

FEDERAL-AID
HIGHWAYS

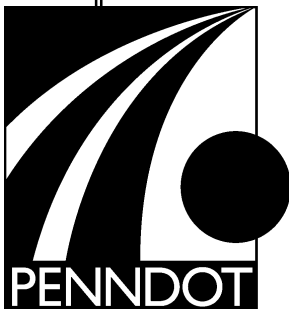
STEWARDSHIP AND OVERSIGHT
AGREEMENT

BETWEEN THE

PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

AND THE

FEDERAL HIGHWAY ADMINISTRATION



February 2002

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STEWARDSHIP & OVERSIGHT AGREEMENT

I. Introduction

The Federal Highway Administration (FHWA) and the Pennsylvania Department of Transportation (PENNDOT) hereby enter into this Stewardship & Oversight Agreement (hereafter referred to as "Agreement") for the purpose of administering the Federal-aid Highway Program in Pennsylvania. This Agreement defines select stewardship and approval roles for Federal-aid design and construction projects in Pennsylvania. It includes PENNDOT's assumption of certain FHWA oversight role and approval responsibilities on specific categories of projects and it also encompasses PENNDOT's Certification proposal for administering Non-Interstate National Highway System (NHS) Projects. This Agreement categorizes design and construction projects as Federal Oversight (FO), PENNDOT Oversight (PO)-NHS, or PENNDOT Oversight (PO)-Non-NHS on the basis of highway system and cost. Further, it delegates to PENNDOT certain non-project approval actions that would otherwise be taken by FHWA.

II. Statutory Basis

The principal statutory and regulatory basis for development, administration, and oversight of Federal-aid projects are Title 23, United States Code (U.S.C.) and Code of Federal Regulations (CFR), in particular 23 CFR. The specific statutory basis for this agreement is Title 23 U.S.C., Section 106.

It is recognized that the NHS (which includes the Interstate System) is of primary importance to the FHWA. Federal legislation relative to Interstate commerce and defense needs require that design standards, connectivity between States and consistency for the motoring public be maintained on the NHS. FHWA retains overall oversight responsibility for all aspects of Federal-aid programs in Pennsylvania.

III. Intent And Purpose

The intent of this Agreement is to delegate FHWA's approval authority for preliminary engineering, construction contract administration, and right-of-way activities on or related to Federal-aid projects, consistent with enabling statutes and regulations, with specified exceptions for special interest project categories.

PENNDOT will assume certain FHWA Title 23 oversight role and approval responsibilities on PO projects. This includes responsibility for ensuring that staff has appropriate training and knowledge to make sure that projects are developed and constructed in full conformance with Federal requirements and that necessary corrective action is taken when actions and approvals are found to be in non-compliance with applicable Federal requirements. FHWA is available for consultation in such matters or may unilaterally become involved in determining corrective action.

IV. Other Public Agencies

- A.** Eligible public agencies (city, county) or other State agencies may be permitted by PENNDOT to take project approval actions and administer Federal-aid design and construction projects. PENNDOT will assure local public agency knowledge and compliance with State and Federal requirements. The requesting public agency will be required to develop procedures which modify and/or supplement the procedures contained in this Agreement or otherwise published by PENNDOT. The public agency procedures must be approved by PENNDOT and FHWA and the agency must certify that it will operate in compliance with them.
- B.** Projects Involving the Pennsylvania Turnpike Commission (PTC); project approval authority for PTC projects is delegated to PENNDOT for all type projects shown as PO in Table 1.

V. Standards, Specifications, and Policies

PENNDOT will comply with the provisions of Title 23 through the enforcement of Federal and State laws, regulations, standards, and directives. PENNDOT will develop Federal-aid projects in accordance with the standards and guides identified in 23 U.S.C. 109 (as well as other FHWA policies identified in the Federal Register) and/or PENNDOT standards or manuals approved by FHWA. PENNDOT manuals and guides are identified in Appendix A. Additions to Appendix A will occur as additional policies and guidance are developed, approved by FHWA, and implemented by PENNDOT.

