

**STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT  
BY AND BETWEEN**

**FEDERAL HIGHWAY ADMINISTRATION, WEST VIRGINIA DIVISION  
AND THE  
STATE OF WEST VIRGINIA 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 West Virginia 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).

## **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 West Virginia Division Office (FHWA or Division) and West Virginia 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.

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**

*(Information Note: Assumption of Responsibilities on the NHS are discussed in Section II of the S&O Agreement Guidance.)*

- 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/>
- 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 III of the S&O Agreement Guidance.)*
- 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))
- 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. 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. 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**

*(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)(B), 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 sub-recipients 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).

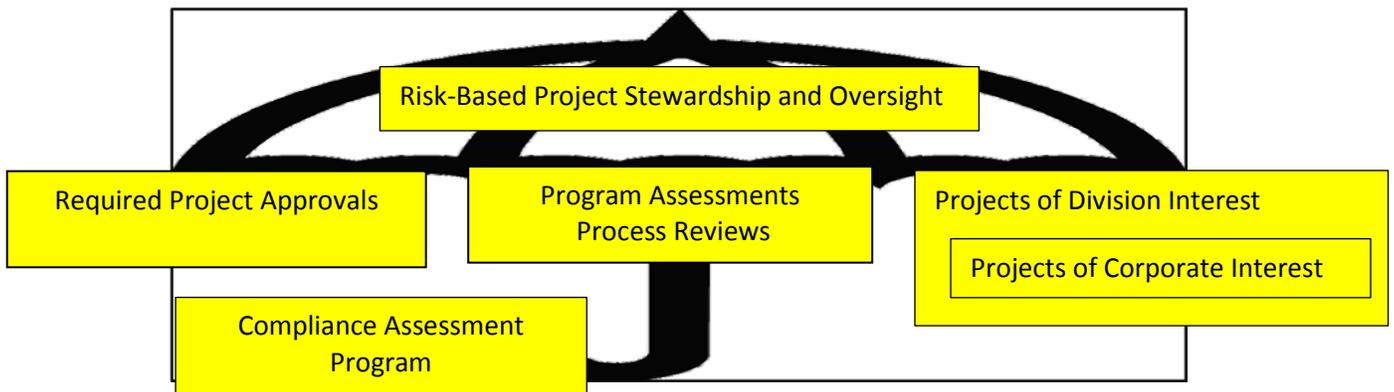
D. To carry out the requirements of 23 U.S.C. 106(g), the FHWA will employ a risk management framework to evaluate financial integrity and project delivery, and balance risk with staffing resources, available funding, and the State’s transportation needs. The FHWA may work collaboratively with the State 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):



FHWA Divisions are required to develop and document criteria for identifying potential Projects of Division Interest, assessing the resulting projects, and making the final selection. The Projects of Division Interest have an elevated potential to either pose a risk or present an opportunity to advance key initiatives. Projects selection should be risk-based, and the stewardship and oversight activities should be directed toward addressing the risks. This may require retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project.

Decisions on level of oversight are made jointly by the FHWA in consultation with the State DOT and are documented in the Statewide Transportation Improvement Program (STIP) and on Division Office specific checklists.

If a project does not meet the basic risk criteria threshold for a Projects of Division Interest but contains any of the following elements, additional consideration will be given to the level of oversight.

- Complex utility relocations and ROW
- Unknown subsurface conditions (common to tunneling projects)
- Past performance on similar projects
- Extremely high ADT
- Impact on freight
- Complex traffic control
- Time to construct
- Large contracts
- Innovative contracting methods
- New or innovative construction methods
- Unique engineering features
- Source of funding
- High political or community interest
- Balancing of overall program of oversight (e.g., geographic coverage)

Projects using Federal innovative financing instruments such as TIFIA loans, GARVEE loans, or State Infrastructure Bank with Federal-aid funds will always be PoDI's, as will projects using special funding (e.g., TIGER funds).

Additionally, the FHWA Division Office will ensure that a minimum of 25 percent of the State DOT's annual obligation limitation are covered by Projects of Division Interest projects and at there will be a minimum of one active PoDI in each West Virginia Division of Highways (WVDOH) District.

### **Method of Oversight**

#### Program Assessments:

Each Division Office Program Manager is responsible for developing and keeping current an assessment of the current state of their assigned program, including a 3 to 5 year plan for advancing key elements of program improvement. This Assessment is updated every other year or when needed and is a key component to the yearly risk assessment.

#### Recurring Reviews:

These reviews are required by FHWA regulations and/or guidance and include such reviews as the yearly National Bridge Inspection Review, the Civil Rights Baseline Assessment (every 3 years), FIRE reviews (yearly), etc. The scope, size and complexity of each review vary due to the program.

#### Projects of Division Interest Reviews:

Projects of Division Interest oversight project construction inspections are required to be performed at least quarterly by the assigned FHWA Area Engineer using the Division Office approved inspection forms. Design reviews are to be performed in accordance with the review scheduled in WVDOH Design Directive 202 – FHWA concurs in the notes documented as a result of the review.

#### Compliance Assessment Program Reviews:

FHWA staff is responsible for conducting Compliance Assessment Program reviews on the project lists assigned to the Division Office each plan year. The Compliance Assessment Program reviews will consist a minimum of one (1) Compliance Assessment Program Core Question Form and another of the specialty area forms (e.g., environment, work zones, civil rights, etc.).

#### Process Reviews:

High priority processes will be studied by Process Review Teams that are selected jointly by the Division Office and the WVDOH. Process Reviews will be conducted each Plan Year based on the annual risk assessment – the topics will be also selected jointly. Process Reviews should generally include a sampling of Interstate, non-Interstate NHS, and non-NHS projects.

#### Program Accountability & Results (PAR) Reviews

PAR Reviews are reviews with a limited sample in a very specific area used to determine quickly whether a program or process is working effectively and efficiently. PAR Reviews are issue oriented and results driven. They are generally focused on functional areas and can be viewed as a QA/QC effort. They may be used to back check process review or as part of the risk assessment process to help select process review topics.

Various techniques can be used to help determine which reviews should be conducted, including risk assessments and pre-determined schedules for regular reviews of specific programs or components. The reviews can be conducted by individuals or teams and can be performed using FHWA Division Office staff, WVDOH staff, or staff from other stakeholder groups and organizations. The incorporation of the Division Office Financial Integrity Review and Evaluation (FIRE) Program should be referenced as the means to assess the financial aspects of programs and projects.

The WVDOH, FHWA, or both may initiate process and program evaluations of the FAHP. All evaluations are intended to evaluate procedures and policies used in delivering the FAHP, along with identifying deficiencies and opportunities for improvement. Reviews should also be performed to evaluate compliance with the established procedures and policies. FHWA will employ a risk management framework in consultation with the WVDOH to evaluate program areas to balance risk with consideration of staffing resources, funding within FAHP, and transportation needs within the State. The WVDOH may work collaboratively with FHWA to identify risks and make practical resources available to address FHWA's risk assessment findings.

