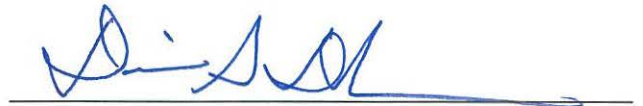


# FEDERAL-AID HIGHWAY PROGRAM STEWARDSHIP AND OVERSIGHT AGREEMENT

OHIO DEPARTMENT OF TRANSPORTATION  
AND  
FEDERAL HIGHWAY ADMINISTRATION OHIO DIVISION



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Date: October 19, 2006



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## **I. INTRODUCTION**

This Stewardship and Oversight Agreement clarifies the roles and responsibilities of both Federal Highway Administration (FHWA) and Ohio Department of Transportation (ODOT) in implementing the Federal-aid Highway Program. In situations where the ODOT has accepted the responsibility for project oversight through the exemptions provided in Title 23 USC 106, the ODOT is to have an action that takes the place of the prior role of FHWA. The Stewardship and Oversight Agreement is intended to result in the efficient and effective management of public funds and to ensure that the Federal-aid Highway Program is delivered consistent with laws, regulations, policies, and good business practices.

Since 1991, Federal highway legislation has allowed the delegation of project level responsibilities to States for actions in design, plans, specifications, estimates, contract awards, and inspections of projects. This Stewardship and Oversight Agreement is the documentation of the exemptions, under Section 106 of Title 23, from direct Federal oversight that are desired and accepted by ODOT and recognized by FHWA. The exemption options of Section 106 are desirable for ODOT for the streamlining of processes. Exemptions are desirable for FHWA because reduced project-level involvement allows for more effective application of resources. Notwithstanding the Agreement, FHWA retains overall responsibility for all aspects of Federal-aid programs and an Agreement does not preclude FHWA's access to and review of a Federal-aid project at any time and does not replace the provisions of Title 23, USC. While Federal law allows a State DOT to assume certain project approvals and authorities, the FHWA is ultimately accountable for ensuring that the Federal-aid Highway Program is delivered consistent with established requirements.

The Stewardship and Oversight Agreement contains chapters on 18 broad program areas that address most of the main elements of the Federal-aid highway program, based on regulations and national policies. These program area chapters are arranged in alphabetical order based on a representative name given to the program area. Most of these program names reflect common divisions of work related to highway projects, such as design, construction, maintenance, etc.

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**II. EXEMPTIONS UNDER TITLE 23 SECTION 106**

Only certain actions and authorities rooted in Title 23 USC are able to be delegated under 23 USC 106. However, non-Title 23 actions and authorities such as those under the Clean Air Act; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; the Civil Rights Act of 1964, and the National Environmental Policy Act of 1969 (except as permitted under SAFETEA-LU Sections 6004 and 6005) cannot be delegated when a State requests exemption of direct Federal oversight under 23 USC 106. These non-Title 23 requirements apply to all Federal-aid projects.

In addition to the provisions of this Agreement, the Ohio Division and ODOT have established a number of administrative agreements to streamline the delivery of the Federal-aid program. These agreements are listed in Appendix C.

**Project Oversight**

TYPE OF PROJECT*	PRIMARY OVERSIGHT RESPONSIBILITY
<b>Interstate 4-R ≥ \$5 million</b>	<b>FHWA</b>
<b>Interstate 4-R &lt; \$5 million</b>	<b>ODOT</b>
<b>Interstate 3-R ≥ \$10 million</b>	<b>FHWA</b>
<b>Interstate 3-R &lt; \$10 million</b>	<b>ODOT</b>
<b>Non-Interstate NHS ≥ \$10 million</b>	<b>FHWA</b>
<b>Non-Interstate NHS &lt; \$10 million</b>	<b>ODOT</b>
<b>Non-NHS - All Projects</b>	<b>ODOT</b>
<b>Appalachian Developmental Highway System Projects</b>	<b>FHWA</b>

NHS-projects are defined by system, irrespective of Federal funding source.

\* In addition, other projects may be selected by mutual agreement by FHWA & ODOT for FHWA oversight. Examples of projects likely to be selected are:

- Complex Emergency Relief Projects
- Complex Urban Reconstruction Projects
- Major or Complex Non-NHS Structure Projects
- Complex Local Public Agency (LPA) Projects

It is FHWA's goal to maintain contact with each of the ODOT District Offices. In those cases where the number of FHWA oversight projects is less than 6 based on the above criteria, additional projects will be mutually selected on a case-by-case basis to ensure a minimum of 6 FHWA oversight projects per District.

FHWA may become actively involved in any Federal-aid project (including those which are delegated to ODOT) that has unique features, high-risk elements, unusual circumstances, or if the project is included in a process or other review.

For additional information on oversight responsibility by ODOT and FHWA, see the discussion and charts in the various program area chapters.

## **Delegated Program and Project Responsibilities**

### ODOT Responsibilities

- a. For all delegated projects or programs, ODOT shall comply with Title 23 and certain non-Title 23, USC Federal-aid program requirements, such as metropolitan and statewide planning, environment, procurement of engineering and design-related service contracts, Title VI of the Civil Rights Act, participation by disadvantaged business enterprises, prevailing wage rates, and acquisition of right-of-way, etc.
- b. For all delegated projects or programs, ODOT shall assure that right-of-way approval; utility approval; environmental approvals; railroad approval and related activities; design approval; design exceptions (NHS); PS&E approval; concurrence in award; and construction-related activities are performed in accordance with State policies, practices, and standards, and in accordance with all requirements of Title 23, USC.
- c. For delegated projects or programs that are developed and administered by local agencies, ODOT shall provide the necessary review and approval to assure compliance with Federal requirements. The States will be responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting control. ODOT is responsible for the effective and efficient use of all Federal funds in the State of Ohio and is ultimately accountable to FHWA for ensuring compliance with Federal-aid requirements on such projects.
- d. For Design-Build projects, ODOT assumes the FHWA's Title 23 responsibilities for "one-step" Design-Build projects, based on the system and type of project. For any "two-step" Design-Build projects, regardless of system, FHWA will be responsible for project oversight.

## FHWA Responsibilities

For projects or programs delegated to ODOT, FHWA retains authority for the following actions and approvals:

- a. All Federal responsibilities for planning and programming oversight specified in 23 USC 134 and 135
- b. Federal air quality conformity determinations required by the Clean Air Act
- c. Obligation of funds
- d. Waivers to Buy America requirements
- e. SEP-14/SEP-15 methods
- f. Civil Rights program approvals
- g. Environmental approvals, except those administratively delegated under programmatic agreements
- h. Addition of access points on the Interstate System
- i. Use of Interstate airspace for non-highway related purposes
- j. Hardship acquisition and protective buying
- k. Modifications to project agreements
- l. Final vouchers

## **Major Projects**

The "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) Section 1904(a) require Project Management Plans and an Annual Financial Plan for projects with an estimated cost of \$500 million. In addition, SAFETEA-LU requires that Annual Financial Plans be prepared for projects with an estimated cost from \$100-\$500 million.

Project Management Plans document 1) the procedures and processes that are in effect to provide timely information to the project decision makers to effectively manage scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and 2) the role of the agency leadership and management team in the delivery of the project. Financial Plans are 1) based on detailed estimates of the cost to complete the project; and 2) provide for the annual submission of updates to the FHWA that are based on reasonable assumptions of future increases in the cost to complete the project.

## Financial Plans

FHWA review and approval of the initial Financial Plan for projects >\$500 million is required prior to authorization of Federal-aid funds (i.e. before Right-of-Way acquisition or Construction authorizations). ODOT will provide annual updates to the Financial Plans. FHWA will review and approve the Financial Plan annual updates.

## Project Management Plans

ODOT will prepare the initial Project Management Plan (PMP) prior to initiating the project's environmental study. FHWA will review/approve the initial PMP. Prior to issuing the ROD or FONSI, ODOT will update the PMP and FHWA will review/approve the updated PMP. Prior to authorization of Federal-aid funds (i.e. before Right-of-Way acquisition and Construction), ODOT will update the PMP and FHWA will review/approve the updated PMP. ODOT will update the PMPs, as appropriate, and FHWA will review/approve the updated PMPs accordingly.

## **Summary**

FHWA and ODOT mutually agree to the exemptions defined in this section of the Stewardship and Oversight Agreement as allowed by Title 23 Section 106 and further agree to abide by the procedures, practices, and business standards outlined throughout this Stewardship and Oversight Agreement.

This Agreement may be modified upon mutual agreement of both parties.

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### **III. STEWARDSHIP AND OVERSIGHT METHODS**

The FHWA Ohio Division Office and Ohio DOT will utilize a balanced approach involving several stewardship and oversight techniques to ensure Federal-aid funds are used efficiently and effectively in Ohio. The Ohio stewardship and oversight program consists of the following components: risk assessments and program assessments; project reviews; quality improvement reviews (QIR); quality assurance reviews (QAR); Financial Integrity Review and Evaluation program; peer reviews; partnering activities; task force activities; as well as other techniques such as Performance Plan development, reviewing ODOT reports, participation in project/program meetings, certification reviews, and day-to-day interactions. The Division Leadership Team and Quality Program Manager have the overall responsibility for tracking the accomplishments of the Ohio Division's Performance Plan activities and initiatives.

#### Risk Assessment and Program Assessment

Risk Assessments are performed annually by Division staff for the various program areas (e.g. planning, environment, design, construction, etc), and it identifies the level of risk (high, medium, and low) for each area. Once drafted, the Risk Assessments are coordinated with appropriate ODOT program personnel. The Risk Assessments provide key input in identifying the Division's major initiatives and activities in the Performance Plan, including the selection of the Division's Quality Improvement Reviews. In addition, it assists the Division with resource planning (e.g. personnel, budget, priorities, etc).

Program Assessments are conducted in conjunction with the Risk Assessments for the various program areas. Division staff is responsible for preparing the Program Assessments, and the primary purpose of the Assessments is to identify the strengths and opportunities for improvement of the various program areas (i.e. provide the current state of the various programs). In addition, it documents the risk rating for the established risk criteria, and discusses the future direction and goals for the programs.

#### Project Reviews

Project reviews are designed to focus on evaluating and improving current activities and following-up on unresolved issues from previous reviews. If possible, issues should be resolved during the time of the review. Each FHWA Transportation Engineer and FHWA Program Specialist will devise a method of



ensuring proper follow-up. The degree of project review activity is established by the FHWA Director of Engineering and Operations, in discussions with the individual Transportation Engineer and appropriate Program Specialist, based on risk, comfort level, and resources to conduct reviews.

Project reviews also give the Ohio Division a general understanding of individual ODOT Districts' oversight. In addition, project reviews help feed the selection process for future QIRs. The Ohio Division may also utilize various other project review techniques, including participation in project-related meetings, participation in value engineering teams, partnering activities, and telephone contacts.

### Quality Improvement Reviews (QIR)

The Ohio Division utilizes a QIR Program to evaluate all phases throughout the life of a project. The primary purpose of the QIR program is to provide the Ohio Division with a control technique that documents and assures FHWA that Federal-aid funds are being spent in accordance with Federal laws, regulations, and policies. In addition, QIRs will evaluate the effectiveness of the processes, procedures, and products developed by ODOT in all phases of a project, as well as the internal operations of the Ohio Division. Based in part on these reviews, assurances can be made that a program is being implemented as intended and is producing a quality product.