PENNDOT agrees that any revisions or additions to policy and procedure statements, design manuals, letters containing policy, rules and regulations, specifications and standards affecting policy on Federally funded projects will be submitted to the FHWA Division Office for approval and/or concurrence. Design standards for non-NHS projects do not require FHWA approval.

VI. PENNDOT Assumption of Certain FHWA Responsibilities

It is agreed that PENNDOT assumption of certain responsibilities does not preclude FHWA access to and review of Federal-aid projects at any time, and that it does not replace the provisions of Title 23, U.S.C. with respect to the basic structure of the Federal-aid program.

Nothing in this Agreement shall affect or discharge any responsibility or obligation of the FHWA under any Federal law other than Title 23, U.S.C. Such other Federal requirements include, but are not limited to, the National Environmental Policy Act (NEPA), Section 4(f) of the Department of Transportation Act of 1966, Davis Bacon Act (40 U.S.C.), Disadvantaged Business Enterprise (DBE) (49 CFR 23), and the Uniform Relocation Assistance and Acquisition Policies Act of 1970 as Amended (i.e., Uniform Act) (49 CFR 24).

In matters concerning questionable eligibility for Federal participation in the programming, development, and construction of Federal-aid projects, PENNDOT will consult with FHWA or FHWA may choose to become involved in determining eligibility.

VII. Quality Management

PENNDOT and FHWA are committed to Quality Management procedures and principles to ensure that highway projects adequately meet the existing and future traffic needs and conditions in a manner conducive to safety, environmental requirements, durability and economy of maintenance. Projects will be designed and constructed in accordance with standards best suited to accomplish this objective and to conform to the particular needs of each locality.

Quality Management includes Quality Control (QC), Quality Assurance (QA), and an Independent Oversight Program (IOP).

- Quality Control is the actions performed by PENNDOT (and/or consultants and contractors) in conformance with approved processes and procedures (design manuals, etc.).
- Quality Assurance is the actions performed by PENNDOT District and Central office personnel to assure that QC procedures are followed and that the resultant product (plans, report, materials, etc.) or service will meet specified requirements.
- The Independent Oversight Program is a new joint FHWA/PENNDOT program that will provide selective reviews of Federal-aid projects and PENNDOT processes to assess the effectiveness of Quality Management in producing quality products and services in compliance with Federal and State regulations and policy.

The Independent Oversight Program, currently being developed, will include formal procedures for conducting risk assessments of the Federal-aid Program in Pennsylvania, annual meetings to select review areas, procedures for conducting reviews, developing reports and tracking resolution of findings and recommendations.

VIII. Project Categories and Agency Roles

Table I identifies FO and PO categories of projects. A detailed list of program and project approvals related to these categories is provided in Appendix B.

Table I

	<i>FO</i>	<i>PO</i>
Interstate		
< \$1 Million (1)		X
≥ \$1 Million (1)	X	
3R (Resurfacing, Restoration & Rehabilitation); Meets Full Design Criteria		X
Interstate Completion (Appropriation 042)	X	
NHS (except Interstate)		
< \$10 million (1)		X
≥ \$10 million (1)(2)	X	
Non-NHS		X

- (1) The estimated cost of construction (regardless of funding source unless 100% State, and excluding construction engineering and right-of-way costs) based on the Design Field View estimate. If the project scope is revised following the Design Field View, FHWA will be consulted for any changes in oversight classification.
- (2) PENNDOT or FHWA may request PENNDOT oversight designation based on lack of complexity or FHWA workload.

General agency responsibilities pertaining to the categories of Federal-aid projects are described below. FHWA will review and approve NEPA and 4(f) actions for all PO and FO projects. FHWA will also take action on hardship and protective buying requests under the provisions of 23 CFR.