Program reviews are FHWA's primary tool for providing oversight for assumed projects. The size and intensity of the program review may vary, depending on the topic being reviewed. Further, wherever appropriate, the program review should include a financial component and involve members of the financial team to determine if appropriate internal controls exist within the program intended to detect and/or prevent possible fraud, waste or abuse of Federal-aid funds. This component includes documenting those internal controls, as well as reviewing the adequacy of the documentation to support the appropriate expenditure of Federal-aid funds.

Regardless of the technique used, all reviews and inspections should be documented by a report.

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 Division 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.

G. Stewardship and Oversight Indicators

The Division and State DOT have jointly established Stewardship and Oversight Indicators (Indicators). The Indicators 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. The Indicators are shown in Attachment D 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 State DOT will:

- Prepare and review project plans in accordance with Design Directive (DD) 200 (Project Development Process) and DD 202 (Field and Office Reviews for Initial Engineering and Final Design)
- Prepare right of way plans in accordance with DD-301
- Prepare RRR and Roadway Preventive Maintenance projects in accordance with DD's 604, 606, 609 and 817.
- Prepare and approve exceptions to approved design criteria in accordance with DD 605
- Conduct pavement designs and select pavement types and thicknesses in accordance with DDs 641, 646 and 647.
- Develop PS&E's in accordance with DD 706.
- Develop Engineers Estimates in accordance with DD 707.
- Evaluate bids in accordance with DD 711.
- Manage construction projects in accordance with WVDOH Construction Manual.
- Conduct materials acceptance testing, quality assurance and independent assurance sampling in accordance with WVDOH Materials Procedures.

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:
- Executed project agreement that outlines the requirements of a subrecipient of Federal funds and legally binds them to follow all applicable requirements. The executed agreement includes all

applicable Federal requirements including, but not limited to, FHWA-1273.

- 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:
- Review of potential sub-recipient's ability to manage Federal Funds during the Intent to Apply and Application process prior to recommendation for funding. This includes ensuring that the potential sub-recipient meets the requirement of responsible charge.
  - When necessary, a Private Land Use Agreement is also executed assuring public access to publicly funded projects.
- 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:
- The WVDOT offers usage of consultants previously selected through the competitive process and working for the WVDOT to design and when necessary, provide environmental documentation for NEPA.
  - If an LPA wishes to hire their own consultant, they are required to submit their process to the WVDOT for certification to ensure that all Federal requirements are met in said process to select a consultant.
  - Potential project sponsors are required to complete the financial section of the Transportation Alternatives Program Application showing that they can manage the funding if awarded to them.
  - When located on public Right of Way and wishing to use Force Account labor, a Force Account request is required. This document outlines, in detail, the estimated savings and ability of the Local Public Agency (LPA) to provide the labor/materials for a project. This follows *FHWA Policy on Agency Force Account Use 5060.1* dated March 12, 2012.
- 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:
- When using a consultant: It is a requirement of the WVDOT that construction inspection and oversight be incorporated into the scope of services.
  - When a consultant is not necessary: WVDOT project managers visit sites during construction to ensure all approved plans, specifications and materials are being utilized. The WVDOT also requires submittal

of progress reports along with detailed invoices throughout the entire project.

- 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:
- The project application clearly states and asserts that the potential project sponsor must have a responsible charge for all projects.
  - Program Managers, before determining an LPA eligible for funding, ensure that the requirements of responsible charge are met. If not, the application is deemed ineligible.
- 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], and approved on sub-recipient administered projects.
- a. Consultants will either be selected in accordance with the WVDOT's Consultant Selection Procedures, a Pre-Approved Consultant from the WVDOT listing of LPA consultants or via a local consultant selection process approved by the WVDOT;
  - b. Environmental Documentation will be developed in accordance with WVDOT DD's and approved by WVDOT staff;
  - c. Design will be in accordance with approved WVDOT DD's and approved by WVDOH staff;
  - d. Right-of-way will be acquired in accordance with WVDOT approved Right of Way Manual;
  - e. Construction monitoring, including Quality Control/Quality Assurance (QC/QA) will be in accordance with WVDOT Materials Procedures;
  - f. Contract administration including the State DOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding will be in accordance with WVDOT Standard Specifications and WVDOT Contract Administration Manual.
  - g. Civil Rights; and
  - h. Financial Management including audits and indirect cost allocation plans;

- B.9. The State DOT shall document its oversight activities for LPA-administered projects and findings, and how it will share this information with the FHWA

The WVDOT has a very limited LPA program that consists solely of projects funded with Transportation Alternative Program (TAP) funds. The Grants Administration section of the Planning Division has been assigned the duty of providing oversight to these projects and provides guidance, training and technical assistance.

The Grant Administration Manual describes the processes, documents, and approvals necessary to administer federal-aid funds. By agreeing to accept federal-aid funds, the local unit of government certifies that they understand their role and responsibility in carrying out the federal-aid program.

The Grants Administration section assures compliance by reviewing every project during the development process. All environmental clearances are obtained for the local entity by the WVDOT. Right of Way certificates and purchases are reviewed by WVDOT Right of Way personnel to ensure conformance with the Uniform Act. All PS&E 's are reviewed by the PS&E unit within the Grants Administration Section. Inspection reviews are performed during construction and a final inspection is performed and documented prior to acceptance.

At the conclusion of each year, the Grants Administration Section will provide the FHWA Division Office with a summary report on all local projects that were funded in the past calendar year along describing their oversight activities.

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

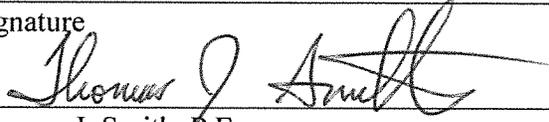
- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA West Virginia Division Administrator, who shall sign this S&O Agreement last.
- B. The Division and State DOT agree that updates to this Agreement will be considered periodically on a case-by-case basis or 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.

- 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.

**EXECUTION BY THE FHWA WEST VIRGINIA DIVISION OFFICE**

Executed this 26th day of May, 2015

Signature

A handwritten signature in black ink, appearing to read "Thomas J. Smith", written over a horizontal line.

Thomas J. Smith, P.E.  
Division Administrator

**EXECUTION BY THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**

Executed this 26<sup>th</sup> day of MAY, 2015.

  
Signature

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Paul A. Mattox, P.E.  
Secretary of Transportation

**ATTACHMENT A  
PROJECT ACTION RESPONSIBILITY MATRIX**

The following matrix identifies Federal-aid highway program (FAHP) project approvals and related responsibilities on a program-wide basis. The matrix specifies which actions are assumed by the State under the provisions of 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as those which are reserved to FHWA. Projects classified as PoDI projects are not covered by the matrix, as those projects will be governed by a separate PoDI plan that specifies FHWA and State responsibilities for the project.

