annual compliance review and reports results to HQ.
Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	1-Apr	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Managing Engineer, Bridge Engineering	Division resolve errors with States; States submit to HQ.
Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	1-Apr	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Managing Engineer, Bridge Engineering	Submit to HQ.
Review Section 9 of the Rivers and Harbors Act Submittals (Bridge Permits)	23 CFR 650 Subpart H; 33 CFR 114 & 115	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Chief Civil Engineer, Environmental and Cultural Resources	
Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Bridge Engineer	Administrator, Planning and Program Development	The FHWA Administrator, may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that the State has inadequate needs to justify the expenditure.
Determination on Adequacy of State's Asset Management Plan	23 USC 119(5)	Annually beginning second fiscal year after establishment of the process		Office of Infrastructure	Program Development Team Leader	Asset Management Council	
Certification and Recertification of States Process for Development of State Asset Management Plan	23 USC 119(6)	Recertification every four years after establishment of the process		Office of Infrastructure	Program Development Team Leader	Asset Management Council	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Program Development Team Leader	Office of Performance Management and Professional Development	
Review National Highway System Performance Achievement Plan for Actions to achieve the targets (when State does not achieve or make significant progress toward achieving)	23 USC 119(7)	Required if State does not achieve targets (or significant progress) for 2 consecutive reports		Office of Infrastructure	Program Development Team Leader	Asset Management Council	
States and sub-recipient failure to maintain projects - Notice and withholding Federal-aid Funds	23 USC 116(d)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Administrator, Final Review	
Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team - Area / Bridge Engineer	Deputy Chief Engineer, Design Engineer	Perform with State.
Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	Finance	Administrator, Planning and Program Development	State will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request.
Local Public Agency (LPA) Oversight	49 CFR Part 18 – 18.37 and 18.40; OMB Circular A-133; 23 USC 106(g)(4)	As needed	Not Applicable	Office of Infrastructure	Program Delivery Team Leader	Chief Financial Officer, and Administrator, Final Project Review; Design, Intermodal Section	States are responsible to ensure that LPAs are aware of all the applicable Federal-aid Program requirements; States are responsible to ensure monitoring and oversight to assure compliance with Federal requirements. 23 USC further reinforces stressing accountability on "project delivery systems" and "accounting controls."
Approval to Sell, Lease or Otherwise Dispose of a Ferry Purchased with Federal-aid Funds	23 USC 129 (c)(6)	As needed	Not Applicable	Office of Infrastructure	Program Development Team Leader	N/A	Division Office reviews and submits for Office of Program Administration for Administrator Approval
Territorial Highway Program - Approval of Territory Agreement	23 USC 165(c)(5)	Reviewed and Revised as needed every two years		Office of Infrastructure	Program Development Team Leader	N/A	Division Office works with Office of Program Administration and HCC
TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	N/A	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary
GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Administrator, Planning and Program Development	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval
State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Finance	Chief Financial Officer	Division sends copy of report to OIPD. SIB submits annual report to Division Office.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Program Delivery Team Leader	Administrator, Planning and Program Development	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	Program Development Team - Planning	N/A	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Program Development Team - Planning	N/A	Requests submitted to HIN to coordinate review; approval by the Administrator
Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Program Development Team - Planning	Administrator, Planning and Program Development	Applications submitted to HIN to coordinate review; approval by the Administrator
Annual Audit of Toll Facility Records and Certification of Adequate Maintenance - Report Submittal	23 USC 129(a)(3)(B); TEA-21 Section 1216(b)(5)(B); SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3)	Annually		Office of Innovative Program Delivery	Program Development Team - Planning	N/A	Division Office to receive the reports.
Project Management Plan (Major Projects)	23 U.S.C. 106(h)(2)	Prior to first federal authorization of construction funds for a Major Project	Not Applicable	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit Project Management Plan.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Major Projects)	23 U.S.C. 106(h)(3)	Prior to first federal authorization of construction funds for a Major Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit annual Financial Plans.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Other Projects)	23 U.S.C. 106(i)	Prior to first federal authorization of construction funds for an Other Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will review and approve Financial Plans for Other Projects in accordance with its stewardship and oversight agreement with the State DOT or Project Sponsor.	State DOT or Project Sponsor will prepare and submit annual Financial Plans to the Division Office, only upon request.	Other Projects are defined as projects with an estimated total cost of \$100 million or more that have not been designated as Major Projects.
Review Designation and Re-designation of Primary Freight Network	23 USC 167(d)	One year after enactment of MAP-21 and every ten years thereafter		Office of Operations	Program Development Team - Planning	Chief Intermodal Programs	Under development, initial PFN designation scheduled for Spring 2014 completion.
Review Development and Update of National Freight Strategic Plan	23 USC 167(f)	Three years after enactment of MAP-21 and every five years thereafter		Office of Operations	Program Development Team - Planning	Chief Intermodal Programs	OST lead