A. Federal Oversight (FO)

FHWA will retain approval authority for major actions on this category of projects.

B. PENNDOT Oversight (PO) NHS

PENNDOT operates under the authority of Pennsylvania Act 120 of 1970, and will administer Federal-aid PO projects on the NHS in compliance with all applicable Federal statutes, regulations, and Executive Orders. In addition, PENNDOT agrees to accomplish the policies and objectives contained in or issued pursuant to Title 23, U.S.C.

PENNDOT will assume the responsibilities assigned to the FHWA under Title 23 for Federal-aid projects as permitted by the ISTEA and TEA-21.

C. PENNDOT Oversight (PO) Non-NHS

PO-Non-NHS projects are those not located on the National Highway System. Non-NHS projects may be funded with Surface Transportation Program (STP) funds and with certain other classes of funds where eligibility criteria are met, such as Federal Critical Bridge (FCB) funds, or Congestion Mitigation and Air Quality (CMAQ) funds. STP funds may not be used on roads functionally classified as local or rural minor collectors. Eligible costs are defined in 23 U.S.C. 133.

Procedures for PO-Non-NHS projects are similar to those for PO-NHS projects in the sense that delegation removes FHWA from approval of design and construction activities and contract administration actions. Non-Title 23 requirements such as the NEPA and the Uniform Act (which pertains to Right-of-Way) apply to both NHS and Non-NHS Federal-aid projects, and FHWA is involved in project actions on all projects. Other Title 23 requirements (e.g., Metropolitan and Statewide Planning) apply to both NHS and Non-NHS projects. Also, Title 23 requirements pertaining to contracts (bid proposal content including Davis Bacon, and DBE) and procurement procedures (competitive bidding, Brooks Act) apply regardless of whether the project is on or off the NHS.

The Governor (or his designee) will annually certify that the State will comply with all provisions of Title 23, U.S.C., ISTEA and TEA-21 Surface Transportation Programs. PENNDOT is responsible for ensuring compliance with applicable Federal and State requirements regarding design and construction of Non-NHS projects.

IX. Implementation

The pertinent PENNDOT policies and procedures for accomplishing the intent of the requirements of the FO, PO-NHS, and PO-Non-NHS projects are listed in the Appendices to this Agreement.

This Agreement supersedes all previously executed Exemption Agreements between the FHWA and PENNDOT. This Agreement will take effect upon execution and will apply immediately to all new Federal-aid projects and all existing Federal-aid projects under design. Federal-aid projects under construction will retain their current oversight classification through completion.

The parties agree that there shall be periodic reviews of this Agreement to reflect changes in Federal and State laws, regulations, and requirements. Additional projects (which may include the entire NHS, excluding the Interstate) may be exempted at a later date following the development and implementation, undertaken jointly by FHWA and PENNDOT, of Quality Management as cited in Section VII of this Agreement.

AGREEMENT EXECUTION DATE:

APPROVED AND EXECUTED:

Bradley L. Mallory
Secretary
Department of Transportation
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

James A. Cheatham, P.E.
Division Administrator
Federal Highway Administration
Harrisburg, Pennsylvania

APPENDIX A

FHWA/PENNDOT OVERSIGHT AGREEMENT POLICIES

INTRODUCTION

The FHWA/PENNDOT Stewardship and Oversight Agreement (Agreement) presents the current procedures for the administration of the Federal-aid Highway program in Pennsylvania. The general intent of the Agreement is to delegate much of FHWA's approval authority to PENNDOT for certain preliminary engineering, construction contract administration, and right-of-way activities on or related to Federal-aid projects.

1. Project Development Process (Including Public Involvement In The Development of Projects And Title VI Requirements As Related To Minority Group Participation)

Procedures for project development and public involvement are as provided in the following:

- a. Design Manual, Part 1, Transportation Project Development Process (Publication 10) and Design Manual, Part 1A, Transportation Engineering Procedures (Publication 10A).
- b. Application of procedures as established in PENNDOT Design Manuals and Environmental Handbooks.
- c. Public Involvement Handbook (Pub. 295).
- d. Pennsylvania Act 120 of 1970 (This Act provides for coordination with certain State agencies).