In the matrix, actions marked with an asterisk (“FHWA\*”) are those that FHWA has retained but that could have been assumed by the State through FHWA discretion (on the NHS) or by right (off the NHS). Projects requiring those actions are PoDI projects because of FHWA’s retained authority. Those projects will be governed by a separate PoDI Plan.

The State DOT is responsible for ensuring all individual elements of the project are eligible for FAHP funding, but all final eligibility and participation determinations are retained by FHWA.

| <b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)<br/>(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> |
| <b>PROGRAMMING (All phases)</b>   |                            |                             |
| Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)  | STATE                      | STATE                       |
| Identify proposed funding category  | STATE(1)                   | STATE(1)                    |
| <b>FINANCIAL MANAGMENT (All phases)</b>   |                            |                             |
| 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   | FHWA                       | FHWA                        |

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

| ACTION  | AGENCY RESPONSIBLE  |                      |
|---|---------------------|----------------------|
|   | PROJECTS ON THE NHS | PROJECTS OFF THE NHS |
| Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)   |                     |                      |
| 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                |
| <b>ENVIRONMENT (All phases)</b>   |                     |                      |
| 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)              |
| <b>PRELIMINARY DESIGN (Design Phase)</b>  |                     |                      |
| Consultant Contract Selection   | STATE (3)           | STATE (3)            |
| Sole source Consultant Contract Selection   | STATE (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)  | STATE               | STATE                |

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

| ACTION  | AGENCY RESPONSIBLE  |                      |
|---|---------------------|----------------------|
|   | PROJECTS ON THE NHS | PROJECTS OFF THE NHS |
| [23 CFR 172.9]  |                     |                      |
| 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               | 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))                       | FHWA*               | N/A                  |
| Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]                                      | STATE               | 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                 |
| <b>DETAILED / FINAL DESIGN (Design Phase)</b>   |                     |                      |
| Provide approval of preliminary plans for unusual/complex bridges or structures on the Interstate. [23  | FHWA (4)            | N/A                  |

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

| ACTION  | AGENCY RESPONSIBLE                              |                      |
|---|---|----------------------|
|   | PROJECTS ON THE NHS                             | PROJECTS OFF THE NHS |
| USC 109(a) and FHWA Policy]   |   |                      |
| 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   | STATE                |
| Approve use of local force account agreements [23 CFR 635.104 & 204]  | STATE   | STATE                |
| Approve use of publicly owned equipment [23 CFR 635.106]  | STATE   | STATE                |
| Approve the use of proprietary products, processes [23 CFR 635.411]   | STATE   | STATE                |
| Concur in use of publicly furnished materials [23 CFR 635.407]  | STATE   | STATE                |
| <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)]                | STATE   | 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<br>STATE for Non-Interstate | STATE                |
| Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]  | STATE   | STATE                |

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

| ACTION  | AGENCY RESPONSIBLE                       |                      |
|---|--|----------------------|
|   | PROJECTS ON THE NHS                      | PROJECTS OFF THE NHS |
| 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<br>STATE for Non-NHS | 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 and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System) | FHWA for Interstate<br>for Non-NHS       | 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  | FHWA                                     | FHWA                 |

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

| ACTION  | AGENCY RESPONSIBLE  |                      |
|---|---------------------|----------------------|
|   | PROJECTS ON THE NHS | PROJECTS OFF THE NHS |
| assumed by State)   |                     |                      |
| <b>SYSTEM OPERATIONS AND PRESERVATION (Design Phase)</b>  |                     |                      |
| Accept Transportation Management Plans (23 CFR 630.1012(b))   | STATE               | STATE                |
| Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]   | STATE               | STATE                |
| <b>PS&amp;E AND ADVERTISING (Design Phase)</b>  |                     |                      |
| Approve PS&E [23 CFR 630.201]   | STATE               | 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                |
| 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               | STATE                |
| <b>CONTRACT ADVERTISEMENT AND AWARD (Design Phase)</b>  |                     |                      |
| <b>All contracts to be done by competitive bidding unless otherwise authorized by law</b>   |                     |                      |
| 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               | STATE                |

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

| ACTION  | AGENCY RESPONSIBLE                     |                      |
|---|--|----------------------|
|   | PROJECTS ON THE NHS                    | PROJECTS OFF THE NHS |
| Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204] | FHWA*                                  | STATE                |
| Approve construction engineering by local agency [23 CFR 635.105]   | STATE                                  | STATE                |
| Approve advertising period less than 3 weeks [23 CFR 635.112]   | STATE                                  | STATE                |
| Approve addenda during advertising period [23 CFR 635.112]  | FHWA or STATE, whichever approved PS&E | STATE                |
| Concur in award of contract [23 CFR 635.114]  | STATE                                  | STATE                |
| Concur in rejection of all bids [23 CFR 635.114]  | STATE                                  | STATE                |
| Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]                                    | STATE                                  | STATE                |
| <b>CONSTRUCTION (Construction Phase)</b>  |  |                      |
| Approve changes and extra work [23 CFR 635.120]   | STATE                                  | STATE                |
| Approve contract time extensions [23 CFR 635.120]   | STATE                                  | STATE                |
| Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]   | STATE                                  | STATE                |
| Accept materials certification [23 CFR 637.207]   | STATE                                  | STATE                |
| Concur in settlement of contract claims [23 CFR 635.124]  | STATE                                  | STATE                |
| Concur in termination of construction contracts [23 CFR 635.125]  | STATE                                  | 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                                  | STATE                |

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

| ACTION  | AGENCY RESPONSIBLE  |                      |
|---|---------------------|----------------------|
|   | PROJECTS ON THE NHS | PROJECTS OFF THE NHS |
| <b>CIVIL RIGHTS (All phases)</b>  |                     |                      |
| 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                 |
| <b>FOOTNOTES:</b>   |                     |                      |
| <p>(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.</p> <p>(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.</p> <p>(3) State's process and modifications to, or variation in process, require FHWA approval.</p> |                     |                      |

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

| <b>ACTION</b>  | <b>AGENCY RESPONSIBLE</b>  |                             |
|--|----------------------------|-----------------------------|
|  | <b>PROJECTS ON THE NHS</b> | <b>PROJECTS OFF THE NHS</b> |
| (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 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**

**PROGRAM ACTION RESPONSIBILITY**

The following matrix is an example list of program actions. The Division should refer to <http://our.dot.gov/office/fhwa.hq/OfficeofInfrastructure/hipa/SO/Resources/> for the latest updated version which can be incorporated into the agreement or referenced as a control document. Modify the matrix to reflect the Division and State “Responsible Program Office.” The primary office of contact should be listed, rather than an individual or the approving official.