Division staff lead QIRs in their respective program areas, and participation by ODOT staff is encouraged. QIRs are selected as a result of the Division's annual risk assessment process (those generally rated High Risk), as well as identified special emphasis areas. Quality Improvement Reviews can be conducted on a statewide, area-wide, or program basis. The QIR program coverage is applicable to Title 23 and non-Title 23 activities on all Federal-aid projects, regardless of route designation [i.e., National Highway System (NHS) or non-NHS] or Federal-aid funding category.

### Quality Assurance Reviews (QAR)

Quality Assurance Reviews assist both ODOT and FHWA in the stewardship and oversight of the Federal-aid program. The QARs establish or improve ODOT control processes and documents for functional areas of responsibility (environment, design, construction, etc.). ODOT Central Office personnel lead these compliance-based reviews, and Ohio Division personnel are encouraged to actively participate in these reviews.

### Financial Integrity Review and Evaluation Program

The Ohio Division has implemented the Financial Integrity Review and Evaluation (FIRE) program to ensure that Federal-aid funds are properly managed and effectively used in accordance with Federal policies, and that safeguards are in place to minimize fraud, waste, and abuse. In addition, the FIRE program ensures that proper internal controls are established and followed, with objectivity and a separation of financial duties in conducting the Agency's day-to-day operations. The Division's Financial Management Team is responsible for completing the FIRE activities on an annual basis, and they coordinate with ODOT personnel and Division staff, as necessary. The FIRE activities consist of the following: 1) Financial Quality Improvement Reviews; 2) Improper Payment Reviews; 3) Inactive Federal-aid projects Reviews; 4) Single Audit Review; 5) Other Federal Audit Findings Review (as applicable); 6) Annual Certification & Certification Validation; and 7) Administrative Reviews [Fund Authority; Purchase Orders & Administrative Contracts; Travel-Related Transactions; Credit Cards & Convenience Checks; Property Inventories & Capitalized Assets; and Collections & Sensitive/Controlled Documents].

ODOT conducts various financial audits (involving respective program staff, as applicable) of external agencies receiving Federal-aid funds to ensure the proper use of these funds and that Federal and State requirements are met.

#### Peer Reviews

The peer review is designed to have an outside team meet with the host agency to discuss and review its management processes/practices in a particular program area. Information on the host agency and team members' policies and procedures are exchanged with the intent to improve the overall program process. The information gathered from the exchange is presented to agency management for process improvement.

#### Partnering Activities

Partnering is an effective management technique used to improve communications and enhance the resolution of conflicts during project development and construction. Active participation in partnering activities has resulted in high payoffs relative to improved communications and working relationships between FHWA, ODOT, Federal and State Resource Agencies, and industry.

#### Task Force Activities

Ohio Division staff may participate in joint FHWA/ODOT teams under the purview of value-added, re-engineering, or quality improvement. These activities can be an effective method of oversight, an opportunity to strengthen the FHWA/ODOT partnership, and an effective means of adding value and effecting change to a particular program.

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## **IV. CONTROL DOCUMENTS**

Certain control documents apply in implementing this Stewardship and Oversight Agreement. In assuming certain program and project-level responsibilities under Title 23 USC 106 and SAFETEA-LU – Section 1904, ODOT agrees to comply with FHWA-approved standards in accordance with 23 CFR 625.4, 655.603, and related federal regulations and policies. The Ohio Division shall approve required ODOT policies or standards that expand on, amplify, or amend these documents. Please refer to Appendix D for a list of key ODOT policies on the Federal-aid Program.

The implementation and management of this Agreement are made with the following understanding:

1. All projects on the NHS (Interstate and non-Interstate) shall conform to ODOT-adopted design and construction standards, as approved or accepted by the Ohio Division Office. Design exceptions for Federal-aid Interstate projects shall be reviewed and approved by the Ohio Division Office. All other NHS design exceptions will be reviewed and approved in accordance with the project oversight determined through Section II of this Agreement.
2. All non-NHS projects shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, and directives, and ODOT safety, design, and construction standards. LPA projects shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, rules, and standards for State-aid funded projects.
3. This Agreement does not preclude FHWA access to and review of Federal-aid projects at any time, and it does not replace the fundamental provisions of law in Title 23, with respect to the basic structure of the Federal-aid Highway Program. FHWA will exercise its stewardship and oversight through the various methods described in Section IV of this Agreement.
4. FHWA may, at any time, have access to and review project phases and records under this Agreement. In accordance with 23 CFR 17.5, records will be retained for a minimum of three years or until litigation, claims, or audit findings initiated before the expiration of the three-year period have been resolved.

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## **V. PERFORMANCE & COMPLIANCE INDICATORS**

It is recognized by ODOT and FHWA that indicators are necessary to track performance trends, health of the Federal-aid Highway Program (FAHP), and compliance with Federal requirements. Both agencies already have established sets of indicators that are critical in managing its respective programs. This Agreement establishes the indicators necessary to gauge the overall effectiveness of the FAHP, since ODOT has assumed FHWA approval responsibilities on certain projects. Furthermore, if the indicators are not moving in the desired target direction, countermeasures (or actions) should be implemented by both agencies to right the direction.

### Performance Indicators

The program indicators identified in this Agreement will be used to monitor performance trends and the overall health of the FAHP. Both agencies will implement countermeasures when the data is not moving in the desired target direction. Countermeasures may include raising the attention level of the issue, instituting additional data and trend analysis, developing new processes or procedures, initiating additional targeted oversight activities, or implementing additional ODOT Quality Assurance Review (QAR) or FHWA Quality Improvement Review (QIR) activities. Please refer to Section VII-Program Areas of this Agreement for the respective performance indicators.

### Compliance Indicators

In order to ensure the effectiveness of its delegated responsibilities and compliance with Federal requirements, ODOT will use its QAR program for monitoring and reporting purposes. In addition, ODOT will conduct external financial audits of agencies and organizations receiving Federal-aid funds to ensure the proper use of these funds. FHWA will use its QIR program to determine compliance of Federal requirements and improve processes, procedures, and other elements of the FAHP. FHWA will participate in financial audits and QARs to the extent possible.

### Reporting

By July 31<sup>st</sup> of each year, ODOT will provide to FHWA 1) a summary of the program performance indicators identified in this Agreement, 2) a summary of QARs conducted during the past year, and 3) a summary of financial audit

findings during the past year. The report will indicate overall general program performance and compliance with Federal requirements in the implementation of the FAHP.

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## **VI. DISPUTE RESOLUTION PROCESS**

While most ODOT requests for Federal approval and most FHWA requests to ODOT to address project or program matters result in a positive response within reasonable time-frames, there are occasions when agreement cannot rapidly be reached by both parties. It is the intent of this section of the Stewardship and Oversight Agreement to provide a template for escalating issues that have reached an impasse at the normal operational level.

### Overall Philosophy

It is expected that nearly all issues should be resolved at the lowest working level between FHWA and ODOT staff where the issue originated. For this to occur, effective communication is absolutely essential, as it is the foundation of a solid partnership. Generally, issues should not be elevated immediately before each party has exhausted available options within a reasonable timeframe. Depending on the urgency of the issue, for this Agreement, reasonable timeframes are defined between 1-3 days to resolve the issue before both parties agree to escalate an issue. Both parties are encouraged to reach out and contact each other at the lowest working level via phone (1<sup>st</sup> option) or face-to-face (2<sup>nd</sup> option) to solve any issues or clear up any misunderstandings (i.e. clarify comments or requests, better understand positions, etc).

### Process Steps

Please refer to Figure VI-1, Dispute Resolution Escalation Process flowchart.

When the FHWA Transportation Engineer/Program Manager/Program Specialist and the ODOT Project Manager/Major New Program Coordinator cannot reach agreement on an issue, then the issue will be escalated to the next level, as mutually agreed upon.

If the FHWA Transportation Engineer/Program Manager/Program Specialist and the ODOT Office Administrator cannot reach agreement on an issue, then the issue will be escalated to the next level, as mutually agreed upon.

If the FHWA Office Director/Financial Manager and the respective ODOT Deputy Division Director cannot reach agreement on an issue, then the issue will be escalated to the next level, as mutually agreed upon.

If the FHWA Assistant Division Administrator and respective ODOT Assistant Director cannot reach agreement on an issue, then the issue will be escalated to the next level, as mutually agreed upon.

Should none of the above negotiations result in a satisfactory resolution, the FHWA Division Administrator and the ODOT Director will determine the final outcome.

In summary, it is both agencies expectation that the formal dispute resolution process be used on an infrequent basis. As such, parties on both sides are expected to make good faith efforts to solve the issues at their level.

## ODOT-FHWA DISPUTE RESOLUTION ESCALATION PROCESS

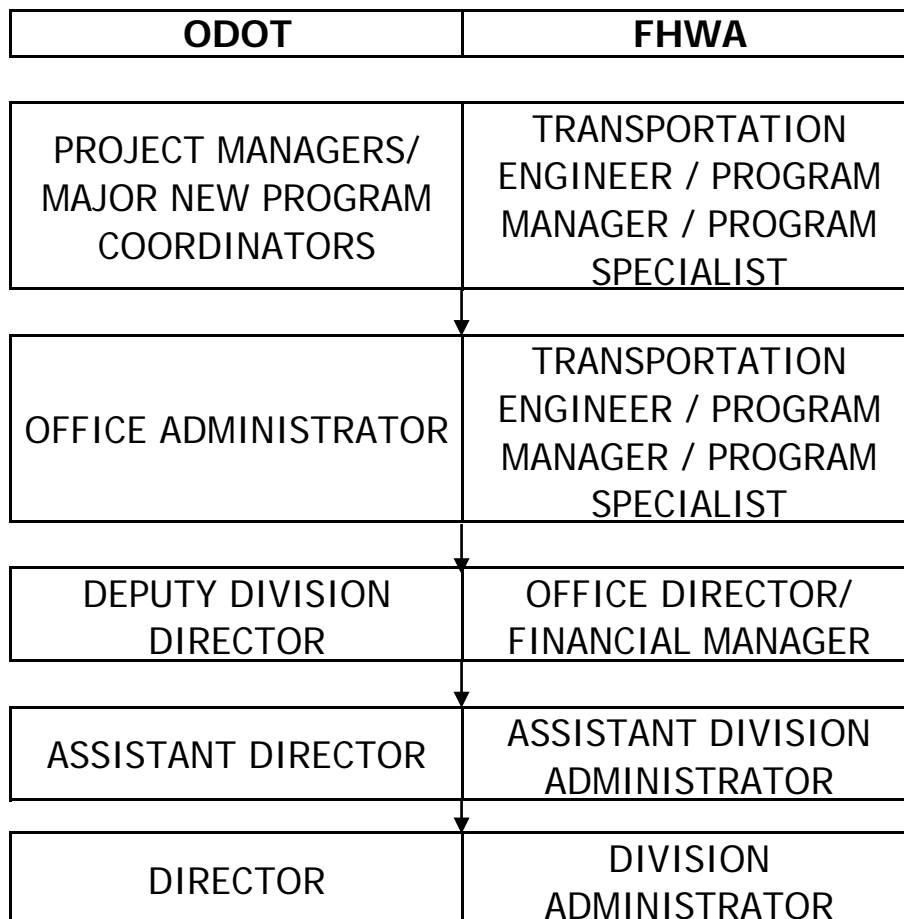


Figure VI-1



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## **1. AIR QUALITY PLANNING**

### **a. Program Overview**

The primary focus of air quality in transportation planning is the process that results in a demonstration of conformity. Under the 1990 Clean Air Act Amendments, FHWA cannot fund, authorize, or approve Federal actions to support programs or projects that are not first found to conform to the Clean Air Act requirements or are exempt activities under those requirements. The transportation conformity process integrates transportation planning and air quality planning by requiring that transportation plans, programs, and projects demonstrate that emissions resulting from their implementation are consistent with and conform to the purpose of the State Implementation Plan. The Division and FTA Region V, in consultation with USEPA Region V, make joint conformity determinations on Plans, TIPS, and amendments to Plans and TIPS.