2. Application of Appropriate Design and Construction Standards

Appropriate design and construction standards are provided by the application of the following:

- a. Manual on Uniform Traffic Control Devices (MUTCD).
- b. Design Manual, Part 2, Highway Design (Pub. 13M).
 - Design criteria in Design Manual, Part 2 (DM-2) meets and in some cases exceeds the criteria in the AASHTO Green Book. For any designs on NHS projects that do not meet the criteria in DM-2, but conform to the minimum criteria in the AASHTO Green Book, a design exception is not required to be approved by FHWA, but requires Bureau of Design (BOD) approval.
- c. Design Manual, Part 3, Highway Plans Presentation (Publication 14M).
- d. Design Manual, Part 4 (3 Volumes (2 Volumes)), Structures (Pub. 15 (Pub. 15M)), Procedures - Design - Plans Presentation.
- e. Design Manual, Part 5, Utility Relocation (Publication 16M).
- f. Eminent Domain Appraisal Guide (Pub. 94).
- g. Standards for Roadway Construction, Series RC-1M - RC-100M.
- h. Standards for Bridge Design, BD-600 Series (Pub. 218) and BD-600M Series (Pub. 218M).

- i. Standards for Bridge Construction, BC-700M Series (Pub. 219M).
- j. Pavement Policy Manual (Pub. 242).
- k. Traffic Control Signing Standards, TC-8700 Series (Pub. 111M).
- l. Traffic Signal Standards, TC-7800 Series (Pub. 148).
- m. Handbook of Approved Signs (Pub. 236M) 2 parts.
- n. Guidelines for Design of Local Roads and Streets (Pub. 70M).
- o. Pennsylvania Department of Transportation - Rules and Regulations published as 67 PA Code Chapters.
- p. PENNDOT Specifications (Pub. 408) with applicable Bulletins.
- q. Contract Proposal Guide (Pub. 51).
- r. Geotechnical Engineering Manual (Pub. 293).
- s. Right-of-Way Manual.

The Department will apply design and construction standards for new construction, reconstruction, resurfacing (except maintenance resurfacing), restoration, or rehabilitation of highways on the NHS in accordance with 23 CFR Part 625.

3. PENNDOT's Highway and Railroad Safety Programs

The Department will administer a Highway Safety Improvement Program on a continuing basis according to 23 CFR Part 924.

The Department will apply design and construction standards for new construction, reconstruction, resurfacing (except maintenance resurfacing), restoration, or rehabilitation of highways on the NHS as listed in Item 2 above, and in accordance with 23 CFR Part 625.

The Department will administer a Federal-Highway Railroad Grade Crossing Safety Program and other associated railroad crossing projects on a continuing basis and in compliance with 23 CFR Part 646 - Railroads, 23 CFR Part 140, Subpart I, 23 CFR Part 172, and 23 CFR Part 924.

4. Quality Control/Quality Assurance of Construction and Materials

The quality of construction is assured through the application of the following:

- a. PENNDOT Specifications (Pub. 408) with applicable Bulletins.
- b. Field Test Manual (Pub. 19).
- c. Project Office Manual (Pub. 2).
- d. Field Computation Guidebook (Pub. 21).
- e. Quality Assurance Manual (Pub. 25).
- f. Finals Unit Manual (Pub. 11).
- g. Approved Construction Materials, Bulletin 15 (Pub. 35).
- h. Construction Manual (Pub. 8).