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Freight Transportation Conditions and Performance Report	23 USC 167(g)	Two years after enactment of MAP-21 and every two years thereafter		Office of Operations	Program Development Team - Planning	Chief Intermodal Programs	OST lead
Review HOV Operations Report for Tolled Use and Low Emission and Energy-Efficient Vehicle Use	23 USC 166(d)	Annually		Office of Operations	Program Development Team - Planning	N/A	
Congestion Partnerships Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Program Delivery Team - Operations	Manager, Transportation Management Center	Complete with partners and forward to HQ.
Operations Support Program	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Program Delivery Team - Operations		Eligibility determination made by HQ. July 1 date for approval to issue funding for current FY.
Traffic Incident Management Self-Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Program Delivery Team - Operations	Manager, Transportation Management Center	Complete with partners and forward to HQ.
Work Zone Self-Assessment	Annual Memo from HQ	Annually	7/1/2013, This project is currently on hiatus and has not been determined whether it will be reestablished or not.	Office of Operations	Program Delivery Team - Operations	Managing Engineer, Traffic Management and Highway Safety	Complete with partners and forward to HQ.
Approval of State-Prepared Manual on Uniform Traffic Control Devices - State Traffic Control Manuals	23 CFR 655.603, 23 USC 109(d)	As needed	Not Applicable	Office of Operations	Program Delivery Team - Operations	Managing Engineer, Traffic Management and Highway Safety	
Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	1-Oct	Office of Operations	Program Development Team - Planning	Department of Motor Vehicles	
Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1-Jan	Office of Operations	Program Development Team - Planning	Department of Motor Vehicles	
Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Program Delivery Team - Operations	Department of Administration, Division of Statewide Planning	
Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	Program Delivery Team - Operations	Manager, Transportation Management Center	
Approval of Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Program Delivery Team - Operations	Managing Engineer, Traffic Management and Highway Safety	
Approval of Exceptions to Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Program Delivery Team - Operations	Chief Engineer	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Program Delivery Team - Operations	Chief Engineer	
Process Review of Work Zone Safety and Mobility Procedures	23 CFR 630.1008, 23 USC 109(e)(2), 23 USC 112(g)	Every 2 years		Office of Operations	Program Delivery Team - Operations	Chief Engineer	
Approval of State Planning Work Program and Revisions (Part 1)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	FHWA Division Office Approval.
Approval of State Research and Development Work Program (Part 2)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Program Development Team - Planning	Associate Chief Engineer, Materials and Research	FHWA Division Office Approval.
Approval of State's Distribution of Planning Funds Formula - Allocation Formulas for PL Funds	23 CFR 420.109, 23 USC 104(d)(2)(A)(i)	When Revised	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	FHWA Division Office Approval.
Review of State Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	FHWA Division Office Review to Assure Compliance.
Receipt of State Consultation Process for Non- metropolitan Local Officials	23 CFR 450.210(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	N/A	Informational Purposes.
Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	FHWA Division Office Review to Assure Compliance.
Approval of Statewide Transportation Improvement Program (STIP)	23 CFR 450.216, 23 CFR 450.218(a) & (c), 23 USC 135(g)(7)	At least every 4 years	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Joint FHWA and FTA approval.
Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Joint FHWA and FTA approval.
Finding of Consistency of Planning Process with Section 134 and 135	23 USC 135(g)(8), 23 CFR 450.218(b)	Concurrent with STIP approval	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	FHWA and FTA issue a joint finding concurrent with STIP approval.
Review of State Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.218(a)	Submitted with proposed STIP or STIP amendments	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Received with STIP.
Approval of Transportation Management Area (TMA) MPO Unified Planning Work Programs (UPWP)	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Non-TMA UPWA	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	N/A	May use simplified work statement.
Approval of UPWP Revisions and Amendments (All MPO's)	23 CFR 420.115	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Review of UPWP Performance and Expenditure Reports (All MPO's)	23 CFR 420.117(b)	Not more frequently than quarterly	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Approval of Report Before Publication (All MPO's)	23 CFR 420.117(e)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Waiver may be granted.
Approval to use Planning Funds outside Urbanized Areas for States Receiving Minimum Apportionment	23 USC 104(d)(1)(A)(ii)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Review of Metropolitan Planning Area Boundary (Establishment and Changes)	23 CFR 450.312	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Approval by MPO and the Governor, shape files forwarded to HQ. (Comment: No action is required by FHWA/FTA).
Review of Metropolitan Transportation Planning Organizations (MPO) Designation and Re-designation	23 CFR 450.310	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Require agreement between Governor and local governments.
Review of Metropolitan Planning Agreements (MPA) for Attainment or Entire Nonattainment Area	23 CFR 450.314(a)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314(d)).
Review of MPA - for MPA that do not include the entire nonattainment or maintenance area	23 CFR 450.314(b), 23 USC 109(j)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	N/A	Between MPO/State DOT/State AQ Agency.
Review of MPO Public Participation Procedures	23 CFR 450.316(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Must be developed and published.
Review of Metropolitan Transportation Plan (MTP) in Attainment Areas (and Updates)	23 CFR 450.322	Every 4 yrs	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Review of MTP in Non-Attainment and Maintenance Areas (and Updates)	23 CFR 450.322	Every 5 yrs	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Review of MTP Amendments	23 CFR 450.322(c)	As Needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Air Quality Conformity Determination on LRTP in Non-attainment and Maintenance Areas	23 CFR 450.322(d)	Concurrent with LRTP updates at least every 4 years and as needed on amendments	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	After receipt of MPO determination; Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA).
Review of Transportation Improvement Program (TIP)	23 CFR 450.300(a); 23 CFR 450.324(b); 23 CFR 450.328(a), 23 USC 134(j)(1)(D)	Prior to Program Period	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Chief Engineer, and Administrator, Planning and Program Development	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
Review of TIP Amendments	23 CFR 450.324(a); 23 CFR 450.328(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
Approval of Air Quality Conformity Determination on TIP	23 CFR 450.326; 23 CFR 450.328	At least every 4 years, or when the TIP has been modified (unless exempt projects)	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA).
Federal Finding of Consistency of Planning Process with Section 134 and 135	23 CFR 450.218(b); 23 CFR 450.334(a)	Concurrent with (S)TIP submittal	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	At least every four years, joint finding with FTA when TIP is submitted.
In Metropolitan Planning Areas, Review of State and MPO Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334 (a), 23 CFR 218(a)	Annually or concurrent with the STIP/TIP cycle	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Required for all MPO's. May be included in the STIP, TIP, or UPWP, at least every 4 years.
In TMA's, Certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334(b), 23 USC 134(k)(5)	Every 4 yrs		Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Joint FHWA and FTA Certification.
Approval of Federal-Aid Urban Area Boundaries	23 CFR 470.105 (a), 23 USC 101(a)(33)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Approval of Revision of Functional Classification	23 CFR 470.105 (b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	
Approval by Administrator of Interstate Additions & Revisions	23 USC 103(c)(1)(D), 23 CFR 470.111, 23CFR 470.115 (a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Approval by HQ – Administrator.
Approval by Office Director of National Highway System (NHS) Additions and Revisions	23 USC 103(b)(3), 23 CFR 470.113 and 470.115(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Approved by HQ - Office Director.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review of CMAQ Annual Report	CMAQ Guidance Memo October 31, 2006	Annually	1-Mar	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Division provides information on CMAQ projects including: amount of obligation, project description and location, and air quality benefits. The report must be submitted via the web-based CMAQ Tracking System.
Transportation Planning Excellence Awards		Annually	1-Feb	Office of Planning, Environment & Realty	Program Development Team - Planning	Administrator, Planning and Program Development	Call for entries for the FHWA FTA Transportation Planning and Excellence Awards.
Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	31-Mar	Office of Planning, Environment & Realty	Program Delivery Team Leader	Associate Chief Engineer, Materials and Research	FHWA HQ approval.
Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Chief Engineer	
Approval of NEPA Procedures, including Section 4(f)	23 CFR 771; 23 CFR 774; SAFETEA-LU 6007 & 6009, 23 USC 109(h)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Delivery Team - Environment	Chief Engineer	
Approval of Noise Policies	23 CFR 772.7, 772.9, and 772.13, 23 USC 109(i)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Delivery Team - Environment	Chief Engineer	FHWA approves State' noise abatement policy.
EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Program Delivery Team - Area / Bridge/ Safety/ Operations Engineer	Chief Engineer	Monitor time required to complete EIS's. Determine projects which have exceeded recommended timeline (3 years). Identify projects which should be listed as dormant. Submit to HEPE.
Endangered Species Act Cost Report		Annually	1-Mar	Office of Planning, Environment & Realty	Program Delivery Team - Environment	Chief Civil Engineer, Environmental and Cultural Resources	
Exemplary Ecosystem Initiatives Applications		Annually	1-Apr	Office of Planning, Environment & Realty	Program Delivery Team - Environment	Chief Civil Engineer, Environmental and Cultural Resources	
Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Real Estate Acquisitions	
Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Real Estate Acquisitions	
Local Public Agency Oversight	49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Financial Officer, and Administrator, Final Project Review	
Approval of Highway Facility Relinquishment	23 CFR 620.203	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Administrator, Property Management	
Approval of ROW Disposal Authorization Request	23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Administrator, Property Management	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of ROW Operations Manual (Organization, Policies and Procedures), Updates, and Certification	23 CFR 710.201	January 1, 2001 and every 3 years thereafter or as required by changes in State law or Federal regulation or law	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Real Estate Acquisitions	
Approval of Exception to Charging Fair Market Value	23 CFR 710.403 and 23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Real Estate Acquisitions	
Approval of Interstate Real Property Use Agreements	23 CFR 710.405	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	N/A	
Approval of Request for Federal Land Transfer	23 CFR 710.601	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	N/A	
Approval of Request for Direct Federal Acquisition	23 CFR 710.603	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	N/A	
Approval of Outdoor Advertising Policies and Procedures, and Regulation and Procedure Approval	23 CFR 750.304, 23 CFR 750.705, 23 USC 131	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Administrator, Property Management	
Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.503	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Administrator, Property Management	
Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief Engineer	
Approval of Uniform Act Waivers and Waivers from Availability of Comparable Replacement Dwelling before Displacement	49 CFR 24.7, 49 CFR 24.204(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief, Real Estate Acquisition	Requests reviewed and approved by HEPR Office Director.
Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief, Real Estate Acquisition	Submitted to FHWA Headquarters (HQ).
Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development Team - Right Of Way	Chief, Real Estate Acquisition	
Approval of Management Process and Project Selection Procedures and Certification for Research, Development & Technology Transfer Program and Revisions to Process	23 CFR 420.115 and 23 CFR 420.209	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Associate Chief Engineer, Materials and Research	FHWA Division Office Approval.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Periodic Review of States Management Process of the Research, Development & Technology Transfer Program	23 CFR 420.209	Periodic	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Associate Chief Engineer, Materials and Research	FHWA Division Office Periodic Review.
Approval of Performance and Expenditure Reports for SPR Research Work Programs	23 CFR 420.117	No less frequently than annual and no more frequently than quarterly	90 Days After End Of Period	Office of Planning, Environment & Realty	Program Development Team - Planning	Associate Chief Engineer, Materials and Research	FHWA Division Office Approval.
Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Program Development Team - Planning	Associate Chief Engineer, Materials and Research	FHWA Division Office Approval unless waived.
Annual Traffic Reports	Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting	When Published	As needed	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	When Published
Approval of Annual Field Review Report	HPMS Field Review Guidelines (June 2001) Continuous Process Improvement Model for HPMS( February 2003)	Annually	1-Nov	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	Review memo to HQ.
Approval of Certified Public Road Mileage	23 CFR 460.3(b)	Annually	1-Jun	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	Each year, the Governor of each State and territory or a designee must certify Public Road Mileage. FHWA division reviews the Mileage and sends to HQ with division review/concurrence. This is reported to NHTSA for Apportionment of Safety Funds.
Approval of Data Submittal	23 CFR 420.105(b), HPMS Field Manual	Annually	15-Jun	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	State DOT sends directly to Division Office and HQ.
Highway Statistics Reports	Guide to Reporting Highway Statistics			Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	State DOT of Division Office sends directly to HQ.
Motor Fuels Report	A Guide to Reporting Highway Statistics, Chapter 2	Due 60 days after end of each reporting month		Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	
Vehicles and Drivers (561, 562, 566, and 571)	A Guide to Reporting Highway Statistics, Chapters 3, 4, 5, and 6	1-Apr	1-Apr	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	
Finance (531, 532, 541, 542, and 543 (optional))	A Guide to Reporting Highway Statistics, Chapters 8 and 9	1-Apr	1-Apr	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	
Transportation Bond Referendums	A Guide to Reporting Highway Statistics, Chapter 9	When Published	When Published	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
State DOT / Toll Authority Audits and Published Annual Reports and Form 539 (optional)	A Guide to Reporting Highway Statistics, Chapter 10	When Published	When Published	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	Annually, Due as soon as available.
Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	30-Sep	30-Sep	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	Biennially for odd-numbered years. Due nine months after end of reporting year
Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	15-Jun	15-Jun	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	Annually for State, Biennially for local
Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	
State DOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	
Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	Annual progress reports and statement of verification by June 30. Submitted via UPACS.
Review of Biennial - Toll Facilities in the United States	23 CFR 450.105(b) HPMS Field Manual	Biennially - Odd Years	June 15 (Odd Years)	Office of Highway Policy information	Program Development Team - Planning	Administrator, Planning and Program Development	Division Office sends to HQ.
State Highway Maps (Tourist)		When Published	When Published	Office of Highway Policy information	Program Development Team - Planning	GIS, Programmer Analyst III	Two copies to each Division Office and 100 copies to HQ.
Traffic Flow Maps		When Published		Office of Highway Policy information	Program Development Team - Planning	Asset Manager	When Published.
Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	15-Jun	15-Jun	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	Part of Annual HPMS submittal.
Highway Use Tax Evasion Grant Awards	23 USC 143	Annual	Not Applicable	Office of Highway Policy information	Program Development Team - Planning	Planning and Program Development - Grants	FHWA along with the Internal Revenue Service will review applications and select awardees for projects designed to reduce or eliminate fuel tax evasion. FHWA will also review annual progress reports on projects.
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669.7	1-Jul	1-Jul	Office of Highway Policy information	Program Development Team - Planning	Department of Motor Vehicles	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669	Annual	1-Jan	Office of Highway Policy information	Program Development Team - Planning	Department of Motor Vehicles	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Heavy Vehicle Use Tax (HVUT) – Triennial review of State program	23 CFR 669.21	Triennial	Not Applicable	Office of Highway Policy information	Program Development Team - Planning	Department of Motor Vehicles	Every 3 years, the local Division Office will perform a review of the State process for verifying that the HVUT has been paid before a registration can be issued or renewed for vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Permanent ATR Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	Submit monthly, within 20 days after the close of the month for which the data were collected.
Continuous Automatic Vehicle Classifier Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	Send up to one week of data per quarter
Weight and Vehicle Classification Data Collected at Weigh-in-motion sites	Heavy Vehicle Travel Information System Field Manual	15-Jun	As needed	Office of Highway Policy information	Program Development Team - Planning	Asset Manager	WIM data collected at non-continuous sites during a year should be submitted by June 15 of the following year. If continuous WIM data are available, then up to one week of data per quarter.
Approval of MAP-21 compliant SHSP update within the legislatively required timeframe.	23 U.S.C. 148 (d)(2)(B)	Non Recurring	By Aug. 1 of the fiscal year after the HSIP final rule is established	Office of Safety	Program Delivery Team - Safety Engineer	Managing Engineer, Traffic Engineer and Highway Safety	FHWA Division Offices provide copy of SHSP process approval letter to HQ.
Highway Safety Improvement Program (HSIP) and Railway-Highway Crossing Program (RHCP) Reports	23 USC 148(h), 23 CFR 924.15	Annually	31-Aug	Office of Safety	Program Delivery Team - Safety Engineer	Managing Engineer, Traffic Engineer and Highway Safety	As per MAP-21 guidance, reports are due to FHWA Division Office by August 31st, and to the Office of Safety by September 30.
Transportation Performance Management (TPM) for Safety	23 USC 150, 23 USC 134, 23 USC 135, 23 USC 148(i)	Annually	31-Aug	Office of Safety	Program Delivery Team - Safety Engineer	Managing Engineer, Traffic Engineer and Highway Safety	Per MAP-21, States and MPOs must set targets for established measures. Targets must be assessed for achievement
Review Drug Offender Driver's License Suspension Law & Enforcement Certification (Section 159)	23 USC 159 23, CFR 192.5	Annually	1-Jan	Office of Safety	Program Delivery Team - Safety Engineer	Office of Highway Safety	Certifications due to the Division Office by January 1.
Section 154/164 Compliance Status - Funds Reservation	23 USC 154 and 23 USC 164	Annually	30-Oct	Office of Safety	Program Delivery Team - Safety Engineer	Office of Highway Safety	States must submit a Shift letter to the Division Office by Oct. 30 indicating how to apply the penalty. New penalty states have additional time. The Office of Safety processes the compilation of information in a memo to the CFO.
Review Safety Belt Compliance Status	23 USC 153, 23 CFR 1215.6	Annually	Annually	Office of Safety	Program Delivery Team - Safety Engineer	Office of Highway Safety	NHTSA
High Risk Rural Roads (HRRR) Special Rule	23 USC 148(g)(1)	Annually	Annually	Office of Safety	Program Delivery Team - Safety Engineer	Managing Engineer, Traffic Engineering and Highway Safety	After the final FARS and HPMS data are available, FHWA HQ will inform the States if the HRRR Special Rule applies for the following FY.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	Program Delivery Team - Safety Engineer	Managing Engineer, Traffic Engineering and Highway Safety	States should include in their annual HSIP reports (due August 31st) the calculations performed, verifying whether the Older Driver Special Rule applies in the State. If the Special Rule applies to a State in a given year, the State must include in its subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	Emergency Preparedness Team	Administrator, Highway and Bridge Maintenance	National Programs.

