



**STEWARDSHIP AND OVERSIGHT AGREEMENT**

**ON PROJECT ASSUMPTION AND**

**PROGRAM OVERSIGHT**

**BY AND BETWEEN**

**FEDERAL HIGHWAY ADMINISTRATION,**

**CONNECTICUT DIVISION**

**AND THE**

**STATE OF CONNECTICUT 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 Connecticut 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 Department of Transportation unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State 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 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 (Oversight Program), as required by 23 U.S.C. 106(g).

The Connecticut General Statutes, Volume 4, Titles 13, 13a and 13b are the governing statutes that allow the State of Connecticut to enter into a Stewardship Agreement, including all CTDOT directives and Commissioners Administrative Memoranda.

## **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 Connecticut Division Office and Connecticut Department of Transportation (CTDOT) 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.

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.
- B. Approvals and related activities for which the State DOT has assumed responsibilities as shown in Attachment A will apply program wide unless project specific actions for which the Division will carry out the approval or related responsibilities are documented 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\\_podipoci.pdf](http://www.fhwa.dot.gov/federalaid/stewardship/140328_podipoci.pdf)
- C. The State DOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(1).)

*(Information Note: High Risk Categories are discussed in Section IX of the S&O Agreement Guidance and there are no High Risk Categories in Connecticut.)*

- 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**

*(Information Note: Assumption of responsibilities off the NHS is discussed in Section II of the S&O Agreement Guidance.)*

- 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)) CTDOT has determined that the assumption of responsibilities is not appropriate for some items in a letter from the Chief Engineer dated November 26, 2014. This is reflected in Attachment A.
- 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. 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. They have done so in a letter from the Chief Engineer dated November 26, 2014; this is reflected in Attachment A. 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 documented in accordance with the FHWA PoDI/PoCI Guide.
- D. 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**

*(Information Note: LPAs are discussed in Section II of the S&O Agreement Guidance.)*

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.

## **SECTION VI. PERMISSABLE 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, and 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**

*(Information Note: Responsibilities that may not be assumed are discussed in Section II of the S&O Agreement Guidance.)*

- A. Any approval or related responsibility not listed in Attachment A cannot be assumed by the State 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. HIGH RISK CATEGORIES

*(Information Note: High risk categories are discussed in Section III of the S&O Agreement Guidance.)*

- 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)(8), the Secretary may define high risk categories on a national basis, State-by-State basis, or national and State-by-State basis.
- B. The Division has determined there are no high risk categories.

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

*(Information Note: The FHWA Oversight Program is discussed in Section IV of the S&O Agreement Guidance.)*

- 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's processes and management practices, including those involved in carrying out the approvals and related responsibilities assumed by the State 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. The 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 subrecipients pursuant to 23 U.S.C. 106(g)(4)(B).
- C. The FHWA shall 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. The 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), the FHWA will employ a 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 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 the Division and State DOT may use to identify and analyze risks and develop response strategies include the following:



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

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

The following techniques and processes will be used to carry out the requirements of 23 U.S.C. 106(g):

The FHWA CT Division Office and CTDOT use all of the above listed techniques. CTDOT routinely are members of our Program Review Teams and provide action plans for any findings. CTDOT support our FIRE Reviews by providing necessary source documents. CTDOT receive our CAP reviews and respond to findings and do the same for our regular inspections. CTDOT also provide input to our Program Assessments and Risk statements.

E. Program Responsibility Matrix

Attachment B contains a link to the Program Responsibility Matrix that identifies all relevant FHWA program actions.

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 another document.

G. Stewardship and Oversight Indicators

The Division and State DOT may jointly establish Stewardship and Oversight Indicators (Indicators). The Indicators should set targets, track trends, and implement countermeasures and actions when the data is moving away from the desired target direction. Indicators can provide documented evidence that the State DOT assumption of responsibilities is functioning appropriately. Stewardship and Oversight Indicators should be reviewed on an annual basis. If utilized, the Indicators shall be incorporated by reference to this S&O Agreement.

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



*(Information Note: The FHWA Oversight Program is discussed in Section IV of the S&O Agreement Guidance.)*

A. State DOT Oversight and Reporting Requirements

The State DOT is responsible for demonstrating to the FHWA how it is carrying out its responsibilities in accordance with this S&O Agreement. In order to fulfill this responsibility, the CTDOT provides FHWA the following control documents: the monthly obligation plan, the monthly listing of all active federal-aid projects, the monthly Site Manager reports, access to the Project Wise system, performance measures reports, and responds to ad-hoc requests for information from FHWA as allowed in 23 CFR 1.5.

B. State DOT Oversight of Locally Administered Projects

- B.1. State DOT's are required to provide adequate oversight of sub-recipients including oversight of any assumed responsibilities the State DOT delegates to a LPA.
- B.2. 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).
- B.3. 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 carry out these responsibilities using the following actions, programs, and processes:
- Administration of the Master Municipal Agreement and individual State/Municipal agreements
  - Maintenance of information via their website
  - CTDOT populates their project files with progress during design and construction
  - Also, CTDOT manages their in-actives and the 10 year rule of their PE agreements.