| 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 | Financial Manager                        | Planning Division                    | 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) | 2 C.F.R Part 200, Subpart E; ASMBC-10                                | As needed | Not Applicable | Office of Chief Financial Officer | Financial Manager                        | Finance Division                     | The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.  |

| Activity  | Authority   | Frequency | Due Date       | FHWA HQ Program Office            | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|---|---|-----------|----------------|-----------------------------------|--|--------------------------------------|--|
| FIRE Program Activities   | FHWA Order 4560.1C (or as superseded)   | Ongoing   |                | Office of Chief Financial Officer | Financial Manager                        | Finance Division                     | 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, 2 C.F.R Part 200, Subpart F; ; GAAP, CFO Act of 1990; DOT Order 8000.1C  | As needed | Not Applicable | Office of Chief Financial Officer | Financial Manager                        | Audit Division                       | 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 | Financial Manager                        | Finance Division                     | 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, 23 USC 132, and FHWA Order 4551.1   | As needed | Not Applicable | Office of Chief Financial Officer | Financial Manager                        | Finance Division                     | 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.  |

| Activity   | Authority                                      | Frequency                                    | Due Date       | FHWA HQ Program Office            | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|--|--|----------------|-----------------------------------|--|--------------------------------------|--|
| Reviews of State Transportation Departments Financial Management Systems - Financial Integrity                       | 23 USC 106(g)(2)(A)                            | Annually                                     | Not Applicable | Office of Chief Financial Officer | Financial Manager                        | Finance Division                     | 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 | Financial Manager                        | Planning Division                    |  |
| Periodic Reviews of States Monitoring of sub-recipients  | 23 USC 106(g)(4)(B)                            | As needed                                    | Not Applicable | Office of Infrastructure          | Financial Manager                        | Planning Division                    |  |
| 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 | Financial Manager                        | Planning Division                    | 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            | Civil Rights Specialist                  | EEO Division                         | 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            | Civil Rights Specialist                  | EEO Division                         | Division office reviews and comments.  |

| Activity   | Authority  | Frequency             | Due Date                 | FHWA HQ Program Office | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|--|-----------------------|--------------------------|------------------------|--|--------------------------------------|---|
| Prepare / Review State Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals            | 23 CFR 230.311   | Annually              | 1-Oct                    | Office of Civil Rights | Civil Rights Specialist                  | EEO Division                         | Courtesy copy to HQ.  |
| Review DBE Program Revisions   | 49 CFR 26.21(b)(2)   | As needed             | Not Applicable           | Office of Civil Rights | Civil Rights Specialist                  | EEO Division                         | 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<br>December 1st | Office of Civil Rights | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | 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 | Civil Rights Specialist                  | EEO Division                         | Recommendation sent to HQ for approval.   |

| Activity   | Authority   | Frequency | Due Date   | FHWA HQ Program Office          | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|---|-----------|--|---------------------------------|--|--------------------------------------|---|
| Prepare / Review State DOT Employment Statistical Data (EEO-4)   | 23 CFR, Subpart C, Appendix A                                   | Biannual  | 1-Dec  | Office of Civil Rights          | Civil Rights Specialist                  | EEO Division                         | Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval. |
| 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          | Civil Rights Specialist                  | EEO Division                         | 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          | Civil Rights Specialist                  | EEO Division                         | 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          | Civil Rights Specialist                  | EEO Division                         | 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          | Civil Rights Specialist                  | EEO Division                         | 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          | Civil Rights Specialist                  | EEO Division                         | Divisions recommend approval. HCR gives final approval  |
| Prepare / Review NSTI Report (questionnaire)   | 23 USC 140(b)   | Annual    | October 15th   | Office of Civil Rights          | Civil Rights Specialist                  | EEO Division                         | 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 | Environmental Specialist                 | Engineering Division                 | Informational Purposes.   |

| Activity  | Authority  | Frequency | Due Date       | FHWA HQ Program Office   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|---|--|-----------|----------------|--------------------------|--|--------------------------------------|--|
| Approval of Contracting Procedures for Consultant Selection                                 | 23 CFR 172.5 & 172.9                                       | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | 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 | Division Administrator                   | State Highway Engineer               | 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 | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | FHWA HQ regulatory action to adopt NHS standards.  |
| Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System | (M1100.A)  | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval.   |
| Verify State Design Exception Policy complies with FHWA Policy                              | 23 CFR 625.3   | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval.   |
| Approval of State Standard Detail Plans   | 23 CFR 625.3   | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval.   |
| Approval of Pavement Design Policy  | 23 CFR 626.3   | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval.   |
| Review of Value Engineering Policy and Procedures   | 23 CFR 627.1(b)&(c), 23 CFR 627.7<br>FHWA Order 1311.1B    | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Review.   |
| Review of Value Engineering Annual Report   | 23 CFR 627.7, FHWA Order 1311.1B                           | Annual    | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | FHWA Division Office collects, reviews, and submits to HQ for review and reporting.  |

| Activity   | Authority   | Frequency     | Due Date       | FHWA HQ Program Office   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|---|---------------|----------------|--------------------------|--|--------------------------------------|--|
| 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 | Division Administrator                   | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval.   |
| Approval of Quality Assurance Program  | 23 CFR 637.205  | As needed     | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | 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  |
|---|---|-----------|----------------|--------------------------|--|--------------------------------------|--|
| Review Independent Assurance Annual Report  | 23 CFR 637.207  | Annually  | 1-Mar          | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program. |
| Assure Labor Compliance - Prevailing Wage Rate  | 23 USC 113  | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | 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 | Director, E&O Team                       | Engineering Division                 | FHWA Division Office Approval  |
| Approval of Utility Agreement / Alternate Procedure   | 23 CFR 645.119  | As needed | Not Applicable | Office of Infrastructure | Director, E&O Team                       | Engineering Division                 | 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 | Director E&O Team                        | Engineering Division                 | FHWA Division Office Approval  |
| Review Bridge Construction, Geotechnical, and Hydraulics  | 23 CFR 650  | As needed | Not Applicable | Office of Infrastructure | Structures Engineer                      | Engineering Division                 |  |
| Review Plans of Corrective Action established to address NBIS compliance issues   | 23 CFR 650, 23 USC 144                                | Annually  |                | Office of Infrastructure | Structures Engineer                      | Engineering Division                 | 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 | Structures Engineer                      | Engineering Division                 | 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 | Structures Engineer                      | Engineering Division                 | 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 | Structures Engineer                      | Engineering Division                 |  |

| Activity   | Authority                     | Frequency  | Due Date       | FHWA HQ Program Office   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|-------------------------------|--|----------------|--------------------------|--|--------------------------------------|--|
| Approval for reduction of expenditures for off-system bridges  | 23 USC 133(g)(2)(B)           | As needed  | Not Applicable | Office of Infrastructure | Division Administrator                   | Engineering Division                 | 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 | Corridor Management Engineer             | Planning Division                    |  |
| 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 | Corridor Management Engineer             | Planning Division                    |  |
| Review Reporting on Performance Targets  | 23 USC 150(e)                 | Beginning four years after enactment of MAP-21 and biennially thereafter                       |                | Office of Infrastructure | Program Management Analyst               | Planning Division                    |  |
| 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 | Assistant Division Administrator         | Planning Division                    |  |
| 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 | Division Administrator                   | State Highway Engineer               |  |
| Emergency Relief (ER) Damage Assessments and Reports   | 23 CFR 668 23 USC 120 and 125 | As needed  | Not Applicable | Office of Infrastructure | E&O Team Leader                          | Disaster Coordinator                 | Perform with State.  |