## ATTACHMENT C

### STATE DOT MANUALS AND OPERATING AGREEMENTS

#### State Manuals and Procedures:

- RIDOT LRFD Bridge Design Manual
- RIDOT Bridge Standard Details
- RIDOT Load and Resistance Factor Rating (LRFR) Guidelines
- RIDOT Bridge Inspection Guidelines
- RIDOT Bridge Inspection Data Management Manual
- RIDOT Bridge Inspection QA/QC Procedures
- RIDOT Bridge Critical Findings Procedure
- RIDOT Highway Design Manual
- RIDOT Right-of-way Manual
- RIDOT Drainage Manual
- RIDOT Environmental Process Manual (pending)
- RIDOT Consultant Selection and Service Agreement Procedures
- RIDOT Utility Accommodation Manual
- RIDOT Standard Specifications for Road and Bridge Construction
- RIDOT Supplemental Specifications
- RIDOT Special Provisions
- RIDOT Standard Plans for Road and Bridge Construction
- RIDOT Work Zone Traffic Control Standard Plans
- RIDOT Construction Manual
- RIDOT Quality Assurance Program
- RIDOT Highway Traffic Noise Assessment and Abatement Policy
- Strategic Highway Safety Plan
- Policy for the Permitting of Driveways and Other Accesses to the State Highway System
- Work Zone Safety & Mobility Policy and Procedures
- RIDOT Guidelines for Temporary Erosion and Sediment Control and Stormwater Management
- RIDOT Local Public Agency Manual for the Development of Projects
- Policy on Flagger and Uniformed Officer Use in Work Zones
- RIDOT Public Involvement Procedures
- RIDOT Quality Assurance Program for Municipally Managed Federal-aid Projects
- GARVEE Bond Procedures
- Current Bill System Procedures
- ITS Project Mainstreaming Procedures
- RIDOT Traffic Design Manual
- Highway Landscape Design Manual