PENNDOT Engineering Districts are responsible for managing construction projects and operations according to policies and procedures detailed in Pub. 408; Construction Specifications, and Pub. 8, Construction Manual. The Districts are held accountable to a level of performance through a Quality Assurance program administered by the Bureau of Construction and Materials. The Quality Assurance program provisions, including review frequencies and compliance levels, are specified in

Pub. 25, Quality Assurance Manual. Compliance is determined and information obtained to determine performance levels. Specific training is developed to achieve compliance. Deficiencies are addressed according to severity as specified in Pubs. 8 and 25.

The economy of construction is assured through the Department's competitive bidding procedures and through value engineering policies.

5. Signing, Pavement Marking and Traffic Control Devices

Provisions for adequate signing, pavement marking and traffic control devices are provided through application of the following Department publications and according to the Manual on Uniform Traffic Control Devices:

- a. Engineering and Traffic Studies (Pub. 201).
- b. Work Zone Traffic Control (Pub. 203).
- c. Traffic Control Devices (Pub. 211).
- d. Traffic Engineering and Operations Manual, Pavement Marking Handbook.
- e. Traffic Signal Design Handbook (Pub. 149).
- f. Pennsylvania's Traffic Calming Handbook (Pub. 383).

6. Economic, Social and Environmental Impacts

Minimization of adverse economic, social, and environmental impacts is accomplished through adherence to the procedures in the following PENNDOT guidance:

- a. Public Involvement Handbook (Pub. 295).
- b. Environmental Impact Statement Handbook (Pub. 278).
- c. Categorical Exclusion Evaluation Handbook (Pub. 294).
- d. Environmental Assessment Handbook (Pub. 362).
- e. Agricultural Resource Handbook (Pub. 324).
- f. Project Level Air Quality Handbook (Pub. 321).
- g. Needs Study Handbook (Pub. 319).
- h. Geotechnical Waste Management (Pub. 292).
- i. Waste Site Evaluation Procedures for the Highway Development Process (Pub. 281).
- j. Wetland Resources Handbook (Pub. 325).
- k. Project Level Highway Traffic Noise Handbook (Pub. 24).
- l. Design Manual, Part 1, Transportation Project Development Process (Pub. 10) and Design Manual, Part 1A, Transportation Engineering Procedures (Pub. 10A).
- m. Section 4f handbook (Pub. 349).

7. Equal Employment Opportunity

The Department's policy with respect to equal employment opportunity and non-discrimination is as provided in the following:

- a. Executive Order 1988.1, Affirmative Action and Contract Compliance.
- b. Executive Order 11246 (as amended), Notice of Requirements for Affirmative Action to ensure Equal Employment Opportunity.
- c. Title 23 U.S.C., Subchapter C - Civil Rights, Part 230 External Programs.
- d. CC-4297, Nondiscrimination and Equal Employment Clauses for all contracts.

- e. CC-4297A, Nondiscrimination Clause.

The number of highway construction trainees and their training program is controlled by PENNDOT Circular Letters and conforms to Federal requirements.

PENNDOT is firmly committed to fulfilling our goals for participation of DBE's in all contracts and projects involving Federal-aid funds. Our DBE Program is administered in accordance with 49 CFR Part 23.

8. Competitive Bidding and Payment of Prevailing Wage Rates on Construction Contracts

Competitive bidding procedures are provided in Departmental policy letters and conform to Federal requirements. Procedures governing the payment of prevailing wage rates on construction contracts are included in PENNDOT Publication 408 and in PENNDOT Publication 2, Project Office Manual.

9. Design and Construction Claim Settlements

Design claim settlements will be processed in accordance with procedures for the Administration of Engineering Contracts (Pub. 93).

Construction claim settlements will be processed in accordance with PENNDOT's Project Office Manual.

10. Federal-aid Contract Provisions

- a. Negotiated Contracts - The Department provides the required Federal-aid contract provisions as prescribed in 23 CFR, Part 172 - Administration of Engineering and Design Related Contracts.
- b. Construction Contracts - The Department provides the required Federal-aid contract provisions as prescribed in 23 CFR, Part 633, Subparts A and B - Required Contract Provisions.