| Activity   | Authority                        | Frequency                                      | Due Date       | FHWA HQ Program Office                | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|----------------------------------|--|----------------|---------------------------------------|--|--------------------------------------|--|
| Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement                    | 23 USC 120(i)                    | Annually                                       |                | Office of Infrastructure              | Financial Manager                        | Planning Division                    | 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  | 2 CFR 200.331;; 23 USC 106(g)(4) | As needed                                      | Not Applicable | Office of Infrastructure              | E&O Team Leader                          | Planning Division                    | 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              | Division Administrator                   | Planning Division                    | 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              | N/A                                      | 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 | Division Administrator                   | Planning Division                    | 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 | Division Administrator                   | Planning Division                    | MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval   |

| Activity   | Authority   | Frequency  | Due Date       | FHWA HQ Program Office                | FHWA Division Responsible Program Office  | State DOT Responsible Program Office  | Remarks  |
|--|---|--|----------------|---------------------------------------|---|---|--|
| State Infrastructure Banks   | NHS Act Section 308;<br>23 USC 610;<br>SIB Guidance 3/14  | Annual Report  | Not Applicable | Office of Innovative Program Delivery | Financial Manager   | Planning Division   | Division sends copy of report to OIPD. SIB submits annual report to Division Office.   |
| Section 129 Tolling Authority Requests   | 23 USC 129(a)   | As needed  | Not Applicable | Office of Innovative Program Delivery | Division Administrator  | Planning Division   | 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 | Division Administrator  | Planning Division   | 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 | Division Administrator  | Planning Division   | 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 | Division Administrator  | Planning Division   | 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);<br>TEA-21 Section 1216(b)(5)(B);<br>SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3) | Annually   |                | Office of Innovative Program Delivery | Division Administrator  | Planning Division   | 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.                     |

| Activity   | Authority           | Frequency  | Due Date   | FHWA HQ Program Office                | FHWA Division Responsible Program Office   | State DOT Responsible Program Office   | Remarks   |
|--|---------------------|--|--|---------------------------------------|--|--|---|
| 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                  | Planning Engineering   | Planning Division  | 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                  | Planning Engineering   | Planning Division  | OST lead  |
| 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                  | Planning Engineering   | Planning Division  | OST lead  |
| Review HOV Operations Report for Tolloed Use and Low-Emission and Energy-Efficient Vehicle Use | 23 USC 166(d)       | Annually   |  | Office of Operations                  | Planning Engineering   | Planning Division  |   |
| Congestion Partnerships Assessment   | Annual Memo from HQ | Annually   | 1-Jul  | Office of Operations                  | Planning Engineering   | Planning Division  | Complete with partners and forward to HQ.   |

| Activity   | Authority  | Frequency                | Due Date   | FHWA HQ Program Office | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks                                   |
|--|--|--------------------------|--|------------------------|--|--------------------------------------|---|
| Traffic Incident Management Self-Assessment  | Annual Memo from HQ                              | Annually                 | 1-Jul  | Office of Operations   | Planning Engineering                     | Planning Division                    | 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   | Safety Engineer                          | Traffic Engineering Division         | 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   | Safety Engineer                          | Traffic Engineering Division         |   |
| Review Vehicle Size & Weight Enforcement Plan  | 23 CFR 657.11, 23 USC 127                        | Annually                 | 1-Oct  | Office of Operations   | Planning Engineer                        | Traffic Engineering Division         |   |
| Review Vehicle Size & Weight Enforcement Certification   | 23 CFR 657.13, 23 USC 141                        | Annually                 | 1-Jan  | Office of Operations   | Planning Engineer                        | Traffic Engineering Division         |   |
| Approval of National Network Modifications   | 23 CFR 658.11                                    | As needed                | Not Applicable   | Office of Operations   | Planning Engineer                        | Traffic Engineering Division         |   |
| Intelligent Transportation System Architecture & Standards   | 23 CFR Part 940                                  | As needed                | Not Applicable   | Office of Operations   | Safety Engineer                          | Traffic Engineering Division         |   |
| Approval of Work Zone Significant Project Determination  | 23 CFR 630.1010                                  | As needed                |  | Office of Operations   | Safety Engineer                          | Traffic Engineering Division         |   |
| Approval of Exceptions to Work Zone Procedures for Interstate Projects                               | 23 CFR 630.1010                                  | As needed                |  | Office of Operations   | Safety Engineer                          | Traffic Engineering Division         |   |
| Approval of Work Zone Policy and Procedures Conformance Review                                       | 23 CFR 630.1014                                  | At appropriate intervals |  | Office of Operations   | Safety Engineer                          | Traffic Engineering Division         |   |
| 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   | Safety Engineer                          | Traffic Engineering Division         |   |

| Activity   | Authority   | Frequency                                       | Due Date                | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|---|---|-------------------------|--|--|--------------------------------------|---|
| 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | FHWA Division Office Approval.                                    |
| Review of State Public Involvement Procedures  | 23 CFR 450.210(a)   | As needed                                       | Not Applicable          | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | Informational Purposes.   |
| Review of Long-range Statewide Transportation Plan   | 23 CFR 450.214  | As needed                                       | Not Applicable          | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    | 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 | Division Administrator                   | Planning Division                    | Joint FHWA and FTA approval.                                      |
| Approval of STIP Amendments  | 23 CFR 450.218(a) & (c)                                   | As needed                                       | Not Applicable          | Office of Planning, Environment & Realty | Division Administrator                   | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    |   |

| 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    |  |
| 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 | Planning Engineering                     | Planning Division                    |  |
| Approval of Report Before Publication (All MPO's)   | 23 CFR 420.117(e)                            | As needed                          | Not Applicable | Office of Planning, Environment & Realty | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    |  |
| Review of Metropolitan Planning Area Boundary (Establishment and Changes)                         | 23 CFR 450.312                               | As needed                          | Not Applicable | Office of Planning, Environment & Realty | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | 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 | Planning Engineering                     | Planning Division                    | Must be developed and published.   |

| Activity   | Authority  | Frequency  | Due Date       | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|--|--|----------------|--|--|--------------------------------------|---|
| Review of Metropolitan Transportation Plan (MTP) in Attainment Areas (and Updates)   | 23 CFR 450.322   | Every 4 years  | Not Applicable | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    |   |
| Review of MTP in Non-Attainment and Maintenance Areas (and Updates)                  | 23 CFR 450.322   | Every 5 years  | Not Applicable | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    |   |
| Review of MTP Amendments   | 23 CFR 450.322(c)  | As Needed  | Not Applicable | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    |   |
| 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA). |