#### State Operating Agreements:

- Memorandum of Understanding, State of Rhode Island Department of Transportation and the US Department of Transportation Federal Highway Administration
- Project Estimate Reviewing & Processing Procedures
- Programmatic Categorical Exclusion Approvals
- Programmatic Wetland Finding for Categorical Exclusions
- Programmatic Floodplain Findings for Categorical Exclusions
- Programmatic Section 4(f) Agreements
- Guidance for Determining DeMinimis Impacts to Section 4(f) Resources
- Programmatic Section 106 Process Agreement (Pending)
- Post Construction Funding for Implementation of Long Term Environmental Commitments

- STIP Revision Procedures
- List of Recurring Planning Activities and Statistical Reporting Requirements
- State of Rhode Island Memorandums of Agreement
- Municipal Workzone Agreements
- Outdoor Advertising Agreements

# Attachment D

The following list includes, but is not limited to, reports and submissions required to be submitted by the RIDOT to the Division.

<b>Report No.</b>	<b>Report or Submission</b>	<b>Frequency</b>	<b>Date Due</b>	<b>FHWA Addressee</b>	<b>Comments</b>
1	Load Certification	Annual	January 1	Bridge Engineer	23 U.S.C. 141(a)
2	NBI Data	Annual	April 1	Bridge Engineer	
3	Bridge Cost Data	Annual	April 1	Bridge Engineer	
4	Preventive Maintenance Agreement	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
5	Design Quality Assurance Policy	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
6	NBIS Quality Assurance Policy	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
7	Critical Findings Policy	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
8	Scour Plan of Action Policy	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
9	Unknown Foundations Policy	One-time submission	n/a	Bridge Engineer	To be resubmitted whenever revised.
10	State Right-of-Way Operations Manual	One-time submission	January 1, 2001	ROW Officer	23 CFR 710.201(c)(1) To be resubmitted whenever revised.
11	ROW Certification	As-needed	Prior to project advertising	ROW Officer	23 CFR 635.309(c)
12	Air Rights on the Interstate Agreement	As-needed	Prior to use of subject facility.	ROW Officer	23 CFR 710.405 23 CFR 710.201(h)(i) Leasing of real property acquired with federal-aid funds shall be covered by an agreement prior to use of subject facilities.
13	Airspace Leases/Joint-Use Agreement	As-needed	Prior to use of subject facility.	ROW Officer	23 CFR 710.407 Leasing of real property acquired with federal-aid funds shall be covered by an agreement prior to use of subject facilities.
14	Sale/Transfer of Excess ROW Agreement	As-needed	Prior to sale/transfer action.	ROW Officer	23 CFR 710.409 23 CFR 710.403(d) Sale/transfer agreements must be in writing and complete prior to sale/transfer action.
15	Federal Land Transfer Application	As-needed	Prior to transfer action.	ROW Officer or non-FHWA agency officer as applicable.	23 CFR 710.601 Commences when State files an application with the FHWA or directly with the Federal land owning Agency.
14	Project	As-needed	Prior to	Finance	Authorization to Acquire Right-of-

	Authorization for Right-of-Way (RIDOT informally calls this the obligation)		acquisition of ROW	Manager / ROW Officer	Way
<b>15</b>	Right-of-Way Authorization Package	As-needed	Prior to acquisition of ROW	ROW Officer	Note that FHWA approval of this is inherent in the Project Authorization for Right-of-Way approval above
<b>16</b>	Disposal of Real Property Interests - at fair market value	As-needed: Prepare and Submit (Interstate) Prepare and Approve (non-Interstate)	Per occurrence	ROW Officer: Review and Approve (Interstate) Review (non-Interstate)	FHWA approval for any change of use of property along the Interstate
<b>17</b>	Disposal of Real Property Interests - for less than fair market value	As-needed:	Per occurrence	ROW Officer	Public Interest Determination consistent with 23 CFR 710.409(d)
<b>18</b>	Outdoor Advertising Inventory Report	Annually	October 1	ROW Officer	
<b>19</b>	Property Acquisition and Relocation Statistical Report	Annually	January 1	ROW Officer	
<b>20</b>	Property Management Excess Real Property Inventory Report	Annually	January 1	ROW Officer	
<b>21</b>	Land Disposal, Property Leasing, Licensing and Permitting Inventory Report	Annually	July 1	ROW Officer	
<b>22</b>	Liquidated Damages Rates Schedule – for standard specifications	Every two years	January 1	Area Engineer	23 CFR 635.127 The State shall review and update the rates at least every two years.
<b>23</b>	<b>Statewide Planning Work Program (Part 1)</b>	Annual	State FY, Prior to program period	Planning Program Manager	23 CFR 420.115(a) Quarterly Reports
<b>24</b>	<b>Statewide Planning and Research (Part 2)</b>	Annual	State FY, Prior to program period	Research Program Manager	<b>23 CFR Part 420</b>
<b>25</b>	<b>Annual Performance and Expenditure Reports (Part 1 and Part 2)</b>	Annual	90 days after end of period	Planning Program Manager & Research Program Manager, respectively	23 CFR 420.117(b)
<b>26</b>	<b>Other Periodic Performance &amp;</b>	Quarterly Reports	30 days after	Planning Program	23 CFR 420.117(b)

	<b>Expenditure Reports for Part 1</b>		end of period	Manager	
<b>27</b>	<b>Approval of Reports Before Publication</b>	TBD: Per Division Office requirements	TBD	Planning Program Manager & Research Program Manager	23 CFR 420.117(e)
<b>28</b>	<b>Long-Range Statewide Transportation Plan</b>	Updated as necessary	When updated	Planning Program Manager	23 CFR 450.214
<b>29</b>	<b>Public Involvement Procedures</b>	Must be developed and published. Update as needed.	When updated	Planning Program Manager	23 CFR 450.210(a)
<b>30</b>	<b>Statewide Transportation Improvement Program (STIP)</b>	Joint approval with FTA at least every four years.	30 days Prior to program period	Planning Program Manager	23 CFR 450.218(a)&(c)
<b>31</b>	<b>STIP Amendments</b>	Joint approval with FTA as needed	When updated	Planning Program Manager	23 CFR 450.218(a)&(c)
<b>32</b>	<b>Federal Finding on STIP</b>	Concurrent with STIP approval, Joint finding with FTA.	Concurrent with STIP approval	Planning Program Manager	23 CFR 450.218(b) Consider all aspects of the planning process. Also due to HQ
<b>33</b>	<b>State Self-Certification on Planning Process</b>	Concurrent with STIP submittal	Received with STIP.	Planning Program Manager	23 CFR 450.218(a)
<b>34</b>	<b>State Consultation Process(es) with Non-Metropolitan Local Officials</b>	When revised. A review, comment, and modification process must be completed at least every five years.	When received	Planning Program Manager	23 CFR 450.210(b)&(c) Also due to HQ
<b>35</b>	<b>Interstate</b>	As needed	As needed	Planning Program Manager	23 CFR 470.111 Approval by HQ
<b>36</b>	<b>Federal-Aid Urban Area Boundaries</b>	When revised	When revised	Planning Program Manager	23 CFR 470.105 (a) HQ needs for digitizing. Electronic format preferred (see FAPG non-regulatory Sup. G 4063.0).
<b>37</b>	<b>Functional Classification</b>	When revised	When revised	Planning Program Manager	23 CFR 470.105 (b) "Highway Functional Classification, Concepts, Criteria and Procedures" ( <a href="http://www.fhwa.dot.gov/planning/functional.htm">http://www.fhwa.dot.gov/planning/functional.htm</a> )
<b>38</b>	<b>National Highway System (NHS)</b>	As needed	As needed	Planning Program Manager	23 CFR 470.113 Approval by HQ (Administrator). See 23 CFR 470, Subpart A (Appendix D)
<b>39</b>	<b>Unified Planning Work Program (UPWP)</b>	Annual	June 30	Planning Program Manager	<b>23 CFR Part 450 and 23 CFR Part 420</b>