Other air quality planning responsibilities include The Congestion Mitigation and Air Quality Improvement (CMAQ) program. The purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS). The Division (jointly with FTA Region 5) determines eligibility for inclusion in this funding program on a project-by-project basis using criteria contained in 1999 Program Guidance issued jointly by the FHWA office of Planning and Environment and the FTA office of Planning. Key Division actions include project eligibility determinations and submittal of the annual State CMAQ Report to Headquarters.

### **b. Applicable Laws, Regulations, and Procedures** Conformity

- 42 USC 7401-7671q (Clean Air Act)
- 40 CFR 51
- 40 CFR 93
- Transportation Conformity Regulation (August 15, 1997)
- 23 CFR 450
- 23 USC 134 - Metropolitan Planning
- 23 USC 135 - Statewide Planning
- 49 USC 53 - Mass Transportation

## CMAQ

- 23 USC 104
- 23 USC 110
- 23 USC 149

### **c. Program Approval Actions**

The Division and FTA Region V, in consultation with USEPA Region V, make joint conformity determinations on Plans, TIPs, and amendments to Plans and TIPS for nonattainment and maintenance areas. Plans are updated on a four-year cycle and must be amended when regionally significant transportation projects are added to the program. TIPs are also updated on a four-year cycle and must be amended when transportation projects are added to the program consistent with the MPO's policies and procedures.

### **d. Project Approval Action**

ODOT submits requests to the Division office on a project-by-project basis to determine their eligibility for funding through the CMAQ program. The Division (jointly with FTA Region 5 and in consultation with USEPA Region 5) determines eligibility of projects using criteria contained in the 1999 Program Guidance issued jointly by the FHWA office of Planning and Environment and the FTA office of Planning. Projects are submitted randomly throughout the year for determinations of eligibility.

### **e. Monitoring**

ODOT will monitor MPO Plan and TIP development activities to ensure that the work is being managed and performed satisfactorily and that conformity schedules are being met.

FHWA and ODOT consult with USEPA and Ohio EPA and work closely with each MPO in non-attainment and maintenance areas.

### **f. Performance Indicators**

- 1) No areas in a conformity lapse.

### **g. Business Standards**

FHWA will review and take action on CMAQ projects within 30-days of receipt.

FHWA will review and comment on the draft and final conformity documentation for Metropolitan Transportation Plans and TIPs within 60 days. This 60-day timeframe includes the 30-day FHWA review/comment period and a 30-day period to coordinate with the FTA and USEPA. ODOT will involve FHWA in decisions involving special and unusual circumstances at the earliest reasonable time to ensure thorough and appropriate decisions can be made.

ODOT will provide the Division an annual report of the CMAQ program that meets the requirements of 23 USC 149 no later than January 31 of each calendar year. Additional guidance for preparing the annual report is discussed in the 1999 Program Guidance issued jointly by the FHWA office of Planning and Environment and the FTA office of Planning.

**PROGRAM APPROVAL CHART**

<b><u>Activity/Requirement</u></b>	<b><u>FHWA Action</u></b>	<b><u>Frequency</u></b>	<b><u>Lead</u></b>
Conformity <ul style="list-style-type: none"> <li>• 42 USC 7401-7671q (Clean Air Act)</li> <li>• 40 CFR 51</li> <li>• 40 CFR 93</li> <li>• August 15, 1997 Transportation Conformity Regulation</li> <li>• 23 CFR 450</li> <li>• 23 USC 134 - Metropolitan Planning</li> <li>• 23 USC 135 - Statewide Planning</li> <li>• 49 USC 53 - Mass Transportation</li> </ul>	Conformity Determination	Not less than every 4 years	FHWA
CMAQ Annual Report <ul style="list-style-type: none"> <li>• 23 USC 149 (h) (2)</li> </ul>	Review ODOT's report and submit to HQ	Annually in February	FHWA
CMAQ Eligibility <ul style="list-style-type: none"> <li>• 23 USC 104</li> <li>• 23 USC 149 (primarily)</li> </ul>	Eligibility Determinations	Periodically – individual submissions by ODOT	FHWA

FHWA will review and comment on the draft and final conformity documentation for Metropolitan Transportation Plans and TIPs within 60 days. This 60-day timeframe includes the 30-day FHWA review/comment period and a 30-day period to coordinate with the FTA and USEPA. ODOT will involve FHWA in decisions involving special and unusual circumstances at the earliest reasonable time to ensure thorough and appropriate decisions can be made.

ODOT will provide the Division an annual report of the CMAQ program that meets the requirements of 23 USC 149 no later than January 31 of each calendar year. Additional guidance for preparing the annual report is discussed in the 1999 Program Guidance issued jointly by the FHWA office of Planning and Environment and the FTA office of Planning.

**PROGRAM APPROVAL CHART**

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CMAQ Eligibility <ul style="list-style-type: none"> <li>• 23 USC 104</li> <li>• 23 USC 149 (primarily)</li> </ul>	Eligibility Determinations	Periodically – individual submissions by ODOT	FHWA

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## **2. BRIDGE AND STRUCTURES**

### **a. Program Overview**

The FHWA is responsible for administering the Highway Bridge Replacement and Rehabilitation Program (HBRRP). The purpose of the Program is to replace or rehabilitate public highway bridges over highways, railroads, waterways, or other topographical barriers, when it has been determined that a bridge is deficient because of structural or physical deterioration, or functional obsolescence.

Reimbursable scopes of work include:

- Replacement,
- Rehabilitation, and
- Low water crossing replacement.

The FHWA is responsible for administering the National Bridge Inspection Standards (NBIS) and National Bridge Inventory (NBI). The NBIS requires that all highway bridges over 20 feet in length be inspected at least once every two years. Certain structures, such as box culverts, may be inspected at a lesser frequency if past experience and favorable past experience and analysis justify the increased interval of inspection. ODOT currently inspects all highway bridges over 10 feet in length every year.

The NBI also requires the State to ensure that all bridges within its borders, including county and municipal owned bridges, are inspected in accordance with the NBIS. For bridges where the inspection responsibility belongs to a county or municipality, ODOT will annually provide a list of bridges that have not been inspected to FHWA and the responsible agency, per Ohio Revised Code 5501.47, and ODOT and FHWA will work together to resolve the issues. All bridges over 20 feet in length are also required to be listed on the State's inventory and their inventory information is to be submitted annually to FHWA to be included in the NBI.

Other Federal aid highway funds administered by FHWA may also be used to construct or rehabilitate bridges. Project approval

actions are similar to those that apply to the HBRRP program except the existing bridge need not be deficient.

Federal bridge funds may also be used for preventive maintenance on bridges included in the national inventory that are not owned by a federal agency (with pre-approval by FHWA). Other eligible items include:

- Seismic retrofits,
- Scour countermeasures,
- Bridge painting,
- Bridge rail replacement or retrofit,

In order to improve the nation's defense mobility, FHWA and ODOT have prioritized the elimination of vertical clearance deficiencies on the 16' component of the Strategic Highway Network (STRAHNET). FHWA and ODOT will coordinate on project-level decisions, based on a statewide overview of the 16' component of the STRAHNET, to eliminate vertical clearance deficiencies. ODOT management and FHWA will conduct outreach to the District Offices explaining the importance of eliminating this type of deficiency and the higher standard applied to this deficiency with Design Exception requests.

**b. Applicable Laws, Regulations, and Orders**

- Title 23 USC 144 Highway Bridge Replacement and Rehabilitation Program
- Title 23 USC 151 National Bridge Inspection Program
- 23 CFR 650 Bridges, Structures, and Hydraulics

**c. Program Approval Actions**

- FHWA will make an annual determination of compliance with the NBIS.
- ODOT will submit the annual NBI data to FHWA Headquarters.
- ODOT will submit bridge unit cost data, to be reviewed by the FHWA Division Office and forwarded to FHWA Headquarters.

**d. Project Approval Actions**

- FHWA will approve eligible bridge projects according to Section II of this Agreement.
- Unusual or complex bridge projects on the Interstate System will require FHWA Headquarters review and approval of the preliminary Type Size and Location (TS&L) report.

- Unusual, complex, or large bridges located off of the Interstate or NHS system may be designated for FHWA oversight.
- Exceptions to three design features associated with bridges (structural capacity, bridge parapet/curb configuration, and vertical clearance) within the limits of proposed projects require the processing and approval of Design Exceptions. Any vertical clearance deficiencies proposed to remain will be coordinated with the military's Surface Deployment and Distribution Command (SDDC) by FHWA for Federal-aid projects and ODOT for non-Federal projects.

#### **e. Monitoring**

FHWA Ohio Division Office will:

- Screen bridges for eligibility for HBRRP based on the selection list.
- Review Preliminary Engineering Studies and Project Scopes
- Review Type Size and Location reports
- Review bridge design plans on FHWA Oversight Projects.
- Provide oversight of bridge construction.
- Review Critical Bridge Inspection reports.
- Review Quarterly reports for bridge posting, critical findings, and inspection frequency.
- Review semi-annual scour critical Plan of Action (POA) status.
- Perform special process reviews of specific program elements such as hydraulics, geotechnical, design, or construction on a periodic basis.
- Perform annual reviews to establish compliance with the NBI.
- Review the annual inventory of bridges with deficient vertical clearances on the 16' component of the STRAHNET and associated maps, and coordinate with ODOT on the program of proposed projects.
- Following completion of a project or maintenance work, ensure ODOT re-measures the vertical clearance of any bridge possibly affected.
- Review Bridge Construction Unit costs submittal.
- Perform Bridge Maintenance Inspections.
- Provide technical assistance.

#### **f. Business Standards**



- FHWA will review and comment on Preliminary Engineering Studies and Project Scope Reports within 4 weeks of receipt.
- ODOT will submit the annual update of NBI data to FHWA by April 1<sup>st</sup> of each year.
- ODOT will submit the Construction Unit Cost data by March 1<sup>st</sup> of each year.

**g. Performance Indicators**

- 1) Track % of bridges Floor Condition deficient.
- 2) Track % of bridges General Appraisal deficient.
- 3) Track % of bridges Wearing Surface deficient.
- 4) Track % of bridges Paint Condition deficient.
- 5) Reduce the number of bridges with deficient vertical clearance on the 16' component of the STRAHNET.