| Activity   | Authority  | Frequency                                      | Due Date       | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|--|--|----------------|--|--|--------------------------------------|--|
| 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 years                                  |                | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    |  |
| Approval of Revision of Functional Classification  | 23 CFR 470.105 (b)                                     | As needed                                      | Not Applicable | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    |  |
| 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 | Division Administrator                   | Planning Division                    | 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 | Division Administrator                   | Planning Division                    | Approved by HQ - Office Director.  |
| Review of CMAQ Annual Report   | CMAQ Guidance Memo October 31, 2006                    | Annually                                       | 1-Mar          | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    | 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. |

| Activity   | Authority   | Frequency | Due Date                           | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|---|-----------|------------------------------------|--|--|--------------------------------------|--|
| Transportation Planning Excellence Awards  |   | Annually  | 1-Feb                              | Office of Planning, Environment & Realty | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Director, P & D Team                     | Engineering Division                 |  |
| 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 | Director, P&D Team                       | Engineering Division                 |  |
| 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 | Director, P&D Team                       | Engineering Division                 | 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 | Environmental Specialist                 | Engineering Division                 | 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 | Environmental Specialist                 | Engineering Division                 |  |
| Exemplary Ecosystem Initiatives Applications                                       |   | Annually  | 1-Apr                              | Office of Planning, Environment & Realty | Environmental Specialist                 | Engineering Division                 |  |
| Approval of Acquisitions, Appraisals, and Relocations Program and Procedures       | 49 CFR Part 24, The UA  | As needed | Not Applicable                     | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |  |
| Early Acquisitions   | 23 CFR 710.501  | As needed | Not Applicable                     | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |  |
| Local Public Agency Oversight  | 49 CFR 24.4(b); 23 CFR 710.201                                | As needed | Not Applicable                     | Office of Planning, Environment &        | Director, E&O Team                       | Right of Way Division                |  |

| Activity  | Authority                                  | Frequency  | Due Date       | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks |
|---|--|--|----------------|--|--|--------------------------------------|---------|
|   |  |  |                | Realty                                   |  |                                      |         |
| Approval of Highway Facility Relinquishment   | 23 CFR 620.203                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Planning Engineer                        | Right of Way Division                |         |
| Approval of ROW Disposal Authorization Request  | 23 CFR 710.409                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |         |
| 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 | Right of Way Manager                     | Right of Way Division                |         |
| 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 | Right of Way Manager                     | Right of Way Division                |         |
| Approval of Interstate Real Property Use Agreements   | 23 CFR 710.405                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |         |
| Approval of Request for Federal Land Transfer   | 23 CFR 710.601                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Division Administrator                   | Right of Way Division                |         |
| Approval of Request for Direct Federal Acquisition  | 23 CFR 710.603                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Division Administrator                   | Right of Way Division                |         |
| 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 | Director, P&D Team                       | Right of Way Division                |         |
| Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices                     | 23 CFR 750.503                             | As needed  | Not Applicable | Office of Planning, Environment & Realty | Director, P&D Team                       | Right of Way Division                |         |

| Activity   | Authority                               | Frequency  | Due Date                    | FHWA HQ Program Office                   | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|---|--|-----------------------------|--|--|--------------------------------------|---|
| Approval of Railroad Agreement Alternate Procedure   | 23 CFR 646.220                          | As needed  | Not Applicable              | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |   |
| 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 | Right of Way Manager                     | Right of Way Division                | 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 | Right of Way Manager                     | Right of Way Division                | Submitted to FHWA Headquarters (HQ).                    |
| Review of Real Property Acquisition Statistical Report   | FHWA Order 6540.1                       | Annually   | 15-Nov                      | Office of Planning, Environment & Realty | Right of Way Manager                     | Right of Way Division                |   |
| 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 | Right of Way Manager                     | Right of Way Division                | FHWA Division Office Approval.                          |
| 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | FHWA Division Office Approval unless waived.            |

| Activity   | Authority  | Frequency                                     | Due Date       | FHWA HQ Program Office               | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|--|--|---|----------------|--------------------------------------|--|--------------------------------------|--|
| Annual Traffic Reports                           | Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting                              | When Published                                | As needed      | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | Review memo to HQ.   |
| Approval of Certified Public Road Mileage        | 23 CFR 460.3(b)  | Annually                                      | 1-Jun          | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | State DOT sends directly to Division Office and HQ.  |
| Highway Statistics Reports                       | Guide to Reporting Highway Statistics  |   |                | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    |  |
| 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 | Planning Engineer                        | Planning Division                    |  |
| 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 | Financial Manager                        | Planning Division                    |  |
| Transportation Bond Referendums                  | A Guide to Reporting Highway Statistics, Chapter 9   | When Published                                | When Published | Office of Highway Policy information | Financial Manager                        | Planning Division                    |  |

| 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 | Financial Manager                        | Planning Division                    | 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 | Financial Manager                        | Planning Division                    | 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 | Financial Manager                        | Planning Division                    | 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 | Financial Manager                        | Planning Division                    |  |
| State DOT Budgets and Published Annual Reports   | A Guide to Reporting Highway Statistics, Chapter 13 | When Published   | When Published      | Office of Highway Policy information | Financial Manager                        | Planning Division                    |  |
| Motor Fuel Oversight Review  | July 24, 2001 HQ Memo                               | Initial baseline reports no later than December 31, 2003 |                     | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | Division Office sends to HQ.   |
| State Highway Maps (Tourist)   |   | When Published   | When Published      | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | Two copies to each Division Office and 100 copies to HQ.                               |
| Traffic Flow Maps  |   | When Published   |                     | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | When Published.  |
| Vehicle Classification Data  | MAP-21, HPMS Field Manual, Traffic Monitoring Guide | 15-Jun   | 15-Jun              | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | Part of Annual HPMS submittal.   |

| Activity   | Authority    | Frequency | Due Date       | FHWA HQ Program Office               | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|--------------|-----------|----------------|--------------------------------------|--|--------------------------------------|---|
| Highway Use Tax Evasion Grant Awards   | 23 USC 143   | Annual    | Not Applicable | Office of Highway Policy information | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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 | Planning Engineer                        | Planning Division                    | 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                     | Planning Engineer                        | Planning Division                    | 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                     | Safety Engineer                          | Traffic Engineering Division         | As per MAP-21 guidance, reports are due to FHWA Division Office by August 31st and to the Office of Safety by September 30.  |

| Activity   | Authority   | Frequency | Due Date | FHWA HQ Program Office | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks   |
|--|---|-----------|----------|------------------------|--|--------------------------------------|---|
| 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       | Safety Engineer                          | Traffic Engineering Division         | 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       | Safety Engineer                          | Traffic Engineering Division         | Certifications due to the Division Office by January 1.<br><br>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.  |
| Section 154/164 Compliance Status - Funds Reservation  | 23 USC 154 and 23 USC 164                         | Annually  | 30-Oct   | Office of Safety       | Safety Engineer                          | Traffic Engineering Division         | NHTSA   |
| Review Safety Belt Compliance Status   | 23 USC 153, 23 CFR 1215.6                         | Annually  | Annually | Office of Safety       | Safety Engineer                          | Traffic Engineering Division         | 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.<br>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 |
| High Risk Rural Roads (HRRR) Special Rule  | 23 USC 148(g)(1)                                  | Annually  | Annually | Office of Safety       | Safety Engineer                          | Traffic Engineering Division         |   |
| Older Drivers and Pedestrians Special Rule   | 23 USC 148 (g)(2)                                 | Annually  | 31-Aug   | Office of Safety       | Safety Engineer                          | Traffic Engineering Division         |   |