11. Retention of Records

PENNDOT retains records on Federal-aid projects in accordance with 49 CFR Part 18 - Common Rule, as previously defined in detail in 23 CFR, Part 17 - Record Keeping and Retention Requirements for Federal-aid Highway Agencies (revised April 1, 1992). Involved local governments and other third party contractors are also required to retain records as specified above.

12. State Transportation Improvement Program

In conformance with the requirement of 23 CFR 450, the Department will submit to the FHWA and the Federal Transit Administration (FTA) the Statewide Transportation Improvement Program (STIP) of projects which it intends to implement over the succeeding four year period. The STIP will be updated every two years. It will include all approved Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs), as well as projects in rural areas of the state which are

identified jointly by the Department and the Local Development Districts. Amendments and modifications to the STIP and to the metropolitan and rural TIPs can occur at any time during the life of these documents. Only after the STIP or its amendments or modifications are approved by the FHWA and the FTA can federal funds be obligated for individual transportation projects included in the document.

13. Local Agency Procedures

Administration of Federal-aid projects shall be in accordance with PENNDOT's current version of "Procedures for the Administration of Federal-aid Municipal Projects" (Pub. 39), and any revision thereto.

14. Federal-Aid Financial Procedures

a. Electronic Data Transfer -

Current electronic data transfer techniques will be utilized wherever appropriate. When PENNDOT desires to initiate formal authorization of a project, the critical fiscal data will be uploaded directly from PENNDOT to the FHWA FMIS Warehouse. Simultaneously, PENNDOT will submit a request for authorization to the Division Office as set forth below.

b. Project Authorization and Project Agreement -

A signed PENNDOT Request for Authorization will be submitted to FHWA for all Federal-aid projects.

PENNDOT will electronically verify that the fiscal authorization has occurred by reviewing the FMIS transaction and EDS status logs.

PENNDOT will assure that necessary environmental studies and approvals have occurred prior to submitting any request for authorization.

PENNDOT agrees and is bound by all the provisions contained in 23 CFR 630.307. The project specific data contained in the Request for Authorization is sufficient for FHWA to place all projects under Project Agreement at the time of authorization; no further FHWA Project Agreement or PENNDOT Agreement Estimate is required. PENNDOT's Request for Authorization will serve as a concurrent request to place the project under Project Agreement in FHWA's FMIS system.

When project funding adjustments are required due to bid adjustments or cost overruns/underruns, PENNDOT will submit a signed Request for an Amended Project Authorization with supporting information necessary for FHWA to adjust the Project Agreement amount.

APPENDIX B

Oversight Agreement Project Action Matrix

ACTIVITY	BASIS OF DELEGATION	FO	PO
Design, Right-of-Way, Utility, and Construction Authorizations	---	FHWA	FHWA
Design Exceptions	PENNDOT (DM-1A)	FHWA	PENNDOT
Design and Construction Consultant Agreement (Original and Supplements) Approvals	PENNDOT (Pub. 93) 23 CFR 172	PENNDOT 1)	PENNDOT 1)
Open End Consultant Agreement (Original and Supplements) Approval	PENNDOT (Pub. 93) 23 CFR 172	PENNDOT 1)	PENNDOT 1)
Open End Consultant Agreement Work Order Approvals	PENNDOT (Pub. 93) 23 CFR 172	PENNDOT 1)	PENNDOT 1)
Approvals and Authorization of Protective Buying or Hardship Acquisition	---	FHWA	FHWA
Approval of R/W Certificate	PENNDOT (R/W Manual)	PENNDOT 2)	PENNDOT 2)
Authorization of Last Resort Housing	PENNDOT (R/W Manual)	PENNDOT	PENNDOT
Revisions to Access Control or Revised Access Points (Interchanges)	PENNDOT (DM-1A & R/W Manual)	PENNDOT 3)	PENNDOT 3)
New Access Points (Interchanges)	PENNDOT (DM-1A & R/W Manual)	PENNDOT 3)	PENNDOT 3)
PS&E Approvals and Addenda	Oversight Agreement	FHWA	PENNDOT
Concurrence in Award	Oversight Agreement	FHWA	PENNDOT
Construction Inspection	Oversight Agreement	FHWA	PENNDOT
Approve Work Orders and Time Extensions	Oversight Agreement	FHWA 5)	PENNDOT
Final Inspection and/or Final Acceptance	PENNDOT (Pub. 8)	FHWA	PENNDOT
Construction Claim Reviews/Settlements	Oversight Agreement	FHWA	FHWA 6)
Cancellation, Severance, Termination, or Default of Construction Contracts	Oversight Agreement	FHWA	FHWA 6)
Warranty Specifications	---	FHWA	FHWA
Structure Reviews & Approvals 11)	PENNDOT (DM-4)	PENNDOT 8)	PENNDOT
Traffic Surveillance/Control Systems 12)	Oversight Agreement	FHWA	PENNDOT