**h. Approved Procedures/Agreements/Manuals**

- ODOT Bridge Design Manual
- ODOT Location and Design Manual
- ODOT Standard Specifications
- ODOT Local Transportation Project Manual
- ODOT Bridge Inspection Manual
- FHWA Bridge Inspection Coding Guide
- AASHTO Standard Specifications for Highway Bridges
- AASHTO LRFD Bridge Design Specifications
- Technical Advisory T 5140.21, REVISIONS TO THE NATIONAL BRIDGE INSPECTION STANDARDS

**PROJECT ACTIVITY APPROVAL CHART**

<b>PROJECT ACTIVITIES</b>		<b>AGENCY RESPONSIBLE</b>			
Approval Action	Reference Document	FHWA Oversight: I-4R≥\$5 m; I-3R≥\$10m; Non-Interstate NHS≥\$10m; ADHS Projects	ODOT Oversight: I-4R<\$5m; I-3R<\$10m; Non-Interstate NHS<\$10m	ODOT Oversight: All Non-NHS Projects	Other Projects Subject to FHWA Oversight by Mutual Agreement
HBRRP eligibility determinations	23 CFR 650 Subpart D	FHWA	ODOT	ODOT	FHWA/ODOT
Preliminary Engineering Studies and Project Scopes		FHWA	ODOT	ODOT	FHWA/ODOT
TS & L	23 USC 106 23 CFR 630	FHWA	ODOT	ODOT	FHWA/ODOT
Structural Plans	23 USC 106 23 CFR 630	FHWA	ODOT	ODOT	FHWA/ODOT
Construction Inspections	FAPG G 6042.8	FHWA/ODOT			
Exempt bridge from Coast Guard permit requirements	23 CFR 650.805	FHWA	FHWA	FHWA	FHWA

**PROGRAM ACTIVITY APPROVAL CHART**

<b>PROGRAM</b>	<b>REFERENCE</b>	<b>AGENCY RESPONSIBLE</b>
NBIS Review	23 CFR 650 Subpart C	FHWA
Inventory and maps of deficient bridges on the 16' component of the STRAHNET	23 CFR 625	ODOT
Bridge Unit Cost submittal	23 CFR 650 Subpart D	ODOT
Innovative Bridge Research and Deployment Program candidate submittals	23 USC 503 (b)	ODOT
National Historic Covered Bridge Candidate submittals	Section 1224 - TEA21	ODOT
Semi-Annual scour POA updates		FHWA
Reports for: Bridge Posting, Critical Findings, and Inspection Frequency		ODOT

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### **3. CIVIL RIGHTS**

#### **a. Program Overview**

The FHWA Division Office is committed to effectively implementing and enforcing civil rights programs within ODOT in its planning, construction, and management of the multimodal Ohio transportation system. Federal law establishes the State as responsible for nondiscrimination as the recipient of Federal aid; however, the law does not allow the delegation of FHWA Civil Rights federal responsibilities to ODOT at any project level. If projects are managed by a sub-recipient, ODOT must ensure that the sub-recipient is well qualified and suitably equipped to perform the work (23 CFR 1.11). If sub-recipients are involved, ODOT is obligated to ensure nondiscrimination in all programs and activities, and in the provisions of all services and benefits, as a basis for continued receipt of FHWA funds. ODOT can delegate the activity but cannot delegate their responsibility.

#### **b. Applicable Laws, Regulations, and Orders**

- Title VI of the 1964 Civil Rights Act
- Equal Employment Opportunity Act of 1964
- Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Americans with Disabilities Acts of 1990
- Civil Rights Restoration Act of 1987
- 23 USC 140, 142, 324
- 49 CFR Part 21 & 26
- 23 CFR Part 230, 633
- 13 CFR Part 121
- Executive Order 11246
- Executive Order 12898

**c. Program Approval Actions**

PROGRAM ACTIVITIES		AGENCY RESPONSIBILITY		
Approval Action	Reference Document	Review	Approve	Remarks
Disadvantaged Business Enterprise Program, Goal, and Supportive Service Plans.	49 CFR Part 26 Title VI of the 1964 Civil Rights Act 23 CFR Part 230 Subpart B 13 CFR Part 121 SBA, Size Standards	FHWA	FHWA	Coordination of approval with FHWA HQ Review Team. Division Administrator approves program and Goal. Division office reviews DBE/SS work plan.
State Highway Agency Affirmative Action (External/Internal) Plans	23 USC 140 23 CFR Part 230 Subpart C Title VI of the 1964 Civil Rights Act Title VII Equal Employment Opportunity Act of 1964 American with Disabilities Acts of 1990	FHWA	FHWA	Programs are reviewed annually and approved by the Division Administrator
Contract Compliance Review Program	Section 22(a.) 1968 Federal-Aid Highway Act (23 USC 140) 23 CFR Part 230 Subparts A & D Title VI of the 1964 Civil Rights Act Exec. Order 11246 23 CFR Part 633	ODOT	FHWA	Federal-aid highway contracts of \$10,000 or more are monitored by ODOT. Contract compliance reviews/audits are conducted by ODOT. Reviews are audited by FHWA at annual review period.
Equal Employment Opportunity On-the-Job Training/Supportive Services Programs	23 USC 140 23 CFR Part 230 Subpart A & C Title VI of the 1964 Civil Rights Act Equal Employment Opportunity Act of 1972 American with Disabilities Acts of 1990	FHWA/ ODOT	FHWA	OJT Training Programs are reviewed and monitored by ODOT and FHWA concurrence. FHWA reviews the Supportive Services work plan and approves each year. ODOT does not specify OJT participation per contract, and implements it on a voluntary program basis.
Title VI/ Non-discrimination	Title VI of the 1964 Civil Rights Act 49 CFR Part 21 23 CFR Part 200 Section 504 of the Rehabilitation Act of 1973 49 CFR Part 27 Age Discrimination Act of 1975 Civil Rights Restoration Act of 1987 Uniform Relocation Act of 1987 23 USC 142 23 USC 324	FHWA	FHWA	Programs are developed by ODOT and reviewed and approved annually by FHWA Division Office

**d. Project Approval Actions**

Not applicable for Civil Rights Program.

**e. Monitoring**

FHWA will review and approve ODOT's programs on an ongoing basis through process and program reviews and through active participation in continuous program evaluation and improvement. Appropriate FHWA representatives will actively participate in ODOT's initiated reviews, task forces, and other civil rights initiatives upon request and to the extent feasible. Finally, FHWA will analyze civil rights reports submitted by ODOT to help identify trends and provide feedback and recommendations to ODOT.

**f. Performance Indicators**

- 1) Monitor number of pre-qualified DBEs.
- 2) Monitor DBE program race-neutral contributions.

**g. Business Standards**

<b>WORK ACTIVITY</b>	<b>ODOT ACTION</b>	<b>FHWA ACTION</b>	<b>REMARKS</b>
DBE Program Plan Revisions	Prepare and Submit as Required	Review and Act On (20 Days)	Updates Accurately Reflect Appropriate Program Changes
Title VI Program Update	Prepare and Submit upon Completion	Review and Act Upon (20 Days)	Updates Accurately reflect ODOT's Title VI Program
State Internal AA/EEO and Contract Compliance Program Reports (Title VII) (Includes EEO-4 Report)	Prepare and Submit Within One Year From the Date of Approval of the Preceding Program	Review and Act Upon (20 Days)	Report is Accurate and Meets CFR Requirements
Annual Contractor Employment Report-PR1392	Prepare and Submit No Later Than September 25	Review and File. Submit to FHWA HQ	
Contractor Compliance Review Schedule and Reports	Prepare and Submit Upon Completion	Review and Act Upon (14 days)	
DBE and OJT Supportive Service Work Requests/ Reports	Prepare and Submit per Contract	Review and Act Upon (14 days)	
On-the-Job Training Program	Prepare and Submit (No Later than March 1)	Review and Act Upon (20 Days)	

On-the-Job Training Goals and Accomplishments	Prepare and Submit (No Later Than November 30)	Review and Act Upon (14 Days)	Previous year's accomplishments and current year's projection
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**h. Approved Procedures/Agreements/Manuals**

- DBE Program Administration Document
- EEO/Contract Compliance Manual

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## **4. CONSTRUCTION & CONTRACT ADMINISTRATION**

### **a. Program Overview**

The FHWA is required to assure compliance with Federal-Aid contract provisions on all projects that utilize Federal-Aid funds. Federal responsibility includes assurance that specific procedures are followed in the advertisement and award of Federal-Aid contracts. The FHWA specific contract administration responsibilities in accordance with Federal law include (but are not limited to):

- Project Authorization
- Competitive Bidding
- Contract Awards
- Buy America provisions

By law, FHWA is responsible for the inspection of construction projects utilizing federal aid funds. The primary purpose of FHWA review and administration in construction is to protect the public investment, assure effective quality controls, and to verify that the project is completed in accordance with the plans, specifications and special provisions. ISTEA and TEA-21 allow the delegation of FHWA construction review, oversight and administration responsibilities, except those based on non-Title 23 Federal requirements to the state DOT. SAFETEA-LU does not substantially change this delegation. The FHWA specific construction monitoring responsibilities include stewardship in the following areas (but not limited to):

- Quality Control and Improvement
- Contract Claims
- Change Orders
- Payment to Contractor
- Time Extensions
- Liquidated damages

FHWA also provides technical assistance in problem solving and recommendations for improvements to State and local construction programs to ensure that high quality products are constructed.

FHWA also provides sharing of identified state-of-the-art practices and innovations in materials, equipment, construction practices and contracting methods for the purposes of highlighting best practices.

**b. Applicable Laws, Regulations, and Orders**

- 23 USC, 102, 106, 112, 114, 117, 121
- 40 USC 276(a) Davis-Bacon Act
- 23 CFR 635 Construction and Maintenance
- 23 CFR 637 Construction Inspection and Approval
- 29 CFR Parts 1, 3, 5, 6, & 7

**c. Program Approval Actions**

- FHWA will have specific approval authority for the authorization and obligation of Federal-Aid funds for all federal-aid projects.
- FHWA will approve ODOT Standard Specifications and Supplemental Specifications on a program basis to facilitate project approvals.
- FHWA will approve the updates to the Liquidated Damages specification every two years (Every even-numbered year).

**d. Project Approval Actions**

- FHWA will approve all project and construction authorizations.
- FHWA will approve project agreements, modified project agreements and final vouchers on all projects.
- FHWA will conduct routine project and final inspections on FHWA Oversight projects.
- For all other Federal NHS and non-NHS projects, FHWA may conduct inspections, including finals, on a statewide sampling basis through QIR and QAR reviews.

**e. Monitoring**

FHWA Division Office will:

- Evaluate ODOT's transportation construction program, including their staffing levels, procedures, and controls for assuring transportation improvements are constructed in accordance with approved standards and acceptable contracting methods.



- Evaluate the quality of materials, equipment, construction practices, and work force used for the purpose of evaluating the quality of the constructed product.
- Track the cost of a sample of construction projects to determine the relationship of the final cost to the amount bid for the project.
- Gather information from the State DOT's on the usage and costs of various construction materials including aggregates, cements and bitumens, lumber and steel utilizing form FHWA 47.

**f. Performance Indicators**

- 1) Track % of change orders for projects greater than \$10 million.
- 2) Track % of projects completed by the revised completion date.

**g. Business Standards**

- FHWA will review and approve supplemental specifications, PS&Es, construction plans and major change orders within two weeks of receipt. The 2-week time frame may be reduced in emergency or unusual situations.
- Form FHWA 45. ODOT will send "Bid Price Data" to FHWA within 2 weeks of award of contract.
- Form FHWA 47 "Statement of Materials and Labor" is to be sent to FHWA within 4 months of completion of the project and receipt of final records on NHS projects greater than \$1 million.