- B.4. The State DOT shall assess whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects, using the following actions, programs, and processes:
- Administration of the Master Municipal Agreement and individual State/Municipal agreements
  - Maintenance of information via their website.
  - CTDOT populates their project files with progress during design and construction.
  - Also, CTDOT manages their in-actives and the 10 year rule of their PE agreements.
- B.5. 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 project(s), by using the following actions, programs, and processes:
- Chapter 21 of the Construction Manual
  - The Municipal Manual, November 2013
  - The overall administration of the Municipal Services Action Team (MSAT.)
- B.6. The State DOT shall assess whether sub-recipient projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications, by using the following actions, programs, and processes:
- Chapter 21 of the Construction Manual
  - The Municipal Manual, November 2013
  - The overall administration of the Municipal Services Action Team (MSAT.)
- B.7. 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. The State DOT's process to ensure compliance with this requirement is documented by the following actions, programs, and processes:
- Chapter 21 of the Construction Manual
  - The Municipal Manual, November 2013
  - The overall administration of the Municipal Services Action Team (MSAT.)
- B.8. The State DOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations. The State

DOT will use the following process on required approvals on sub-recipient projects, and approved on sub-recipient administered projects. The CTDOT performs this function with the following actions, programs, and processes:

- Consultant Selection, Negotiation and Contract Monitoring Procedures for Municipally Administered Projects
  - CTDOT's Assignment of Responsibilities and Checklist Pursuant to the Stewardship Agreement for State Oversight Pre-Construction Project Activities, Office of Engineering dated July, 2010.
  - Advertising Procedures for Construction Contracts Administered by Municipalities
  - Master Municipal Agreements
  - CTDOT Construction Manual, Chapter 21 specifically
  - CTDOT Municipality Manual, November 2013
- B.. The State DOT shall document its oversight activities for LPA-administered projects and findings, and how it will share this information with the FHWA. See all of the above bullets for a description of how the CTDOT documents its oversight activities.

## **SECTION XII. IMPLEMENTATION AND AMENDMENTS**

- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA Connecticut Division Administrator, who shall sign this S&O Agreement last.
- B. The Division 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 Division Office.
  - As agreed to by the Stewardship Committee

A standing committee was originally established on January 8, 2008. The primary responsibility of this Committee is to modify this agreement when needed and recommend its approval to the CTDOT Commissioner and the FHWA Division Administrator. The members have changed twice since 2008, and now consist of the following:

- Hugh Hayward, Bureau of Engineering and Construction, Chairperson

- Robert Obey, Bureau of Engineering and Construction
  - Colleen A. Kissane, Bureau of Policy and Planning
  - David W. Nardone, FHWA, Engineering
  - Eloise Powell, FHWA, Planning, Environment, and Research
  - Debra P. Ramirez, FHWA, Finance
  - Michelle Hilary, FHWA, Assistant Division Administrator
- C. The Division 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 XII.D and E, changes to the Attachments and documents incorporated by reference will not require the Division 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 Division's S&O Agreement internet site within five (5) business days of the effective date.
- 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.

This agreement replaces the November 23, 2010 agreement between the FHWA and the CTDOT.

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**EXECUTION BY THE FHWA CONNECTICUT DIVISION OFFICE**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Amy Jackson-Grove  
Division Administrator

**EXECUTION BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
James Redeker  
Commissioner

**ATTACHMENT A  
PROJECT ACTION RESPONSIBILITY MATRIX**

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to a 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	FHWA(2)	FHWA(2)

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)		
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)	STATE (3)
Sole source Consultant Contract Selection	FHWA (3)	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	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 (5)	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	N/A
Airport highway clearance coordination and respective public interest finding (if required)	STATE	STATE



**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)  
(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
[23 CFR 620.104]		
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 (4)	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate) [23 USC 109(a) and FHWA Policy]	STATE (4)	STATE
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	STATE (6)	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	FHWA	STATE (7)(8)
Approve use of publicly owned equipment [23 CFR 635.106]	STATE (5)	STATE
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE (5)	STATE
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE (5)	STATE

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
<b>RIGHT-OF-WAY (Design and Operational Phases)</b>		
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	FHWA (8)
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)]	FHWA	FHWA (8)
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	STATE	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 STATE for Non-Interstate (3)	STATE (3)
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	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 for Interstate STATE for Non-Interstate (3)	STATE (3)

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)  
(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)		
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	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE (5)	STATE
Approve PS&E [23 CFR 630.201]	STATE (5)	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	STATE
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE	STATE

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE
Authorize (approve) advertising for bids [23 CFR 635.112, 309]	STATE (5)	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]	FHWA	STATE(7)(8)
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA	STATE (7)(8)
Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA	STATE (7)(8)
Approve addenda during advertising period [23 CFR 635.112]	STATE (5), whichever approved PS&E	STATE
Concur in award of contract [23 CFR 635.114]	STATE (5)	STATE
Concur in rejection of all bids [23 CFR 635.114]	FHWA	FHWA (8)
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE (5)	STATE
Approve changes and extra work [23 CFR 635.120]	STATE (5)	STATE
Approve contract time extensions [23 CFR 635.120]	STATE (5)	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE (5)	STATE
Accept materials certification [23 CFR 637.207]	STATE (5)	STATE

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)  
(Excluding PoDIs, which are subject to a separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Concur in settlement of contract claims [23 CFR 635.124]	FHWA	STATE
Concur in termination of construction contracts [23 CFR 635.125]	STATE (5)	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 (5)	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. 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 hydraulic 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)
5. FHWA if the overall project is determined a PODI
6. FHWA if on the Interstate
7. FHWA only if State administered (if LPA administered, State.)
8. CTDOT requested FHWA carry out this approval.

**ATTACHMENT B  
PROGRAM RESPONSIBILITY MATRIX**

**PROGRAM ACTION RESPONSIBILITY**

The Connecticut Division should refer to {link removed}

Covered more thoroughly in other documents.

**ATTACHMENT C  
MANUALS AND OPERATING AGREEMENTS**

Intentionally left blank; covered in other documents.