40	Transportation Management Area (TMA) MPO UPWPs	Annual	State FY, Prior to program period	Planning Program Manager	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)
41	UPWP Revisions/Amendments (All MPOs)	As needed	As needed	Planning Program Manager	23 CFR 420.115
42	Performance and Expenditure Reports (All MPOs)	Quarterly	30 days after end of period	Planning Program Manager	23 CFR 420.117(b)
43	Approval of Reports Before Publication (All MPOs)	TBD: Per Division Office requirements	TBD	Planning Program Manager	23 CFR 420.117(e)
44	Metropolitan Planning: Metropolitan Transportation Plan	At least every four or five years	30 days Prior to program period	Planning Program Manager	23 CFR 450.300(a) and 450.322(a)-(e) At least every four years for air quality nonattainment and maintenance areas and at least every five years for attainment areas. Provide web address.
45	Metropolitan Transportation Plan Amendments	As needed	30 days Prior	Planning Program Manager	23 CFR 450.322(c)
46	MPO Public Participation Plan	Must be developed and published. Update as needed.	When updated	Planning Program Manager	23 CFR 450.316(a) Must be developed and published. Update as needed. Provide web address, if available.
47	Air Quality Conformity Determination on LRTP	Concurrent with LRTP update, at least every four years	30 days Prior	Planning Program Manager	23 CFR 450.322(d) After receipt of MPO determination, joint determination with FTA (in coordination with EPA).
48	State/MPO Self-Certifications	Concurrent with LRTP update, at least every four years	30 days Prior	Planning Program Manager	23 CFR 450.218(a) 23 CFR 450.334(a) Required for all MPOs. May be included in STIP, TIP or UPWP, at least every four years.
49	FHWA/FTA TMA Certification Review Report	Every four years	Every four years	Planning Program Manager	23 CFR 450.334(b) FHWA and FTA conduct jointly.
50	Metropolitan Planning Area Boundaries	When revised	When received	Planning Program Manager	23 CFR 450.312 (a) HQ needs for digitizing. Electronic format preferred.
51	Attainment or Entire Nonattainment Area	At least every four years	30 days Prior	Planning Program Manager	23 CFR 450.314 (a) Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314 (d)).
52	Partial Nonattainment Area	At least every four years	At least every four years	Planning Program Manager	23 CFR 450.314 (b) Between MPO/State DOT/State AQ Agency.
53	Designation/ Re-designation of MPOs	When completed	As needed	Planning Program Manager	23 CFR 450.310
54	Highway Performance	Annually	June 15	Planning Program	23 U.S.C. 502(h) 23 U.S.C. 315

	<b>Monitoring System (HPMS)</b>			Manager	23 CFR 420 105 (b)
55	<b>Data Submittal</b>	June 15	June 15	Planning Program Manager	23 CFR 420.105(b) HPMS Field Manual State DOT sends directly to Division Office and HQ.
56	<b>Certified Public Roads Miles</b>	June 1	June 1	Planning Program Manager	23 CFR 460.3 (b) To HQ with Division Office review/concurrence.
57	<b>Annual Field Review Report</b>	Annual	December 1 <sup>st</sup>	Planning Program Manager	HPMS Field Review Guidelines. Review memo to HQ.
58	<b>Biennial --Toll Facilities in the United States</b>	Biennial	June 15 (odd years)	Planning Program Manager	23 CFR 450.105(b) Division Office sends directly to HQ
59	<b>Motor Fuel (551-M)</b>	Due 60 days after end of each reporting month.	Due 60 days after end of each reporting month.	Planning Program Manager	Guide to Reporting Highway Statistics – Chapter 2
60	<b>Finance (531, 532, 541, 542, and 543 (optional))</b>	April 1	April 1	Planning Program Manager	Guide to Reporting Highway Statistics – Chapters 8 & 9
61	<b>Motor Fuel (556)</b>	April 1	April 1	Planning Program Manager	Guide to Reporting Highway Statistics – Chapter 2
62	<b>Vehicles and Drivers (561, 562, 566, and 571)</b>	April 1	April 1	Planning Program Manager	Guide to Reporting Highway Statistics – Chapters 3, 4, 5, 6
63	<b>Finance (534)</b>	June 15	June 15	Planning Program Manager	Annually for State. Guide to Reporting Highway Statistics – Chapter 12
64	<b>Finance (536)</b>	September 30	September 30	Planning Program Manager	Biennially for odd-numbered years. Due nine months after end of reporting year. Guide to Reporting Highway Statistics – Chapter 11
65	<b>State DOT/Toll Authority Audits and Published Annual Reports and Form 539 (optional)</b>	Annually	as soon as available	Planning Program Manager	Annually. Due as soon as available. Guide to Reporting Highway Statistics – Chapter 10
66	<b>State DOT Budgets and Published Annual Reports</b>	When published	When published	Planning Program Manager	Guide to Reporting Highway Statistics – Chapter 13
67	<b>Transportation Bond Referendums</b>	When published	When published	Planning Program Manager	Guide to Reporting Highway Statistics – Chapter 9
68	<b>Highway Finance and Tax Legislation</b>	When published	When published	Planning Program Manager	Guide to Reporting Highway Statistics – Chapter 13
69	<b>State Highway Maps (Tourist)</b>	When published	When published	Planning Program Manager	Two copies to each Division Office and 100 copies to HQ.
70	<b>Vehicle</b>	June 15	June 15	Planning	Part of annual HPMS submittal.

	<b>Classification Data</b>			Program Manager	HPMS Field Manual
<b>71</b>	<b>Permanent ATR Data</b>	Monthly - State DOT forwards directly to HPPI-30	Monthly	Planning Program Manager	Within 20 days after the close of the month for which the data were collected. Heavy Vehicle Travel Information System Field Manual.
<b>72</b>	<b>Continuous Automatic Vehicle Classifier Data</b>	Monthly - State DOT may forward it directly to HPPI-30	Monthly	Planning Program Manager	Within 20 days after the close of the month for which the data were collected. Heavy Vehicle Travel Information System Field Manual
<b>73</b>	<b>Weight and Vehicle Classification Data collected at Weigh-in-Motion sites</b>	June 15	Annual	Planning Program Manager	WIM data collected at non-continuous sites during a year should be submitted by June 15 of the following year. If continuous WIM data are available, send up to one week of data per quarter. Heavy Vehicle Travel Information System Field Manual
<b>74</b>	<b>Annual Traffic Reports</b>	When Published	When Published	Planning Program Manager	When published.
<b>75</b>	<b>Traffic Flow Maps</b>	When Published	When Published	Planning Program Manager	When published.
<b>76</b>	<b>Motor Fuel Oversight Review</b>	Annual	June 30	Planning Program Manager	Annual progress reports and statement of verification by June 30. ** Submittal via UPACS.
<b>77</b>	<b>- Proof of Payment</b>	Annual	July 1	Planning Program Manager	23 CFR 669.7 Assistance from DMV
<b>78</b>	<b>- Compliance Review</b>	Every three years	Every three years	Planning Program Manager	Assistance from DMV
<b>79</b>	<b>- Certification of Enforcement</b>	Annual	January 1	Planning Program Manager	Assistance from DMV
<b>80</b>	<b>CMAQ Annual Report</b>	Annual	February 15	Planning Program Manager	CMAQ project data entered in the CMAQ Tracking System by RIDOT by February 15 Reviewed for accuracy by the Division by March 1st.
<b>81</b>	<b>DOT Program Assessment</b>	Biennial, even numbered years	December 1	Freight Program Manager	Guidance from FHWA HQ
<b>82</b>	<b>MPO Program Assessment</b>	Biennial, odd numbered years	December 1	Freight Program Manager	Guidance from FHWA HQ
<b>83</b>	<b>Innovation Programs</b>	Biennial, even numbered years	December 1	Innovation Program Manager	Guidance from FHWA HQ
<b>84</b>	<b>Every Day Counts (EDC)</b>	Every 6 Months	June and December	Innovation Program Manager	Guidance from FHWA HQ CAI
<b>85</b>	<b>Technology Transfer (T2)</b>	Annual	Varies	Innovation Program Manager	Guidance from DFS, Funds administered by DFS