**h. Approved Procedures/Agreements/Manuals**

- ODOT Location & Design (L&D) Manuals
- ODOT Construction Documentation Manual
- ODOT Construction and Materials Specifications
- ODOT Supplemental Specifications and Proposal Notes
- FHWA Contract Administration Core Curriculum Manual
- FHWA Construction Program Management and Inspection Guide
- Federal-Aid Policy Guide

## PROJECT ACTIVITY APPROVAL CHARTS

PROJECT ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action	Reference Document	FHWA Oversight: I-4R≥\$5m; I-3R≥\$10m; Non-Interstate NHS≥\$10m; ADHS Projects	ODOT Oversight: I-4R<\$5m; I-3R<\$10m; Non-Interstate NHS<\$10m	ODOT Oversight: All Non-NHS Projects	Other Projects Subject to FHWA Oversight by Mutual Agreement
Approve exceptions to competitive bidding	23 CFR 635.104 & 204	FHWA	FHWA	FHWA	FHWA
Approve advertising period of <3 weeks	23 CFR 635.112	FHWA	FHWA	FHWA	FHWA
Concur in award of contracts	23 CFR 635.114	FHWA	ODOT	ODOT	FHWA
Concur in rejection of bids	23 CFR 635.114	FHWA	FHWA	FHWA	FHWA
Approve change and extra work orders	23 CFR 635.120	FHWA	ODOT	ODOT	FHWA
Approve time extensions	23 CFR 635.121	FHWA	ODOT	ODOT	FHWA
Accept material certifications	23 CFR 637.207	ODOT	ODOT	ODOT	ODOT
Concur in settlement of claims	23 CFR 635.124	FHWA	ODOT	ODOT	FHWA
Concur in termination of contracts	23 CFR 635.125	FHWA	ODOT	ODOT	FHWA
Final Acceptance/Inspection	23 USC 114a & 121	FHWA	ODOT	ODOT	FHWA
Construction inspections	FAPG G 6042.8	FHWA	ODOT	ODOT	ODOT
Determination of cost effective methods	23 CFR 635.204 & 104	FHWA	FHWA	FHWA	FHWA
Emergency Relief *	23 CFR 668	FHWA	FHWA	FHWA	FHWA

PROGRAM	REFERENCE	AGENCY RESPONSIBLE
Buy America	23 CFR 635.410	FHWA
Local Public Agency Projects **	23 CFR 635.105	ODOT
Project/ Construction Authorization	23 CFR 635.106 (a)	FHWA
Quality Assurance (Program) reviews		FHWA
FHWA Form 45	23 CFR 635.113	ODOT
FHWA Form 47	23 CFR 6.35.126	ODOT
Labor Compliance	29 CFR Parts 1, 3, 5, 6, & 7	FHWA (Forwarded to HQ)

\* See Emergency Relief Section

\*\* See Local Public Agencies section

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## **5. DESIGN**

### **a. Program Overview**

On the program level, the FHWA Ohio Division Office approves design standards for new construction, reconstruction, resurfacing, restoration, or rehabilitation of the Interstate System and other highways on the National Highway System (NHS) – excluding toll roads – within the State of Ohio. The FHWA provides guidance to ODOT and other public agencies on the implementation of and conformance to federal laws, regulations, and policies pertaining to preliminary and detailed design activities. The FHWA also shares technical information and provides training opportunities to facilitate professional development of engineering staffs from both the public and private sectors. Jointly, ODOT and FHWA staffs conduct concentrated Quality Assurance Reviews (QAR) of specific elements of design produced at the project level.

On a project level, FHWA's common goal with ODOT is to develop safe, cost-efficient designs that meet the appropriate standards. Through full oversight on a limited number of major projects, and in conformance with the thresholds and stipulations established in this Agreement, the Ohio Division Office formally reviews and approves various engineering-related submissions, participates in project development decisions through routine review of design plans, and determines the eligibility of federal-aid participation in the cost for items of work.

Design activities conducted during the Planning and NEPA phases begin with a conceptual outlook and elevate in detail as the project advances. The technical information is used to compare and evaluate the feasibility of alternatives. As a project advances and a preferred alternative has been identified, design work is conducted in greater detail to more fully delineate the footprint of the improvement and more accurately verify and assess the impacts. Included in this effort, as necessary, the Ohio Division Office will process and formally evaluate proposed exceptions to minimum design criteria (Design Exceptions) and Interchange Justification/Modification Studies (IJS/IMS).

During the detail design phase, FHWA's Transportation Engineers ensure the design parameters and environmental commitments imposed on projects through the NEPA decision remain satisfied. With support from technical specialists in the Division Office and other offices, FHWA provides technical guidance to resolve issues as they arise, and makes certain the various categories of Federal-aid funds are properly invested in eligible items of work. These efforts are accomplished through active participation in routine plan reviews and ongoing coordination with ODOT's project-level staff. The final design product is then ready for estimation and subsequent PS&E approval.

**b. Applicable Laws, Regulations, and Orders**

- Title 23 USC, Chapter 1, Subchapter I, Section 109 – Standards
- 23 CFR 109 Limitation on Federal Participation
- 23 CFR 172 Administration of Engineering and Design Related Service Contracts
- 23 CFR 620 Engineering
- 23 CFR 625 Design standards for highways
- 23 CFR 627 Value engineering
- 23 CFR 630 Preconstruction procedures
- 23 CFR 636 Design-build contracting
- 23 CFR 645 Utilities
- 23 CFR 646 Railroads
- 23 CFR 470 Highway Systems
- 23 CFR 650 Bridges, structures, and hydraulics
- 23 CFR 652 Pedestrian and bicycle accommodations and projects
- 23 CFR 655 Traffic Operations (MUTCD)
- 23 CFR 658 Truck Size and Weight, Route Designations – Length, Width, and Weight Limitations
- 23 CFR 710 Right-of Way and Real Estate
- 23 CFR 752 Landscape and Roadside Development
- 28 CFR 35 Nondiscrimination on the Basis of Disability in State and Local Government Services
- 28 CFR 36 Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
- 49 CFR 27 Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- 49 CFR 37 Transportation Services for Individuals with Disabilities (Americans with Disabilities Act)

**c. Program Approval Actions**

- ODOT Standard Drawings are reviewed and approved by FHWA on a program basis.

- ODOT Standard Specifications for Road and Bridge Construction are reviewed and approved on a program basis.
- FHWA accepts ODOT's consultant selection procedures, which are frequently applied in the design area.

#### **d. Project Approval Actions**

- FHWA will review and approve all FHWA Oversight projects and mutually agreed upon projects, final plans, estimates, and special provisions. Various project approval actions applicable to design are included in the Project Activity Approval Chart below.

#### **e. Monitoring**

- FHWA will monitor project design through step-by-step involvement in projects subject to FHWA Oversight. Please refer to the Project Activity Approval Chart below for specific FHWA activities.
- For Federal-aid projects not subject to FHWA oversight, Design Exceptions will be monitored and reviewed on a periodic basis.

#### **f. Performance Indicators**

- 1) Monitor number of projects delivered based on the locked program.
- 2) Monitor plan quality.

#### **g. Business Standards**

- FHWA will review and approve Design Exceptions within two weeks of receipt.
- FHWA Division Office will review and approve Interchange Justification/Modification Studies within 30 days of receipt for those actions not requiring FHWA Headquarters approval. Additional time will be needed for those requiring FHWA Headquarters approval.
- FHWA will review and approve Plans, Specifications, & Estimates (PS&E) within two weeks of receipt.
- FHWA will provide written comments to ODOT on proposed changes to the Location & Design Manuals within 30 days of the request.

ODOT and FHWA will share respective delivery and response time data, as well as other relevant information on a quarterly basis.

#### **h. Approved Procedures/Agreements/Manuals**

- ODOT Location & Design Manuals
- ODOT Geotechnical Engineering Policy
- ODOT Geotechnical Engineering Standard Procedure
- ODOT Manual for Abandoned Underground Mines
- ODOT Manual of Procedures for Earthwork Construction
- Programmatic Agreement for Utility Agreements (ODOT/FHWA)
- ODOT Utilities Manual
- Ohio MUTCD
- ODOT Right-of-Way Operations Manual
- ODOT LPA Manual
- ODOT Construction and Material Specifications
- Federal-Aid Policy Guide

## PROJECT ACTIVITY APPROVAL CHART

PROJECT ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action or Responsibility	Reference Document	FHWA Oversight: I-4R≥\$5 m; I-3R≥\$10m; Non-Interstate NHS≥\$10m; ADHS Projects	ODOT Oversight: I-4R<\$5m; I-3R<\$10m; Non-Interstate NHS<\$10m	ODOT Oversight: All Non-NHS Projects	Other Projects Subject to FHWA Oversight by Mutual Agreement
Limitation on Federal Participation	23 CFR 1.9	FHWA	FHWA	FHWA	FHWA
Design standards, policies and standard specifications, for applications to geometric and structural design	23 CFR 625	FHWA	FHWA	ODOT	ODOT
New or Modified Access to the Interstate System	23 USC 111; Fed Reg February 11, 1998	FHWA	FHWA	FHWA	FHWA
Design exceptions	23 CFR 625.3(f)	FHWA	ODOT **	ODOT ****	ODOT ****
Value engineering	23 CFR 627.5	FHWA	ODOT	ODOT	FHWA & ODOT
Monitoring federal-aid highway design projects	23 CFR 630.106 & 112	FHWA	FHWA & ODOT	FHWA & ODOT	FHWA & ODOT
PS&E review and approval / project authorization	23 CFR 630.205	FHWA	ODOT ***	ODOT ***	FHWA
Maintenance of Traffic Plans	23 CFR 630.1002	FHWA	ODOT	ODOT	FHWA & ODOT
Traffic Control (MUTCD)	23 CFR 655	FHWA	ODOT	ODOT	FHWA
Federal-aid Highway Systems	23 CFR 470	FHWA	FHWA	NA	NA
R/W Acquisition and Access	23 CFR 710	FHWA	ODOT	ODOT	FHWA & ODOT
Design-Build	23 CFR 636 SEP-14	FHWA	ODOT	ODOT	FHWA
Utilities	23 CFR 645.113	FHWA	ODOT *	ODOT	ODOT
Hydraulics design, erosion, and sediment control design	23 CFR 650.115 23 CFR 650.211	FHWA	ODOT	ODOT	FHWA & ODOT
Pedestrian and bicycle accommodations and design	23 CFR 652.13	FHWA	ODOT	ODOT	FHWA & ODOT
ADA criteria and design	23 CFR 652 28 CFR 35 & 36 49 CFR 27 & 37	FHWA	FHWA & ODOT	FHWA & ODOT	FHWA & ODOT

- \* Except on Interstate, where FHWA approval is required.
- \*\* Except Federal-aid Projects on the Interstate System.
- \*\*\* FHWA provides the final authorization electronically through FMIS.
- \*\*\*\* Except for deficiencies associated with the Interstate System.

Major Projects - Project Management Plans

Work Activity	ODOT Action	FHWA Action
Major Projects (total cost ≥ \$500 million) – Project Management Plans	Prepare Project Management Plans (PMP) in accordance with SAFETEA-LU and FHWA-HQ Project Management Plan Guidance. PMPs must be completed and approved prior to issuing ROD or FONSI and prior to issuing request for authorization of Federal-aid funds for right-of-way acquisition or construction.	Review and approve



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## **6. EMERGENCY RELIEF**

### **a. Program Overview**

Emergency Relief (ER) is a special program that uses non-formula funds for the repair or reconstruction of Federal-aid highways that have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually high expenses resulting from extraordinary conditions.

ER funds are not intended to cover all damage repair costs nor interim emergency repair costs that will necessarily restore the facility to pre-disaster conditions. Disasters must be of such magnitude as to be considered extraordinary to be considered for ER funding. To be considered extraordinary, the estimated Federal portion of the damage must meet a threshold of \$700,000. Individual sites must have estimated repairs in excess of \$5,000 in total cost to be eligible.