Signing/Traffic Signal Approvals	PENNDOT (Pubs. 111, 148, 149)	PENNDOT 13)	PENNDOT 13)
Pavement Design	PENNDOT (Pub. 242)	FHWA	PENNDOT
NEPA Approvals	PENNDOT (Pub. 294)	FHWA 10)	FHWA 10)
Proprietary/Patented Items	Oversight Agreement	FHWA	PENNDOT
Force Account Method of Construction (Including Utility and Railroad Adjustments)	Oversight Agreement	FHWA	PENNDOT

Oversight Agreement Program Action Matrix		
ACTIVITY	BASIS OF DELEGATION	OVERSIGHT
ROW Joint Use Lease Approval	PENNDOT (R/W Manual)	PENNDOT 3)
Limited Access Highway Utility Occupancy Permit	PENNDOT (DM-5)	PENNDOT 4)
Limited Access Highway Occupancy Permit	PENNDOT (Pub. 170)	PENNDOT 14)
Disposal of Excess ROW from Federal-aid ROW or Construction Projects	PENNDOT (DM-1 & 1A & R/W Manual)	PENNDOT 3)
New/Experimental Products- Product Evaluations/Approvals-General	Oversight Agreement	PENNDOT 7)
Federal Lands Highway Program Approvals	FHWA (DTFH71-97-X-00030) PENNDOT (SOL 430-97-63)	PENNDOT 9)
Emergency Relief	FHWA (FHWA-PD-93-051)	FHWA
Highway/Railroad Crossings	Oversight Agreement	PENNDOT

- 1) Consultant agreements for Management Services must be approved by FHWA.
- 2) FHWA approves Type 2 & 3 Right-of-Way certificates for Interstate Projects.
- 3) FHWA approval is required for actions affecting the Interstate System.
- 4) FHWA's prior concurrence is required when:
 - a) The approved installation is not in accordance with 23 CFR or PENNDOT Design Manual, Part 5.
 - b) Longitudinal installation of private lines are proposed.
- 5) As per Project Office Manual.
- 6) Until written procedures for Construction Claim Reviews/Settlements are approved by FHWA, approval authority for PO NHS is with FHWA.
- 7) Approval of project specific specifications is required by FHWA.
- 8) Consultation with FHWA per DM-4 Approval Matrix is required.
- 9) NEPA & 4(f) approvals retained by FHWA.
- 10) PENNDOT approval of Categorical Exclusion Evaluations (CEE's) is as specified in Pub. 294.
- 11) Exceptions to HBRR program eligibility criteria must be approved by FHWA.
- 12) Projects must conform to ITS Architecture requirements in 23 CFR Part 940.
- 13) Projects must conform to MUTCD or FHWA approval is required.
- 14) FHWA approval required for Permanent HOPs involving Interstates.

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