<b>86</b>	<b>Certification</b>	Annual	December 1	Freight Program Coordinator	RIDOT submits and the Division approves and forwards to HOFM by January 1 23CFR657.13
<b>87</b>	<b>Enforcement Plan</b>	Annual	September 1	Freight Program Coordinator	Submission from the RIDOT due between July 1 and September 1. Division must review and approve so it is in place by October 1. 23CFR657.13
<b>88</b>	<b>Evaluation Report</b>	Annual	September 1	Freight Program Coordinator	Submission from the RIDOT due between September 1. Division must review and approve and submit to HOFM by October 1. 23CFR657.11b
<b>89</b>	Title VI Reviews	Annually	n/a	Civil Rights	<p>“The State program area officials and Title VI Specialist shall conduct annual reviews of all pertinent program areas to determine the effectiveness of program area activities at all levels.”</p> <p>Specific program areas to be reviewed set forth in a schedule of activities in the Title VI Annual Update Report. Specifically, RI DOT will set a work plan for each upcoming year to delineate the focus of the program implementation for that year. This will contain an updated listing of process reviews scheduled to be conducted during the upcoming federal fiscal year.</p>
<b>90</b>	Title VI Accomplishments and Goals (Update Report)	Annually	December 1	Civil Rights	<p>“Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.”</p> <p>The Title VI/Nondiscrimination Annual Update Report shall at a minimum address the following: Describe the results of STA Federal Program Area Process Reviews; Describe any trends/patterns identified through data collection/ analysis;</p>

					Identify any issues discovered through monitoring of Sub-recipients; Identify any special focus areas for the next Federal fiscal year; Provide a Schedule Of Reviews for the next Federal fiscal year.
<b>91</b>	Title VI/Nondiscrimination Plan	Tri-Annually	October 1	Civil Rights	The STA shall submit the Title VI/Nondiscrimination Plan to the FHWA Division Office for review, comments, and approval. Every three years, the STA shall update the Title VI/Nondiscrimination Plan and shall submit the Plan to the FHWA Division Office for review, comments, and approval.
<b>92</b>	Title VI Complaints	As needed	n/a	Civil Rights	“Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints received directly by the State and not by FHWA...” Process complaints in accordance with the procedures and flowchart set forth in the approved Title VI Plan.
<b>93</b>	On-the-Job Supportive Services Quarterly Reports	Quarterly	Per contract	Civil Rights	The State highway agency is to furnish copies of the reports received from supportive services contractors to the FHWA division office which will furnish a copy to the regional office.
<b>94</b>	On-the-Job Training Goals and Accomplishments	Annually	January 1	Civil Rights	According to 23 CFR 230.111(a), the STA determines which Federal-aid highway construction contracts will include the TSP (Appendix B) and the minimum number of trainees to be specified after giving appropriate consideration to the guidelines set forth in 23 CFR 230.111(c).

					The STA is required to submit, to its FHWA Division Office, the number of trainees it intends to assign to Federal-aid highway projects for the calendar year. The FHWA Division Office approves the goal, and at the end of the calendar year, the STA provide the FHWA Division Office a year-end report on accomplishments.
<b>95</b>	On-the-Job Training Work Program and Funds Request	Annually	March 1	Civil Rights	Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division Administrator with a recommendation for approval. The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C. 140(b), for the provision of supportive services in support of training programs approved under this directive.
<b>96</b>	DBE Uniform Awards/Commitments and Payments Report	Semi-annually	June 1 December 1	Civil Rights	You must transmit the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to this part, at the intervals stated on the form.
<b>97</b>	DBE Program Revisions	Revised as needed	n/a	Civil Rights	You do not have to submit regular updates of your DBE programs, as long as you remain in compliance. However, you must submit significant changes in the program for approval.
<b>98</b>	DBE Program Goals	Tri-annually	August 1	Civil Rights	Except as provided in paragraph (a) (2) of this section, you must set an overall goal for DBE participation in your DOT-assisted contracts. The annual overall

					DBE goal based on approved submissions will be in place for three years.
<b>99</b>	DBE Supportive Services Work Statement, Program Plan, and Funds Request	Annually	March 1	Civil Rights	A detailed work statement of the supportive services which the State highway agency considers to meet the guidance under this regulation and a program plan for meeting the requirements of paragraph (b) of this section and accomplishing other objectives shall be submitted to the FHWA for approval.
<b>100</b>	DBE Supportive Services Contract Reports	Quarterly	n/a	Civil Rights	As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions: Monthly or quarterly reports to the State highway agency containing sufficient data and narrative content to enable evaluation of both progress and problems;.. the State highway agency is to furnish copies of the reports received under paragraph (g) (6) of this section to the FHWA division office.
<b>101</b>	State Employment Data Report (EEO-4)	Annually	August 15	Civil Rights	State highway agencies shall use the EEO-4 Form in providing current work force data. This data shall reflect only State department of transportation/State highway department employment.
<b>102</b>	Form PR 1392	Annually	September 25	Civil Rights	Form PR 1392 is to be completed by the State highway agencies, summarizing the reports on PR 1391 for the month of July received from all active contractors and

					subcontractors. Three (3) copies of completed Forms PR 1392 are to be forwarded to the division office.
<b>103</b>	EEO Internal Program including AA Action Plan	Tri-Annually	n/a	Civil Rights	Each State highway agency shall prepare and submit an updated equal employment opportunity program, three years from the date of approval of the preceding program by the Federal Highway Administrator, over the signature of the head of the State highway agency, to the Federal Highway Administrator through the FHWA Division Administrator. FHWA will coordinate review and approval with FTA.
<b>104</b>	EEO Internal Program/AA Action Plan Update	Annually	n/a	Civil Rights	Each State highway agency shall prepare and submit an updated equal employment opportunity program, one year from the date of approval of the preceding program by the Federal Highway Administrator, over the signature of the head of the State highway agency, to the Federal Highway Administrator through the FHWA Division Administrator. The program shall consist of the following elements: (1) The collection and analysis of internal employment data for its entire work force in the manner prescribed in part II, paragraph III of appendix A; and (2) The equal employment opportunity program, including the internal affirmative action plan, in the format and



					manner set forth in appendix A.
<b>105</b>	Contractor Compliance Program Update	Annually	n/a	Civil Rights	Each State highway agency shall prepare and submit an updated equal employment opportunity program, one year from the date of approval of the preceding program by the Federal Highway Administrator, over the signature of the head of the State highway agency, to the Federal Highway Administrator through the FHWA Division Administrator. The program shall consist of the following elements: (1) The collection and analysis of internal employment data for its entire work force in the manner prescribed in part II, paragraph III of appendix A; and (2) The equal employment opportunity program, including the internal affirmative action plan, in the format and manner set forth in appendix A.
<b>106</b>	EEO Contract Compliance Review Reports	As needed	n/a	Civil Rights	Within 15 days from the completion of the onsite verification and exit conference, the State Compliance Specialist will... Forward three copies of the compliance review report, and the compliance notification or show cause notice to the FHWA division EEO Specialist.
<b>107</b>	Notification of Action Against Contractor for EEO Non-compliance	As needed	n/a	Civil Rights	The State shall inform FHWA of any actions taken against a contractor under normal State contract administration procedures, if that action is precipitated in whole or in part by