### **b. Applicable Laws, Regulations, and Orders**

- Title 23, Section 125
- 23 CFR 668

### **c. Program Approval Actions**

- The ODOT must specifically request assistance under the ER program for each natural disaster or catastrophic event. This should be initiated with a letter of intent to seek ER funds as soon as it is evident that there is eligible damage. (See the FHWA ER Manual for sequence of events.)
- FHWA will respond to written requests for ER assistance with a letter of acknowledgement and brief instructions on how to proceed.
- Following an ODOT/FHWA/Local Public Agency (if applicable) site-by-site inspection, ODOT and FHWA will jointly prepare a Damage Survey Report to support the request for ER funding.

The ODOT will then forward the report formally to FHWA with the request for ER funding.

- FHWA will respond to the report with a determination of ER eligibility. The list of sites outlined in the report constitutes the program of projects required prior to authorization of permanent repairs.

#### **d. Project Approval Actions**

- FHWA's Acknowledgement Letter will establish a date of eligibility for those emergency repairs and protective measures that must be undertaken immediately. This type of work is categorically excluded from NEPA by definition. Contracts to do this type of emergency repair may be accomplished with abbreviated procedures; however, this permission will be indicated on the completed Damage Survey Report for each site.
- FHWA's Determination of Eligibility letter will inform the ODOT of the projects which are to be considered full involvement by FHWA and which projects are to be state administered. Because of the nature of the ER program, thresholds and criteria used normally to determine federal oversight may not be applicable for a particular disaster or damaged site.
- For ER projects requiring federal oversight, normal Federal-aid procedures and requirements will apply.
- All ER projects that do not fall into the category of emergency repairs required to protect the facility from further damage or keep the route open for the safe flow of traffic, require environmental approval per the established programmatic agreements between FHWA and ODOT.
- FHWA will provide waivers of Federal-aid requirements on ER Projects when requested by ODOT on a project-by- project basis, if warranted by conditions and/or work characteristics.

#### **e. Monitoring**

- FHWA will jointly inspect with ODOT (and LPAs where applicable), the damaged sites during the development of the disaster estimate. Depending on the extent of damage, FHWA may elect to perform a sampling of site inspections.
- FHWA will conduct final inspections of all ER projects requiring federal oversight.
- FHWA will conduct final inspection of additional ER projects using a sampling method.

**f. Performance Indicators**

- 1) Track cost of ER projects from Damage Survey Report (DSR) to final completion.

**g. Business Standards**

- FHWA will respond to an ODOT Letter of Intent to seek ER funds within 3 working days with an Acknowledgement Letter.
- The ODOT and FHWA will complete a reasonable survey of the damage and a Damage Survey Report within 4 to 8 weeks of the event. This may vary depending on the area of impact of the disaster.
- FHWA will respond to ODOT requests for ER disaster eligibility supported by the Damage Survey Report within 2 weeks with a Determination of Eligibility.

**h. Approved Procedures/Agreements/Manuals**

- FHWA Emergency Relief Manual

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## **7. ENVIRONMENT**

### **a. Program Overview**

For projects using Federal Highway Trust Funds, the FHWA is the lead federal agency in integrating the full range of environmental requirements under a single, unified process that results in effective and sound transportation decisions.

The FHWA Ohio Division Office has delegated approval authority to ODOT for Level 1, 2, and 3 categorical exclusions, programmatic Section 4(f) evaluations for projects being processed with a Level 1, 2, and 3 categorical exclusion and for Section 106. These delegations are described in the Programmatic Categorical Exclusion Agreement between FHWA and the ODOT (3/6/03), the Programmatic Agreement for Applicability Determination and Programmatic Section 4(f) Between FHWA and the ODOT (10/10/01) and the Section 106 Programmatic (7/17/06). FHWA retains its stewardship and oversight responsibility for these projects through biennial quality improvement reviews.

The Ohio Division retains approval authority Environmental Impact (EIS) Statement-Record of Decision (ROD), Environmental Assessment (EA)-Finding of No Significant Impact (FONSI), level 4 categorical exclusion (CE) decisions, Section 4(f) evaluations (programmatic and individual) for projects being processed with a Level 4 categorical exclusion, EA or EIS. An EIS is applicable to projects that significantly affect the environment. An EA is applicable to projects where the significance of the environmental impact is not clearly established. A CE is applicable to projects that do not have a significant environmental effect (excluded from the requirement to prepare an EIS or an EA).

### **b. Applicable Laws, Regulations, and Orders**

- Title 1, Clean Air Act Amendments of 1990
- Section 404 of the Clean Water Act
- Section 7 of the Endangered Species Act
- 42 USC 4321-4347, National Environmental Policy Act as amended (P.L. 91-190) (P.L. 94-83)

- 49 USC 303 and 23 USC 138, Section 4(f)
- 16 USC 4601 Land & Water Conservation Fund Act, Section 6(f)
- 23 USC 109(h), FHWA Environmental Guidelines
- 23 USC 128 and 23 CFR 140, Public Hearings/Public Involvement
- 23 CFR 771, 772, and 777, FHWA Environmental Regulations
- 36 CFR 800 Section 106 of the National Historic Preservation Act
- 40 CFR 1500, Council on Environmental Quality
- Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991
- Executive Order 11990, Protection of Wetlands
- SAFETEA-LU Sections 6001, 6002, 6007, & 6009, and implementing guidance and regulations

#### **c. Program Approval Actions**

- ODOT has been delegated programmatic approval authority for specific categorical exclusions.
- ODOT has been delegated programmatic approval authority for specific Section 4(f) evaluations.
- ODOT has been delegated programmatic approval authority for Section 106 determinations and specific consultation actions.
- ODOT also acts as FHWA's non-federal representative for informal Section 7 ESA consultation.
- ODOT public involvement procedures have been approved by FHWA (November 2002).

#### **d. Project Approval Actions**

- As early as practicable in a project's development, the ODOT and FHWA will collaborate on the proper environmental (NEPA) classification for a project: Class I = EIS, Class II = CE, Class III = EA.
- For all projects that require an action be taken by FHWA, FHWA and ODOT will work together in the project pre-engineering phase to ensure compliance with NEPA and other applicable laws before an alternative is selected. The level of involvement is commensurate with the level of environmental impacts or project complexity.

- FHWA will review and approve Level 4 Categorical Exclusions and associated Programmatic Section 4(f) Evaluations, EAs, EISs, Section 4(f) Individual Evaluations, net benefit Section 4(f) evaluations, and Section 4(f) de minimis determinations which are prepared by ODOT.
- FHWA is also an active member of individual project teams and helps guide the project planning.
- All documents requiring legal sufficiency review (Final EIS and Final Section 4(f) Evaluations) are sent to the Office of Chief Counsel in Olympia Fields, IL by the Division Office prior to approving these documents. The goal is to provide legal sufficiency review comments to the Division Office within 30 days after receipt of the document. Environmental re-evaluations are conducted through informal consultation and formal written documentation, when appropriate.

**e. Monitoring**

- The FHWA will monitor compliance with environmental requirements through project-by-project approval actions, biennial quality assurance reviews of the ODOT district offices, and biennial quality improvement reviews of the ODOT Office of Environmental Services. Additional monitoring may be done on a program-wide basis using process reviews.

**f. Performance Indicators**

- 1) Track % of NEPA documents completed on schedule.
- 2) Track % of EAs and EIS' completed on schedule.

**g. Business Standards**

Work Activity	ODOT Action	FHWA Action	Result
Level 1, 2, or 3 Categorical Exclusion (CE)	Prepare and Approve	Periodic Audit	Approved CE
Level 4 CE	Prepare, approve and submit to FHWA for approval	Approve CE (30 days)	Approved CE or instructions for revision
Draft Environmental Assessment (EA)	Prepare and submit to FHWA for comment	Review and Comment (30 days)	Comments
EA	Prepare, approve and submit to FHWA for approval	Approve EA for circulation or return for revision (15 days)	Approved EA or instructions for revision

Work Activity	ODOT Action	FHWA Action	Result
Finding of No Significant Impact (FONSI)	Prepare FONSI request and submit to FHWA	Prepare and Issue FONSI or notify ODOT of need for EIS (30 days)	FONSI or consider NOI
Notice of Intent (NOI)	Prepare Draft Notice of Intent and forward to FHWA	Review and revise NOI and publish in the Federal Register (15 days)	Published NOI in the Federal Register
Cooperating and Participating Agency Request Letters	Prepare and distribute request letters to State and Local agencies	Prepare and distribute request letters to Federal agencies (15 days)	Cooperating & Participating Agencies identified
Preliminary Draft Environmental Impact Statement (DEIS)	Prepare and submit to FHWA for review	Review and comment (30 days)	Written comments
DEIS	Prepare, approve, and submit to FHWA for approval	Approve DEIS or return for revision (30 days)	DEIS or instructions for revision
Draft Final Environmental Impact Statement (FEIS)	Prepare and submit to FHWA for review	Review and comment (30 days)	Written Comments
FEIS Legal Sufficiency	Prepare and submit to FHWA for review	Request Legal Sufficiency review (15 days)	FEIS Legal Sufficiency
FEIS	Prepare, approve, and submit to FHWA for approval	Approve FEIS or return for revision (15 days)	FEIS or instructions for revision
Record of Decision (ROD)	Prepare a Draft ROD and submit to FHWA	Review, Revise, and Issue ROD (30 days)	ROD
Major Projects (total cost ≥ \$500 million) – Project Management Plans	Prepare Project Management Plans (PMP) in accordance with SAFETEA-LU and FHWA-HQ Project Management Plan Guidance. PMPs must be completed and approved prior to issuing ROD or FONSI and prior to issuing request for authorization of Federal-aid funds for right-of-way acquisition or construction.	Review and approve	Approved PMP
Programmatic Section 4(f) Evaluation with Level 1, 2, or 3 CE	Prepare and approve, submit to FHWA for opportunity to object	No action required. Division can object to ODOT's approval within 15 days	Approved Section 4(f) evaluation

Work Activity	ODOT Action	FHWA Action	Result
Draft Programmatic Section 4(f) Evaluation with Level 4 CE	Prepare and submit for FHWA approval	Approve Programmatic Section 4(f) Evaluation or return for revision (15 days)	Approved Section 4(f) Evaluation or instructions for revision
Draft Individual Section 4(f) Evaluation	Prepare and submit to FHWA for review	Review and comment (30 days)	Comments
Section 4(f) Legal Sufficiency	Prepare and submit to FHWA for review	Request Legal Sufficiency review (30 days)	Section 4(f) Legal Sufficiency
Final Section 4(f) Evaluation	Prepare and submit for FHWA approval; acquire SHPO concurrence	Review and approve or return for revision (15 days)	Final Section 4(f) Evaluation or instructions for revision
Section 106 Adverse Effect Determination	Make determination and forward to the Advisory Council on Historic Preservation	No action required.	Adverse Effect Determination
Section 106 Memorandum of Agreement (MOA)	Negotiate MOA with SHPO and consulting parties. If ACHP requests participation, FHWA and ACHP will be signatories to MOA.	No action required, except when ACHP is a party to MOA.	Executed Section 106 MOA or instructions for revision
Draft written Re-evaluation	Prepare and submit to FHWA for review	Review and comment (30 days)	Comments
Written Re-evaluation	Prepare and submit to FHWA for approval	Approve Re-evaluation or return for revision (15 days)	Re-evaluation or instructions for revision

ODOT and FHWA will share respective delivery and response time data, as well as other relevant information on a quarterly basis.