| Activity                            | Authority                                    | Frequency | Due Date       | FHWA HQ Program Office | FHWA Division Responsible Program Office | State DOT Responsible Program Office | Remarks  |
|-------------------------------------|--|-----------|----------------|------------------------|--|--------------------------------------|--|
| FHWA Emergency Preparedness Program | Executive Order 12656 and FHWA Order 1910.2C | As needed | Not Applicable | Office of Operations   | Director, E&O Team                       | Disaster Coordinator                 | subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.<br>National Programs. |

## **ATTACHMENT C MANUALS AND OPERATING AGREEMENTS**

### **STATE DOT Manuals**

Consultant Services Manual  
Design Directives  
Value Engineering Manual  
Standard Details, Volumes I, II & III  
Bridge Design Manual  
Bridge Inspection Manual  
Drainage Manual  
Traffic Engineering Directives  
Sign Fabrication Details  
Workzone Traffic Control Manual  
Adjustment and Relocation of Utilities Manual  
Contract Award Manual  
Construction Manual  
Standard Specifications  
Supplement Specifications  
Erosion and Sediment Control Manual  
STIP Operating Guidelines  
Grants Administration Manual  
Scenic Byways Manual  
Research Manual  
Materials Procedures.

### **Operating (Programmatic) Agreements**

Programmatic CE Process  
Section 7 Consultation MOU  
NEPA/404  
Section 106 Programmatic Agreement

## ATTACHMENT D

# Stewardship and Oversight Indicators

| ID                          | PERFORMANCE INDICATOR/MEASURE  | GOAL (PER YEAR) | AGREED/ PROPOSED (REPORT CYCLE) Calendar Year | LEAD REPORTING AUTHORITY | SUPPORTING JUSTIFICATION FOR PERFORMANCE INDICATOR/MEASURE AND OTHER COMMENTS  |
|-----------------------------|--|-----------------|---|--------------------------|--|
| <b>Civil Rights</b>         |  |                 |   |                          |  |
| 1                           | <b>DBE Participation</b> – Percent of Total DBE Participation  | >8.66           | Annual  | WVDOT/<br>Civil Rights   | The purpose of this measure is to determine the level of progress in achieving DBE participation.<br><br>Calculated by dividing the “Total DBE Participation (Dollars)” by the “Total Dollar Value of Prime Contracts Completed”.  |
| 2                           | <b>EEO Compliance Reviews</b> – percent of project reviews by EEO Division   | >60%            | Annual  | WVDOT/<br>Civil Rights   | The purpose of this measure is to ensure 60% of federal aid of projects have reviews for EEO Compliance by the EEO Division  |
| 3                           | <b>EEO</b> –Number of contractor compliance reviews.   | >7              | Annual  | WVDOT/<br>Civil Rights   | The purpose of this measure would be to identify potential EEO problems that could affect Federal-aid eligibility.<br><br>WVDOT conducts these reviews annually. Reports are reviewed by FHWA.   |
| <b>Financial Management</b> |  |                 |   |                          |  |
| 4                           | <b>Obligation Authority</b> - Percent of obligation authority used during Fiscal Year  | 100%            | Quarterly                                     | FHWA/<br>Financial       | This measure shows the ratio of Federal funds actually obligated in FMIS to the total Federal funds available to obligate. The majority of Federal funds provided to the State annually must be obligated within that same fiscal year. The rate should be 100% by the end of each September.<br><br>Divide the "Federal Funds Obligated" by the "Total Limitation Amount" (found in FMIS under Limitation Data tab)   |
| 5                           | <b>Advanced Construction</b> – Percent of Advanced Construction authorized as compared to annual apportionment.                              | Monitor         | Annual  | WVDOT/<br>Financial      | Measures dollar amount of projects authorized as Advance Construction with core funding compared to State annual apportionment of core funding.<br><br>Total cumulative Advance Construction balance (shown on FMIS W10 report) core funding only divided by annual State apportionment amount of core funding (shown in annual apportionment notice dated Oct 1st.  |
| 6                           | <b>Inactive Obligations</b> – Percent of obligated but unexpended balance for all inactive projects compared to total annual apportionments. | <2%             | Quarterly                                     | FHWA/<br>Financial       | Measures length of time a project has not incurred expenses within specified time and dollar thresholds. Projects are deemed inactive obligation meaning federal funds were committed, or obligated, but the project is not advancing. Mandated in 23 CFR; helps gauge effective administration of Federal funds and project management.<br><br>Dollar amount of projects identified as inactive (shown in FMIS Q reports) divided by annual State apportionment (shown in annual apportionment Notice dated Oct 1 <sup>st</sup> . |

| <b>Bridge</b>      |  |          |        |                         |   |
|--------------------|--|----------|--------|-------------------------|---|
| 7                  | <b>Routine Inspections</b> - Percent of routine bridge inspections on schedule.  | 100%     | Annual | WVDOT/<br>Bridge        | Shows how many routine bridge inspections were completed no later than 24 months since the previous routine inspection. In order to be in compliance with the NBIS, 100% of Routine bridge inspections must be completed within 24 months.<br><br>Previous Bridge inspection date plus 24 months.   |
| 8                  | <b>Underwater Bridge Inspections</b> - Percent of Underwater bridge Inspections on schedule.   | 100%     | Annual | WVDOT/<br>Bridge        | Shows how many underwater bridge inspections were completed no later than 60 months since the previous underwater inspection. In order to be in compliance with the NBIS, 100% of Underwater bridge inspections must be completed within 60 months.<br><br>Previous Underwater bridge inspection date plus 60 months.   |
| 9                  | <b>Fracture Critical Inspections</b> - Percent of Fracture Critical Inspections on schedule.   | 100%     | Annual | WVDOT/<br>Bridge        | Shows how many fracture critical bridge inspections were completed no later than 24 months since the previous fracture critical inspection. In order to be in compliance with the NBIS, 100% of fracture critical bridge inspections must be completed within 24 months.<br><br>Previous Bridge inspection date plus 24 months.   |
| <b>Planning</b>    |  |          |        |                         |   |
| 10                 | <b>STIP</b> – Percentage of STIP advanced  | 75%      | Annual | WVDOT/<br>Planning      | Measures the effectiveness of the programming process.<br><br>Based on project authorizations in STIP divided by total project authorizations.  |
| 11                 | <b>STIP Response Time</b> -FHWA Responsive Time for Approval of STIP Amendments  | <10 days | Annual | FHWA                    | Measures FHWA responsiveness to STIP process. Base on the difference between the date requests are received and date of approval letters.   |
| <b>Environment</b> |  |          |        |                         |   |
| 12                 | <b>Notice of Violations</b> - Federal-aid construction projects completed and receiving a Notice of Violations (NOV)                                     | <25      | Annual | WVDOT                   | The purpose of this measure is to track the number of construction projects completed that have received a notice of violation<br>This could be tracked by having the project notify the District Env Coordinators and/or identified person when violations occur. The overall goal would be to reduce the number to zero but it is understood that this may not be attainable. |
|                    | <b>Notice of Violations</b> - Federal-aid construction projects completed and receiving a Consent Order (CO)   | <10      | Annual | WVDOT                   | The purpose of this measure is to track the number of construction projects completed that have received a consent order<br>This could be tracked by having the project notify the District Env Coordinators and/or identified person when violations occur. The overall goal would be to reduce the number to zero but it is understood that this may not be attainable.       |
| 13                 | <b>Mitigation Commitments</b> - % of environmental mitigation commitments completed according to the identified timeframes (i.e. schedule vs. completed) | >90 %    | Annual | WVDOT/<br>Environmental | The purpose of this measure is to track how well the WVDOT is fulfilling commitments made in the environmental process.<br>The data would be gathered from WVDOT during the adherence to DD-252   |