					noncompliance with equal opportunity contract requirements.
<b>108</b>	ADA/Section 504 Self-evaluation and Compliance Plan	As needed	October 1	Civil Rights	The STA shall conduct a self-evaluation of its current services, policies, and practices, and the effects thereof, to determine necessary modifications to achieve program accessibility? (28 CFR 35.105 & 49 CFR 27.11(c)(2)(i-v))
<b>109</b>	ADA Complaint Investigations	As requested	n/a	Civil Rights	"A recipient that employs fifteen or more persons shall, within 180 days, adopt and file with the head of the operating administration procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part."
<b>110</b>	GARVEE Bond Reconciliations	Monthly	By the end of the following month.	Financial Manager	GARVEE Bond Reconciliations should be completed monthly.
<b>111</b>	TIGER: Performance Measures	Quarterly	Jan/Apr/ Aug/Nov 15th	Admin Serv- Contract Administration	OST TIGER Reporting Requirements
<b>112</b>	TIGER: Federal Financial Report SF425	Quarterly	Jan/Apr/ Aug/Nov 15th	Admin Serv- Contract Administration	OST TIGER Reporting Requirements
<b>113</b>	TIGER: RADS	Quarterly	Jan/Apr/ Aug/Nov 15th	Admin Serv- Contract Administration	OST TIGER Reporting Requirements
<b>114</b>	TIGER: Status Report	Monthly	15th of the Following Month	Project Engineer	OST TIGER Reporting Requirements
<b>115</b>	TIGER: Earned but Unbilled (not Expended)	Quarterly	20th of the quarter month-end	Admin Serv- Contract Administration	OST TIGER Reporting Requirements
<b>116</b>	TIGER Annual Budget Review	Annual	Viaduct= August 1st Apponaug = Nov 1st	Admin Serv- Contract Administration	OST TIGER Reporting Requirements

<b>117</b>	Inactive Reports	Monthly	Between 5th and 15th of following month	Finance & Financial Management	FHWA OCFO requirement
<b>118</b>	Single Audit Act Management Letter	Annual	RIDOT Response Between April - Sept	Finance & RIDOT CFO	Finance & RIDOT CFO
<b>119</b>	IPERA –Improper Payments Review	Annual	RIDOT Response Between April - Sept	Finance & RIDOT Financial Management	FHWA OCFO Requirement/ Auditor
<b>120</b>	Financial Reviews – Indirect Cost Rate	Annual	Sept	RIDOT CFO	OCFO – FIRE Requirement
<b>121</b>	Financial /Process Reviews	As needed	Nov thru June	RIDOT	FIRE Requirement
<b>122</b>	Financial Dashboard	Annual	Oct	Financial Project Management	FHWA HQ

## *Attachment E*

**Table 1: LPA Administered Project Action Responsibility Matrix during Pre-construction Project Development**

Activity	LPA - Administered Projects		
	Project Approvals on which the State assumes Division responsibilities under 23 U.S.C. 106		
	LPA ACTION	STATE DOT ACTION <sup>1</sup>	FHWA ACTION
Project Scope/Concept	Prepare & Submit	Review & Approve	None, opportunity to comment
Project Authorization for Preliminary Engineering	Prepare & Submit	Review & Submit	Approve
Major Scope Revision	Prepare & Submit	Review & Approve	None
Consultant Selection	Prepare & Submit	Review & Approve	None
Consultant Scope of Services/Agreements	Prepare & Submit	Review & Approve	None
Approve hiring consultant to serve in a management role	Prepare and Submit	Review & Endorse	Review & Approve
Interstate Access Modification <sup>2</sup>	Prepare & Submit	Review & Endorse	Approve
Design Exceptions <sup>3</sup>	Prepare & Submit	Review & Approve	None, Opportunity to comment
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations <sup>5</sup>	Prepare Studies	Prepare & Submit	Review & Approve
Categorical Exclusion Approval <sup>5</sup>	Prepare Studies	Prepare & Submit	Review & Approve
Design Approval	None	Prepare & Approve	None
Project Authorization for Right-of-Way	Prepare & Submit	Review & Submit	Approve
Value Engineering <sup>4</sup>	Prepare & Submit	Review & Approve	None
Design Plan/Package Submittals (PE, PD, SLD, SF, FPR)	Prepare & Submit	Review & Approve	None
Public Interest Findings: Sole Source, Proprietary products, Local-Furnished/ Designated Materials, Force Account work done by municipal forces	Prepare & Submit	Review & Approve	None
Buy America Waiver,	Prepare & Submit	Review & Endorse	Review & Approve
PS&E Approval	Prepare & Submit	Review & Approve	None
Project Authorization for Construction	None	Review & Submit	Approve

**Table 1: LPA Administered Project Action Responsibility Matrix during Pre-construction Project Development (continued)**

Activity	LPA - Administered Projects		
	Project Approvals on which the State assumes Division responsibilities under 23 U.S.C. 106		
	LPA ACTION	STATE DOT ACTION <sup>1</sup>	FHWA ACTION
Approve construction engineering by local agency	Submit Local/State Agreement	Approve	None
Addenda	Prepare & Submit	Review & Approve	None
Concurrence in Contract Award	Prepare & Submit	Review & Concur	None
Rejection of Low Bidder and/or All Bidders	Prepare & Submit	Review & Endorse	Review & Concur For Projects on the Interstate
Waiver of Payback of Preliminary Engineering Expenditures	Prepare & Submit	Review & Endorse	Review & Approve
Approval of Advertisement Period of less than 3 weeks	Prepare & Submit	Review & Endorse	Review & Approve

<sup>1</sup> All of the State DOT Action items which indicate that the State DOT shall submit to the Division must be endorsed /recommended by the State DOT prior to submission to the Division, as applicable.

<sup>2</sup> An LPA project requiring Interstate Access Modification would be rare but could also include developer's projects.

<sup>3</sup> Value Engineering is required for projects over \$50M and structures over \$40M (the cost estimate is for all phases.)

<sup>4</sup> If there is a 23 U.S.C. 326 or 325 assignment or Project Categorical Exclusion agreement, decisions are handled in accordance with those assignments or agreements.

## *Attachment F*

**Table 2: LPA Project Action Responsibility Matrix during Construction**

<b>Activity</b>	<b>LPA - Administered Projects</b>		
	<b>Project Approvals on which State assumes Division responsibilities under 23 U.S.C. 106</b>		
	<b>LPA ACTION</b>	<b>STATE DOT ACTION</b>	<b>FHWA ACTION</b>
Notification of Pre-construction Meeting	Prepare & Submit	Review & Attend	Receive Information from State for File
Change Orders	Prepare & Submit	Review & Approve	None
Claims <sup>1</sup>	Prepare & Submit	Review & Concur (1)	Review & Approve (1)
Time Extensions	Prepare & Submit	Review & Approve	None
Suspension of Work	Prepare & Submit	Review & Approve	None
Termination	Prepare & Submit	Review & Approve	Receive Information from State for File
Certificate of Compliance	Prepare & Submit	Review & Approve	None
Certificate of Final Acceptance	Prepare & Submit	Review & Approve	None
Materials Certification	Submit	Prepare & Approve	None
Buy America Waiver <sup>2</sup>	Prepare & Submit	Review & Endorse	Review & Approve
Value Engineering Change Proposals	Prepare & Submit	Review & Approve	None
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor when DBE Subcontractor is Terminated or Fails to Complete its Work	Prepare & Submit	Review & Approve	None
Final Voucher and Reconciliation	Prepare & Submit	Review & Approve	None
Federal-aid agreement (modifications, Close-outs, Withdrawals)	None	Prepare and Submit	Approve

<sup>1</sup> The State shall submit all claims over \$100,000 with merit and proposed settlements to FHWA for determination of eligibility and participation. Such claims and settlements over \$100,000 shall be submitted in the form of Change Orders. The State may assume responsibility for all claims under \$100,000.