#### **h. Approved Procedures/Agreements/Manuals**

- ODOT Project Development Process Manual
- ODOT Location and Design Manual
- ODOT Planning and Environmental Process Manual
- ODOT Public Involvement Guide
- ODOT Ecological Manual
- ODOT Permit Manual
- ODOT Cultural Resources Manual



- Programmatic Categorical Exclusion Agreement between FHWA and ODOT (3/6/03)
- Programmatic Agreement for Applicability Determination and Programmatic Section 4(f) Between FHWA and ODOT (10/10/01)
- Programmatic Section 106 Agreement between FHWA, ACHP, SHPO, and ODOT (7/17/06)

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## **8. FINANCIAL MANAGEMENT**

### **a. Program Overview**

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and represents the largest surface transportation investment in our Nation's history. SAFETEA-LU builds on ISTEA and TEA-21 supplying the funds and refining the programmatic framework for investments needed to maintain and grow our nation's vital transportation infrastructure.

SAFETEA-LU also provides greater emphasis on financial integrity, project delivery, and major project oversight. Annual reviews are required of State DOT financial management systems, minimum standards for estimating project costs are to be developed, and annual reviews of State project delivery systems are to be conducted. All major projects exceeding \$100 million in total cost are required to have finance plans. These new provisions are designed to strengthen the oversight of projects and increase the accountability of the State in the project delivery process. Additionally, SAFETEA-LU affords the ODOT new financing options and greater fund transfer flexibility.

ODOT recognizes that sound federal financial management stewardship and oversight encompasses the entire Federal-aid program from the authorization to proceed with preliminary engineering through construction and debt retirement. Further, that the correctness and propriety of all Federal-aid claims are its primary responsibility whether the primary cost document originates within ODOT or with some third party. This responsibility is fulfilled by ODOT maintaining adequate and tested financial and operating policies and procedures and a sound accounting system with proper internal controls together with suitable audit activities.

FHWA is responsible for overall program oversight and ensuring compliance with Federal requirements in the delivery of the Federal aid highway program to protect the public investment and ensure accountability in Federal-aid expenditures. FHWA's responsibility is implemented through this agreement and oversight/stewardship activities performed by the FHWA Ohio Division.

In addition, FHWA recognizes a need for complete understanding of all pertinent financial and operating policies and procedures of ODOT. It is FHWA's responsibility to provide technical assistance and advice in funding and financial areas in a timely manner to meet the processing needs of ODOT.

The culmination of ODOT's and FHWA Financial Management Stewardship and Oversight is the annual Federal Managers' Financial Integrity Act (FMFIA) certification, completed by FHWA OH Division, of internal and financial controls to substantiate the financial statements.

#### **b. Applicable Laws, Regulations and Orders**

The Federal-aid highway program is a State administered, Federal assisted program. Federal-aid highway funds are authorized by Congress to assist the States in providing for construction, reconstruction, and improvement of highways and bridges on eligible Federal-aid highway routes and for other special purpose programs and projects. Below is a list of applicable laws, regulations, and policies used in implementing the Federal-aid program:

- 23 USC
- 23 CFR
- 49 USC
- 49 CFR
- 48 CFR
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Transportation Equity Act for the 21st Century
- Chief Financial Officer Act of 1990
- Federal Managers' Financial Integrity Act of 1992
- Cash Management Improvement Act of 1990
- OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments)
- OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments)
- OMB Circular A-123 (Management Accountability and Control)
- OMB Circular A-127 (Financial Management Systems)
- OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations)
- Financial Integrity Review and Evaluation (FIRE) Program Order and Toolkit
- FHWA SAFETEA-LU Implementing Guidance Memorandums

**c. Program Approval Actions**

- FHWA will approve the accounting process used to develop the payroll additive rates and indirect cost rates.
- FHWA will approve the resolution of OIG and State audit findings
- FHWA will approve the Federal-aid Current Billing

**d. Project Approval Actions**

- FHWA will approve final vouchers, project agreements, and modified project agreements on all projects.
- FHWA will approve finance plans for major projects exceeding \$500 million in total project costs.

**e. Monitoring**

FHWA will monitor all financial management and accounting activities through process reviews, improper payment reviews, inactive Federal-aid projects reviews, and Federal-aid billing reviews, as prescribed by the FHWA Financial Integrity Review and Evaluation (FIRE) program. FHWA will conduct verification activities to assure that the laws, regulations, policies and agreements are followed by ODOT in carrying out the assumed responsibilities.

Reviews will encompass both ODOT and Local Agencies. Through periodic contact with ODOT personnel, FHWA will provide guidance and technical assistance in such areas as project finance plan preparation, fiscal document processing, cost eligibility determinations, financial management and reimbursement.

FHWA will, to the maximum extent possible, utilize the work of ODOT and State auditors to limit the scope of FHWA reviews. Risk assessment techniques will be used where appropriate to determine areas for review. Additionally, FHWA will promote best practices in financial management and project funds management to improve the efficiency in the administration of the Federal-aid program. FHWA will also promote the use of innovative finance techniques that are effective in leveraging funds, reducing project costs, or expediting project completion.

**f. Performance Indicators**

- 1) Reduce unexpended obligations on inactive projects, where appropriate.
- 2) No lapsing funds in Federal Fiscal Year.

## Business Standards

WORK ACTIVITY	ODOT ACTION	FHWA ACTION	REMARKS
Rapid Approval State Payments System (RASPS) Billing	Submits electronically as often as desired	Act upon within the established deadline.	Source documentation will be randomly sampled and reviewed by FHWA
Federal-aid Billing Review	Responds to requests for information and documentation to validate Federal-aid billing transactions from FHWA within 5 working days	Provide a listing of transactions being reviewed. Upon completion of review provide ODOT with results of Federal-aid Billing Review.	Results of review used to support annual FMFIA certification.
SIB Annual Report	Prepare annually within 90 days from the end of the Federal FY	Review the report and take appropriate action.	
Major Projects (total cost ≥ \$500 million) – Financial Plans	Prepare financial plans in accordance with SAFETEA-LU and FHWA-HQ Project Financial Plan Requirements Guidance Memorandum. Financial plan must be completed and approved prior to request for authorization of Federal-aid funds for construction	Review and approve, as appropriate.	Some Financial Plans in this category will require FHWA-HQ approval.
Other Projects (total cost between \$100 million & \$500 million) – Financial Plans	Prepare financial plans in accordance with SAFETEA-LU and FHWA-HQ Project Financial Plan Requirements Guidance Memorandum. Financial plan are to be completed prior to request for authorization of Federal-aid funds for construction	Review financial plans as part of stewardship and oversight responsibility	
Project Funds Management	Review quarterly a designated list of inactive projects and submit to FHWA by last day of the month following the end of the quarter certification that the obligations are: (1) proper and valid; (2) the funds are	Review and take appropriate action to provide reasonable assurance that the obligation amount is valid. Follow-up to ensure unneeded funds are de-obligated promptly.	Results of review used to support annual FMFIA certification.

	being used effectively; and, (3) unused funds are properly safeguarded and/or de-obligated to minimize misuse.		
Funds Transfer Requests	Prepare and submit Funds Transfer Requests	Review and take appropriate action within 5 working days	Endorsed Funds Transfer Requests are submitted to FHWA-HQ for further processing.
ODOT Single Audit	Ensure audit is completed as required and copies of audit reports are submitted	Review and take action to ensure findings are resolved	Results of review used to support annual FMFIA certification.
ODOT Sub-Recipient/ Single Audits	Review and take action to ensure findings are resolved, submit summary listing to FHWA	Review and take action to ensure compliance	
Project Authorizations/ Agreements and Modifications	Prepare and submit	Review and act upon within 5 working days	
Final Vouchers/Final Acceptance	Prepare and submit	See Contract Administration Section	
Monthly Status of Funds, i.e. Advance Construction, etc.	Prepare and submit	Review and monitor provide appropriate feedback to ODOT.	
Year End Document for Utilization of Federal-aid Funds	Prepare and submit by September 15 <sup>th</sup>	Review and act upon within 5 working days	Documents that require processing must be submitted to ODOT Planning by September 1
Consultant Audits	Annually conduct audits & submit listing of audits completed	Review listing. Sample periodically to ensure compliance.	

**g. Approved Procedures/Agreements/Manuals**

- ODOT Funds Management Allocation Manual
- Transportation Review Advisory Council (TRAC) Policies and Procedures
- ODOT Capital Programs Business Rules
- ODOT Procedure for Construction Budget Estimating
- ODOT Toll Revenue Credits Policy and Procedures
- ODOT Federal Highway Funding Policy
- ODOT Infrastructure Capitalization Policy
- ODOT Cost Accounting Policy
- ODOT State Highway Capital Improvement Bond and Grant Anticipation Revenue Vehicles (GARVEE) Bond Policy
- ODOT Auditing Policy
- Infrastructure Capitalization Procedure

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## **9. INTELLIGENT TRANSPORTATION SYSTEMS**

### **a. Program Overview**

ODOT works cooperatively with FHWA in development and implementation of Intelligent Transportation Systems (ITS) initiatives in Ohio. ODOT has established a multi-disciplinary ITS Core Team, of which FHWA is a member, to provide a technical screening and ITS oversight function.

ODOT and FHWA work cooperatively with the Metropolitan Planning Organizations (MPOs) of the metropolitan areas of Akron/Canton, Cincinnati, Cleveland, Columbus, Dayton/Springfield, Toledo, and Youngstown, to promote ITS planning, regional architecture use, and adoption and integration of ITS at the local level. The seven metropolitan areas each have a regional ITS architecture and are actively implementing planning studies related to ITS deployment. ODOT and FHWA will work cooperatively to assure that ITS projects are consistent with the National ITS Architecture, incorporate ITS Standards and are fully integrated.

A primary ITS goal of ODOT is to ensure that transportation facilities operate efficiently and that no opportunities to provide integrated ITS features are overlooked during reconstruction.

ODOT and FHWA have formed partnerships in support of safety and congestion relief initiatives with other State and local agencies, including fire and law enforcement.

### **b. Applicable Laws, Regulations, and Procedures**

- 23 USC Chapter 1
- SAFETEA-LU  
Title I Subtitle B section 1201, and  
Title V Subtitle C
- TEA - 21 Title V Subtitle C
- 23 CFR Part 940

### **c. Program Approval Actions**

- Regional ITS architectures for each of the Transportation Management Areas (TMA) must be developed and maintained to document the ITS integration strategies and guide the development of specific projects and programs. FHWA will serve as a technical resource during the development and revisions of the regional architectures and will be furnished a copy of the adopted regional architectures and any amendments. It will be up to the owners of the regional architecture to decide whether they want to request FHWA concurrence or acknowledgement of the regional architecture.

### **d. Project Approval Actions**

- All ITS projects (stand alone or ITS incorporated in other work) need to accommodate the interface requirements and information exchanges specified in the regional ITS architecture and there must be a commitment to the operations, management and maintenance of the overall system. ODOT will make a determination of conformity of ITS Projects with the regional ITS architecture. FHWA will concur in the determination of conformity with the regional ITS architecture consistent with the project level oversight described in this Agreement.
- All ITS projects need to be developed based on a systems engineering analysis. ODOT will make a determination of conformity of ITS Projects with the systems engineering analysis requirement. FHWA will concur in the determination of conformity with the systems engineering analysis consistent with the project level oversight described in this Agreement.
- All ITS projects need to use applicable ITS standards and interoperability tests that have been officially adopted, by rulemaking, by US DOT. ODOT will make a determination of conformity of ITS projects with the ITS standards requirement. FHWA will concur in the determination of conformity with the ITS standards requirement consistent with project level oversight described in this Agreement.
- Congressionally Designated Projects (i.e. ITS Integration Program) are normally non-construction projects and will be advanced/approved on a case-by-case basis. Typically, the projects are designated by earmark in appropriations acts with specific implementation processes issued by FHWA Washington Headquarters for each appropriation cycle.