|    |  |                  |           |                  |  |
|----|--|------------------|-----------|------------------|--|
|    |  |                  |           |                  |  |
|    | <b>Design</b>  |                  |           |                  |  |
| 14 | <b>Cost Growth</b> - Percent unplanned cost growth during design stage on projects completed this calendar year.   | <10%             | Annual    | WVDOT            | The purpose of this measure is to assess cost growth during design stage.<br><br>This is calculated on the original consultant agreement estimate divided by the total amount of supplemental agreements.  |
| 15 | <b>Schedule Growth</b> –Average number of days between planned and actual PS&E completion dates on projects completed this calendar year.                    | 50% are <60 days | Annual    | WVDOT            | The purpose of this measure is to track schedule growth on Federal-aid design projects.<br><br>Difference in the actual PS&E date and the original PS&E date from the WVDOT project tracking system.   |
| 16 | <b>PS&amp;E Response Time</b> - Average FHWA response time for PS&E comments   | <10              | Annual    | FHWA             | This measure tells us how long it takes area engineers to provide PS&E comments from the date final PS&E package are received.<br><br>This is calculated by taking the average number of days between PS&E package received and date comments submitted to the WVDOT.  |
|    | <b>ROW</b>   |                  |           |                  |  |
| 17 | <b>Conditional ROW Certifications</b> - Percentage of Federal-aid construction projects with clear R/W certifications at time of construction authorization. | 75%              | Annual    | WVDOT/ROW        | The purpose of this measure is to assess whether the state is experiencing any problems such as extra project delays or costs due to the recent increase in conditional right of way certifications being granted.<br><br>The data should be able to be gleaned either from project reports done by the area engineers or from ROW's periodic reports to FHWA Finance.   |
|    | <b>Safety</b>  |                  |           |                  |  |
| 18 | <b>Delivery of Safety Projects</b> - Percent of Highway Safety Improvement Program (HSIP) funding obligated.   | 33%              | Quarterly | FHWA/<br>Safety  | The purpose of this measure is to assess the efficiency of the Highway Safety Improvement Program (HSIP) by tracking the obligation rate of program funds.<br><br>This value is determined by dividing the total amount of HSIP funds apportioned to West Virginia (SAFETEA-LU + Extensions + MAP-21) by the total amount of HSIP funds obligated.   |
| 19 | <b>Number of completed RSA's</b>   | 5                | Annual    | WVDOT/<br>Safety | The purpose of this measure is to identify the number of completed RSAs during a specified time period. RSAs provide an effective means for a multidisciplinary team to recommend safety countermeasures to improve safety on a particular section of roadway or intersection.<br><br>For purposes of this measure, an RSA must be completed with involvement of at least one District employee and one employee from the Traffic Engineering Division |
|    | <b>Contract Administration</b>   |                  |           |                  |  |

|                                  |   |      |        |                                  |  |
|----------------------------------|---|------|--------|----------------------------------|--|
| 20                               | <b>Days to Process a Change Order</b> – Average number of days for the WVDOT to process a Change Order  | <45  | Annual | WVDOT/<br>Contract<br>Admin      | This measure gives us an indication of efficiency of the WVDOT to process a Change Order<br>This is calculated from submitted date to the signing of the Change Order by the Deputy State Highway Engineer.  |
| 21                               | <b>Days to Process a Change Order</b> – Average number of days for the FHWA to process a Change Order   | <10  | Annual | FHWA                             | This measure gives us an indication of efficiency of the FHWA to process a Change Order<br>This is calculated from the time it is submitted to FHWA until it is signed by them.  |
| 22                               | <b>Addendums</b> - Average # of non-routine addendums per job   | <2   | Annual | WVDOT/<br>Contract<br>Admin      | Give an indication of the completeness of the PS&E at the time of letting.<br>Count the number of addendums in the CY.   |
| <b>Construction</b>              |   |      |        |                                  |  |
| 23                               | <b>Engineer's Estimate:</b> Percent of projects with low bid within +/- 10% of Engineer's Estimate. (Contract Award vs. Engineering Estimate) | 50%  | Annual | FHWA/<br>Construction            | The purpose of this measure is to assess the accuracy of the low bid vs. Engineer's Estimate. FHWA's guidance states that low bid should be within +/- 10% of the Engineer's Estimate for at least 50% of the projects.  |
| 24                               | <b>Schedule Growth</b> –% of Federal-aid construction projects with work completed by contract completion date.                               | >90% | Annual | WVDOT/<br>Construction           | Assesses the ability to predict project completion dates, taking into account work windows, working days, weather<br>And work type. This serves the public by completing projects on predicted date.   |
| 25                               | <b>Cost Growth</b> –The percentage of total Final Contractor Payment to the total Contract Award amount.                                      | <10% | Annual | FHWA/<br>Construction            | Assesses the quality of the design, PS&E, and effective project management.<br><br>For all Federal-aid construction projects > \$1 million closed during the FY, calculate the aggregate percent of project cost change by subtracting the project cost at time of letting (low bid amount) from the project contract cost at the time of final project closeout and dividing that number by the project low bid amount. |
| <b>Management of Consultants</b> |   |      |        |                                  |  |
| 26                               | <b>Agreement</b> - Time to process the agreement in Engineering Division per project.   | 90%  | Annual | WVDOT/<br>Consultant<br>Services | Gives an indication of the health for the consultant management process.<br><br>% of agreements completed by an established completion date  |
| 27                               | <b>Supplemental</b> - Number of unplanned supplemental per project  | <1   | Annual | WVDOT/<br>Consultant<br>Services | Provides an indication on how well work was planned.   |