<sup>2</sup> Not needed when use of foreign steel and iron materials does not exceed 0.1 percent of the total contract cost or \$2,500, whichever is greater. For purpose of this requirement, the cost is that shown to be the value of the steel and iron products as they are delivered to the project. (23 CFR 635.410)

# *Attachment G*

## *Project Delivery Guidance*

- A. **RIDOT OVERSIGHT, GENERAL** - The Chief Engineer (as defined by RIDOT's Standard Specifications for Road and Bridge Construction) is responsible for administration of all the pre-award activities including approval of Design Exceptions, PS&E approval, and concurrence in award. Delegated projects will be developed meeting applicable design standards, guidelines, policies and procedures. Selection of appropriate design standards and approval of exceptions to standards will be accomplished by RIDOT. The Chief Engineer will be the approving authority for Design Exceptions and environmental documents. Records of design exceptions will be kept in individual project files and will be available for FHWA review upon request. The Chief Engineer will also be responsible for administration of the construction activities including construction inspections, change order approvals, sampling and testing oversight and other actions needed to assure and verify that each project is constructed in compliance with pertinent standards and requirements, and built in accordance with plans and specifications. The Chief Engineer will coordinate final inspection and acceptance of all projects covered by this agreement. State DOT staff will conduct field reviews and inspections, including semi-final inspections, on projects under construction. State DOT staff will conduct joint reviews with FHWA of projects or processes when appropriate and agreeable. Change orders and contract amendments will be processed in accordance with State DOT procedures.
- B. **STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION** – The latest issue of the existing set of standard specifications is dated 2004 and since its inception there are a total of 16 sets of supplemental provisions called Compilations. The Standard Specifications will be updated. The Contract Administration portion of the Standard Specifications, formerly known as Part 100 General Requirements and Covenants and which removed in December 2010 to become part of the State Department of Administration's Procurement Regulation, will be returned to the Standard Specifications for Road and Bridge Construction.
- C. **CONSTRUCTION AND MATERIALS QUALITY ASSURANCE** – Quality Assurance is the combination of contractor quality control, State DOT acceptance procedures and independent assurance testing, all as a part of the State DOT's approved quality assurance program. In general, acceptance will be based on the State DOT's approved MST (master schedule for testing), however, it is the policy FHWA that only the State's inspection and testing results be used for acceptance. Construction contractors test results shall not be used for acceptance.

- D. **CONTRACTOR PERFORMANCE EVALUATIONS - The RIDOT Standard Specifications (Section 102.12 Disqualification of Bidders and Rejection of Proposals)**, provides a mechanism for reviewing contractor performance. The FHWA and RIDOT must work together towards resolving any shortfalls that may exist in defining responsive and responsible bidders clearly in the Standard Specification, and in enforcing subsequent disqualifications, terminations or debarments based thereof.
- E. **MAJOR PROJECTS - Major projects require a more comprehensive and diligent level of oversight by FHWA and RIDOT to effectively manage the increased complexity of the work and the higher-level commitment of public funds.** The Plans further define the respective administrative responsibilities of the two agencies for advancing the project in an effective and efficient manner. The Project Management Plan serves as a blueprint for delineating organizational lines of authority and interagency coordination and outlining those processes and activities essential to achieving the project objectives. The Financial Plan outlines the financial mechanisms to maintain adequate funding levels during the life of the project and defines cost control and tracking measures to keep outlays within established budget thresholds. The auditing function established within the Rhode Island Department of Administration under joint agreement with the State DOT and FHWA will provide additional oversight capability to ensure that the above objectives are met. This unit will be responsible for reviewing and reporting on the adequacy of policies, procedures and administrative controls governing the management of major projects.
- F. **PROJECT MANAGEMENT – The State will continue to use its web-based Project Management Portal (PMP) and other electronic recordkeeping systems to report all Design and Construction activities, statuses, progress schedules, funding, costs, and payments, and this PMP will continue to be accessible by FHWA personnel. Information in this system will be maintained current through bi-weekly updates as a minimum.**
- G. **OTHER STATE AGENCY PROJECT MANAGEMENT - The State DOT is responsible for all requirements of the Federal-aid program whether these requirements stem from Title 23 or non-Title 23 statutes. Since Title 23 does not recognize other state agencies as direct recipients of Federal-aid funds, these entities cannot take the place of the State DOT in the context of the Federal-aid highway program. Although the State DOT cannot delegate responsibility, authority can be delegated and the other state agencies held accountable to the State DOT. In accordance with 23 CFR 1.11, the State DOT will ensure that the aforesaid agencies are well qualified and suitably equipped to perform the work. The State DOT can accomplish this through language in agreements with other state agencies delegating authority on a project-by-project base. FHWA will approve all Agreements with other state agencies.**



- H. **TEMPORARY WORKS** - FHWA's policy regarding means and methods of construction is that it is the sole responsibility of the contractor to construct and/or erect an infrastructure facility or structure in a safe and prudent manner and that this intent be so indicated in the contract documents: the basic principal of the contractor being responsible for the proper design, construction, maintenance and removal of temporary works, such as, but not limited to, cofferdams, support-of-excavations, dewatering, haul roads and other structural measures for site access. As such, FHWA will not participate in costs associated with change orders or claims arising from the practice of producing designs and prescribing means and methods of temporary works construction in the contract documents. The intent of the design documents shall be to provide information sufficient for enabling a qualified contractor to construct the permanent facilities, through the use of design drawings, technical specifications, performance specifications and all other information required to ensure that the final facility or structure is provided in place as intended. Regarding temporary works needed to facilitate the permanent construction, the contractor shall be required to submit, for review and approval by the Chief Engineer, its construction methods and design of all temporary works required to construct and/or erect an infrastructure facility or structure in a safe and prudent manner. This requirement shall be expressly indicated in the contract documents. The contractor shall be required submit temporary works designs stamped by a qualified engineer registered by the State, who shall be experienced in the particular methods, procedures and temporary work being proposed. It should be clearly stated in the contract documents that the State DOT's review does not in any way absolve the contractor from responsibility for the adequacy of the particular methods, procedures and temporary work being proposed. The State DOT's review is only to determine that appropriate design documents have been complied with. For unusual or emergency projects exceptions to the requirements within this section can be requested by the Chief Engineer to FHWA. FHWA will review such requests on a case by case basis, when requested.
- I. **LUMP SUM BID ITEMS** - Work items that have clearly defined location, limits of work and are fully dimensioned on the contract documents with no anticipated adjustments to suit specific site conditions shall be bid as lump sum. Items that can typically be bid lump sum include structural steel, concrete and steel bridge components, coatings, miscellaneous joint fillers and sealers.
- J. **BID DOCUMENTS, MINIMIZING MATHEMATICALLY UNBALANCED BIDS** – Historically, the State DOT often receives mathematically unbalanced bid prices for many items, i.e., the so-called penny bids, and one of the consequences to having such bids has been difficulties in getting the contractor to fulfill deficiencies involved with those bid items during the period required for punch-list actions. At other times, it may be difficult to assess the appropriate monetary deduction from an approved or directed

reduction in contract quantity when an item was bid significantly below market value. To resolve these concerns the State DOT and FHWA will work together to revise the bid documents to incorporate the appropriate contract mechanisms to prevent the occurrence of mathematically unbalanced bids such as using Minimum Acceptable Bid Prices in Proposals and/or Failure-To-Comply provisions. Another benefit from using the mechanism of Minimum Acceptable Bid Prices is that the State's database of weighted average unit prices (WAUP), which it uses to develop Engineer Estimates and Change Orders, will reflect unit costs that more realistically represent market values. This should result in more accurate cost estimates for project development as well as improve reliability when performing cost analyses in contract change orders.

- K. DELAY NOTIFICATIONS – The State DOT will notify FHWA within 30 calendar days when a contract becomes delayed 180 calendar days. The written notification will include a general description of the cause(s) of the delay and the date the contract is expected to reach Substantial Completion.
- L. CLAIMS - If FHWA participation will be requested by the State DOT for Claims, the State DOT will provide a copy of the contractor's certified claim to FHWA along with all supporting documentation and invite FHWA to be present during the contractor's presentation of its Claim. The State DOT Claims Review Committee shall inform FHWA of the recommended disposition of the Claim and request FHWA's input regarding federal participation. The final State DOT decision shall be communicated to FHWA.
- M. RECORD RETENTION – The State DOT will retain project records to support all activities including the estimated cost of construction. Such records shall be available for review and retained for a period of 3 years after payment of the final project costs in accordance with 23 CFR 17.5.
- N. PROCESS REVIEWS – FHWA, in cooperation with the State DOT, will make periodic process reviews covering areas of delegated NHS projects to verify compliance with this agreement. FHWA reserves the right to review non-NHS projects on an as-needed basis. Process reviews may be limited to one or more segments of the project development phase, contracting phase, or construction phase or may encompass the total process.