U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Order

Subject

FHWA Directives Management

Classification Code	Date	OPI
1321.1C	January 6, 2010	HAIM-10

Par.

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1. **What is the purpose of this directive?** This directive provides updated Federal Highway Administration (FHWA) policy and responsibilities for the management of FHWA directives. This directive formally terminates the Technical Advisory (TA) and the Federal-aid Policy Guide (FAPG) (including FAPG non-regulatory supplements and non-regulatory non-Code of Federal Regulations (CFR) related guidance) as categories of directives. This directive also formally ends the use of a memorandum to issue Agency policy.

2. **Does this directive cancel an existing FHWA directive?** Yes. This directive cancels the FHWA Order H 1321.1B, FHWA Directives Management Program Handbook, issued April 10, 2000.

3. **What is the background of this directive?** FHWA Order H 1321.1B was issued to govern the issuance and management of FHWA directives, including Orders, Notices, TAs, and FAPG non-regulatory supplements and non-regulatory non-CFR-related guidance. The FAPG was designed to provide comprehensive guidance for administering the Federal-aid Highway Program (FAHP). Based on recommendations from an FHWA Task Group chaired by the Associate Administrator for Infrastructure, it has been determined that FAHP materials, including the FAPG-type of guidance, are to be disseminated through the newly established Federal-aid Highway Program Policy and Guidance Center (PGC), FHWA Order 1340.3, Establishment of the Federal-aid Highway Program Policy

and Guidance Center. Additionally, since TAs contain guidance, not policy, pertaining to the FAHP, they are also now available via the PGC.

4. **What is the scope of this directive?** The provisions of this directive apply to all FHWA employees.

5. **What authorities were used in writing this directive?**

   a. Title 44, United States Code (U.S.C.), Chapter 31, Records Management by Federal Agencies.

   b. Title 36, CFR, Section 1222.44, Directives Documenting Agency Programs, Policies, and Procedures.

   c. U.S. Department of Transportation (DOT) Order 1320.16B, Department of Transportation Directives System, dated April 25, 1995.

   d. FHWA Order 1325.1D, Correspondence Manual, dated July 19, 2004.

6. **What definitions are used in this directive?**

   a. **Classification Code.** A number assigned by the FHWA Directives Manager (DM) indicating the subject matter and version of a specific directive.

   b. **Directive.** A written communication that prescribes or establishes internal policy, delegation of authority, organizational structure, procedures, or requirements essential to the administration and operation of the Agency. All directives are to be prepared according to the FHWA Directives Guide and assigned a classification code by the DM. Categories of FHWA directives are:

      (1) **Order.** Official Agency issuance containing internal policy, instructions, or procedures expected to remain in effect for more than 1 year.

      (2) **Notice.** Official Agency issuance containing internal policy, instructions, or procedures that generally has a short-term duration; typically, not extending beyond a 1 year period.

      (3) **Joint Interagency Order and Notice.** Official issuance of policy, instructions, or procedures that are administered jointly by FHWA and other U.S. Department of Transportation (DOT) Operating Administrations (OAs).

   c. **Directives Guide**. A supplemental guidance document providing standards and procedures for the issuance and management of FHWA's directives. It explains clearance procedures; provides writing guidelines

and formats; and includes procedures for creating, amending, canceling, and distributing directives.

d. **Directives Liaison (DL)**. A position located in each program office assigned duties to coordinate the program office's directives activity.

e. **Directives Manager (DM)**. A position within the Management Programs and Analysis Division (HAIM-10) assigned duties to manage directives activities, including providing assistance to program offices during development, amendment, and cancelation of Agency directives and ensuring standards in the FHWA Directives Guide are followed and provisions of this directive are met.

f. **FHWA Directives Web site**. The official repository for all FHWA directives; accessible at http://www.fhwa.dot.gov/legsregs/elecdirs.htm.

g. **Federal-aid Policy Guide (FAPG).** The FAPG, which is now terminated as a category of Agency directive by issuance of this Order, contained the FAHP regulations published in Title 23 and certain portions of Title 49 in the CFR, as well as the non-regulatory non-CFR related guidance material. It was designed to provide guidance for the FAHP when the Federal-aid Highway Program Manual (FHPM) was canceled in 1991. FAHP materials are now accessible at the PGC.

h. **Memorandum**. A document used to communicate information or request action. FHWA Order 1325.1D, Correspondence Manual, dated July 19, 2004, states a memorandum is used for informal correspondence. A memorandum is not to be used to issue Agency policy.

i. **Office of Primary Interest (OPI)**. The program office responsible for the origination, content, and maintenance of a directive related to a particular function or program within their assigned areas of responsibility.

j. **Policy.** An Agency statement of general applicability and future effect, other than a regulatory action, that sets forth a course of action, plan, or procedure on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.

k. **Technical Advisory (TA)**. A TA contains detailed techniques or technical materials, advisory in nature, and is directed toward State Highway Agencies, Governor's Highway Safety Representatives, or local government jurisdictions, as well as FHWA offices. A TA is not used to impose requirements or issue policy. By issuance of this directive, TAs are terminated as a category of Agency directive. The TAs are now maintained by the Program Offices and listed in PGC.

7. **What is FHWA's policy concerning directives management?**

a. Directives are to be used to issue internal policy, delegation of authority, organizational structure, procedures, and requirements essential to the administration and operation of the Agency, and they are to be issued in accordance with Federal and DOT directives management requirements. A memorandum is not to be used to issue Agency policy.

b. Directives are to be developed, amended, maintained, and canceled following the standards within the FHWA Directives Guide.

c. Directives are to be posted and maintained on the FHWA Directives Web site, the official repository of Agency directives. The DM coordinates the posting of all Agency directives on the Web site. Other document sources, such as the PGC, FHWA StaffNet "What's New" and similar sources can be linked to directives posted on the Web site.

d. Directives are to be kept up-to-date. The OPIs are to review directives related to their areas of responsibility regularly and expeditiously amending or canceling as appropriate. Directives are to be reviewed regularly by OPIs but at the following minimum intervals:

(1) Orders: 2 ½ years from the date of issuance.

(2) Notices: 9 months from the date of issuance.

To assist OPIs, the DM will assign a date for completion of the review process. Upon completion of review, the OPIs are to notify the DM and initiate appropriate amendment or cancelation actions.

8. **Who has authority to approve directives?** As stated in FHWA Order M1100.1A, FHWA Delegations and Organization Manual, dated July 14, 1995:

a. The Secretary of Transportation and the Administrator are the approval authorities for directives pertaining to Agency organizational structure, delegation of authority, mission, and functional statements.

b. The Deputy Administrator and Executive Director have been delegated authority to approve directives that establish or amend Agency policy related to subjects other than listed in 8a.

c. Associate Administrators (AAs), the Chief Counsel, the Chief Financial Officer (CFO), and the Director of Innovative Program Delivery (DIPD) are delegated authority to approve directives that establish or amend procedures, but do not change policy; and they are within the areas of responsibility and authority specifically delegated to them by the Administrator.

9. **What are the directives management responsibilities of FHWA officials and staff?**

a. The AAs, Chief Counsel, CFO, and DIPD are responsible for:

(1) Ensuring that directives governing their assigned functions and program responsibilities are planned, developed, issued, maintained, regularly reviewed, and expeditiously amended or canceled when applicable;

(2) Ensuring directives developed in their organizations meet standards and requirements of this Order; and

(3) Designating a DL to coordinate their organization's directives activities with the DM.

b. The Office of Chief Counsel is responsible for:

(1) Reviewing all new and revised directives for legal propriety; and

(2) Notifying the appropriate originating offices of relevant changes in legislation that may impact programs and require new or revised FHWA directives.

c. The DM is responsible for:

(1) Establishing policy, standards, and procedures for the creation, distribution, maintenance, and disposition of FHWA directives;

(2) Maintaining the FHWA Directives Guide to provide current standards and procedures for the issuance and management of FHWA's directives; and

(3) Serving as a central control point to:

(a) Provide technical assistance during development, revision, or cancelation of directives;

(b) Review draft and final directives to ensure that standards in the FHWA Directives Guide are followed and provisions of this Order are met;

(c) Assign classification codes to all directives ensuring version control;

(d) Coordinate the posting of new directives and archiving of old directives on the FHWA Directives Web site;

(e) Assign required directives review dates and facilitate OPI timely completion of required review; and

(f) Maintain the official copies of directives according to FHWA Order M 1324.1A, FHWA Files Management and Records Disposition Manual.

d. The DL is responsible for:

(1) Coordinating their organization's directives activities with the DM; and

(2) Facilitating completion of required reviews of directives for their applicable program office.

e. FHWA employees are responsible for:

(1) Adhering to applicable directives; and

(2) Advising program managers of any changes needed on directives.

10. **Where can I obtain additional guidance?** Additional guidance regarding developing, amending, maintaining, and canceling a directive is provided in the FHWA Directives Guide. You may also contact the FHWA DM for assistance.

Victor M. Mendez
Administrator