#### **e. Monitoring**

- FHWA will review project development and review and approved PS&Es for major ITS projects and other projects selected for FHWA oversight.
- FHWA will provide ongoing technical assistance on the use of regional ITS architectures, systems engineering analysis, and ITS standards, include these areas in routine risk assessment evaluations, and work cooperatively with ODOT to use process review techniques to assess and improve processes and procedures.
- FHWA will participate in project steering committees or other ongoing oversight processes for all major ITS projects and congressionally designated ITS projects.

#### **f. Business Standards**

- ODOT will provide FHWA with copies of ITS regional architectures or amendments within 30 days of adoption. If the owners of the regional architectures choose to have FHWA concur in the Architecture, FHWA will be allowed 3 weeks, from receipt date, to review and act on the document.
- FHWA will follow prescribed processing requirements for individual project actions related to regional architecture conformity, systems engineering analysis completion, and standards conformity as defined in this partnership agreement.
- FHWA will follow prescribed processing requirements for ITS "Earmark" projects as defined in Washington Headquarters instructions issued with each appropriations cycle.

#### **g. Approved Procedures/Agreements/Manuals**

- Ohio Procedures for Implementing ITS Regulations (23 CFR 940) – under development
- Regional ITS Architectures for the metropolitan areas of Akron/Canton, Cincinnati, Cleveland, Columbus, Dayton/Springfield, Toledo, and Youngstown
- Regional ITS Architecture Guidance (FHWA/FTA)

**PROJECT ACTIVITY APPROVAL CHART – ITS Infrastructure Projects**

ODOT assumes the FHWA responsibility for all reviews and approvals for design, construction and final inspection of all ITS projects that are not major ITS projects. This applies to all ITS projects on NHS and on non-NHS facilities. FHWA will retain full Federal oversight for major ITS projects, unless it is determined during project-by-project consultation and mutual agreement by FHWA and ODOT that ODOT assumes FHWA responsibility.

**Definitions:**

**i. ITS Project**

An *ITS project* is one that funds the acquisition of technologies or systems of technologies that significantly contribute to the provision of one or more ITS user services as defined in the National ITS Architecture.

**ii. Major ITS Project**

*Major ITS project* means any ITS project that implements part of a regional ITS initiative that is multi-jurisdictional, multi-modal, or otherwise affects regional integration of ITS systems.

**iii. Minor ITS Project**

A *minor ITS project* means any ITS project that is not a major ITS project as defined above.

PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Major ITS Projects	Minor ITS Projects	Other Projects by Mutual Agreement
Regional Architecture Conformity Determination	23 CFR 940.11	FHWA	ODOT	FHWA
Systems Engineering Analysis Determination	23 CFR 940.11	FHWA	ODOT	FHWA
ITS Standards Determination	23 CFR 940.11	FHWA	ODOT	FHWA

Special instructions for ITS Projects:

“ITS projects” can be stand-alone construction projects or may be larger projects that include ITS features. The above listed approval actions apply whether the ITS project is advanced on either a stand-alone or included basis. All other stewardship and oversight functions such as environmental determination, right of way clearance, etc. are project size, system and work type dependent with no

other special processing requirements for ITS purposes beyond routine stewardship and oversight.

**PROJECT ACTIVITY APPROVAL CHART – ITS Integration and Deployment Projects (Earmark Projects)**

PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Major ITS Projects	Minor ITS Projects	Other Projects by Mutual Agreement
Case-by-case determination	Instructions issued annually by Headquarters	FHWA and ODOT	FHWA and ODOT	FHWA and ODOT

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## **10. Local Public Agencies**

### **a. Program Overview**

The Ohio Department of Transportation (ODOT) is responsible for all requirements of the Federal-aid program, except non-Title 23 actions, as described in Section II of this Agreement. Since Title 23 U.S.C. does not recognize local entities as direct recipients of Federal-aid funds, ODOT is ultimately responsible and accountable for ensuring that Federal-aid requirements are met on all Local Public Agency (LPA) projects. Although the ODOT cannot delegate responsibility, activities can be delegated and the local entities held accountable to the ODOT. In those cases where activities are delegated to LPAs, the ODOT will review and take actions necessary to assure local compliance with all requirements of State and Federal laws, regulations, and policies. The FHWA will work in partnership with the ODOT on these review and assurance actions.

### **1. Local Public Agencies**

ODOT is permitted to delegate certain activities, under its supervision, to LPAs under federal regulation 23 CFR 1.11 and 635.105. The Ohio Revised Code, Section 5501.03 (C) authorizes ODOT to act as agent and to accept federal funds on behalf of public agencies for transportation projects. Public agencies include political subdivisions, other state agencies, boards, commissions, and transit and port authorities. Nearly all transportation projects under the jurisdiction of local agencies are projects off the NHS, or eligible projects on non-Federal-aid public roads or facilities. FHWA project oversight for LPA projects will follow the guidance in Sections II and V of this Agreement.

Non-NHS projects administered through ODOT will be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards as permitted under 23 USC 109(o), in lieu of NHS-based Title 23 U.S.C. requirements (23 USC 106). Title 23 U.S.C. requirements that are applicable to all Federal-aid projects include, but are not limited to, transportation planning, procurement of professional services, Davis-Bacon wage rates (as applicable), advertising for bids, use of convict-produced materials, Buy America

Act provisions, and other requirements. All Federal-aid projects must comply with applicable non-Title 23 U.S.C. requirements, as described in Section II of this Agreement.

By written agreement with the local agency, ODOT may delegate all or some project activities to local agencies, whether or not Federal-aid is used for the activity. Those activities include, but are not limited to:

- Environmental studies
- Procurement of consultant services
- Design
- Surveying
- Right of Way acquisition
- Work by railroads or utility companies
- Preparation of plans, specifications and estimates
- Preparation of bid proposal package
- Advertisement for letting
- Contracting
- Contract administration
- Inspection

ODOT retains its responsibilities under Federal law and regulations for all delegated activities. ODOT will provide the necessary processes, approvals, oversight, and review to ensure that delegated projects receive adequate supervision and inspection, and that they are completed in conformance with approved plans and specifications and applicable federal requirements.

The following activities will not be delegated to local agencies:

- NEPA Review and Approval
- Design Exception Approval
- Right of Way Certification
- DBE Goals and Waivers
- Final Inspection and Acceptance
- Sole Source and Proprietary Justification Approval
- Labor Compliance Enforcement
- Rejection of Bids
- Project Cost Eligibility
- Federal-aid Payments

**b. Applicable Laws, Regulations, and Orders**

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

- Projects will be constructed in accordance with the current edition of ODOT's Standard Specifications or written local specifications. ODOT will ensure that there are LPA written local specifications or otherwise the LPAs must use ODOT Standard Specifications. ODOT oversight of the construction of local projects includes but not limited to the review and approval of billings; review and approval of change orders, time extensions, and claims; and final project acceptance.
- For FHWA Oversight projects, review and approval actions will be undertaken as described elsewhere in this Agreement.

**e. Monitoring**

- FHWA shall review and concur with the ODOT LPA Manual for the administration of the Federal-aid program to local agencies.
- FHWA may request data at any time to support the administration of the Federal-aid program.
- FHWA will periodically perform Quality Improvement Reviews (QIR) to improve the efficiency and accountability of the program.

**f. Business Standards**

FHWA will review and comment on revisions to the LPA Manual and Policy within 30 days.

Project level approvals will follow agreed business standards described elsewhere in this Agreement.

ODOT will involve FHWA in decisions involving special and unusual circumstances at the earliest reasonable time to ensure thorough and appropriate decisions are made collectively.

**g. Approved Procedures/Agreements/Manual**

- ODOT Locally Administered Transportation Projects Manual of Procedures
- ODOT Location & Design Manuals
- ODOT Standard Specifications for Construction and Materials
- Ohio MUTCD
- FHWA Contract Administration Manual

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## **11. MAINTENANCE AND PRESERVATION**

### **a. Program Overview**

Title 23 USC defines maintenance as, "...the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway." Title 23 further requires a State transportation department to maintain each project constructed with Federal-aid funds until such time that it no longer constitutes a part of the Federal-aid system. It is FHWA's role to see that maintenance of Federal-aid projects is adequate and to provide technical assistance in disseminating information on successful maintenance techniques.

Routine maintenance is not eligible for Federal-aid. Preventive maintenance activities are eligible for Federal-aid provided ODOT demonstrates to FHWA's satisfaction that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.

This section of the Agreement pertains to maintenance activities and the management of maintenance activities that are required to be accomplished by the ODOT (or caused to be accomplished by the ODOT) to fulfill its obligation under Title 23 without Federal-aid reimbursement.

### **b. Applicable Laws, Regulations, and Orders**

- 23 USC 101 (a) (14)
- 23 USC 109 (o)
- 23 USC 116 Maintenance
- 23 CFR 1.27 Maintenance
- 23 CFR 633.208 Maintenance (Appalachian Contracts)
- MUTCD
- ORC Titles: 1, 3, 7, 15, 27, 41, 45, 49, 55, 57, and 61

### **c. Program Approval Actions**

There is no reporting or approval actions associated with maintenance activities or the management of maintenance activities that are required to be accomplished by the ODOT (or caused to be accomplished by ODOT).

Preventive Maintenance eligibility determinations will be made by FHWA.

**d. Project Approval Actions**

FHWA approval is not required on a project level for maintenance activities unless special or unusual circumstances exist. The maintenance agreement, which is part of the project agreement, is a project level agreement in which ODOT agrees to maintain the constructed facility.

**e. Monitoring**

As a condition of receipt of Federal funds, ODOT is required to maintain or cause to be maintained the Federally funded roadways and associated appurtenances in the state of Ohio. FHWA will review road and bridge maintenance through a sampling of field observations, process reviews, program reviews, and Quality Improvement Reviews. Any specific instances of inadequate maintenance or concerns regarding ODOT's overall maintenance program will be brought to the attention of ODOT by FHWA.

ODOT, in compliance with 23 USC, formally conveys its maintenance obligation to the Locals through the use of various agreements.

**f. Business Standards**

ODOT shall provide FHWA County Work Plan summary data upon request.

FHWA shall notify ODOT of instances of inadequate maintenance or concerns of ODOT's overall maintenance program.

ODOT shall advise the FHWA Maintenance Program Manager of any major updates or changes to the ODOT Maintenance Program.

**g. Approved Procedures/Agreements/Manuals**

Not Applicable



**PROGRAM/PROJECT ACTIVITY APPROVAL CHART**

<b>MAINTENANCE ACTIVITIES</b>				
<b>AGENCY RESPONSIBLE FOR MAINTENANCE/MONITORING</b>				
Interstate (outside of corporation limits)	Interstate (inside of corporation limits)	State Highways (outside of corporation limits)	State highways (inside corporation limits)	Local Highways (outside and inside of corporation limits)
FHWA/ODOT	FHWA/ODOT/Locals	FHWA/ODOT	FHWA/ODOT/Locals	FHWA/ODOT/Locals

**OHIO  
FEDERAL-AID HIGHWAY PROGRAM  
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## **12. PAVEMENT AND MATERIALS**

### **a. Program Overview**

Pavement: 23 CFR 626 requires that pavements be designed in accordance with current and predicted traffic needs in a safe, durable and cost effective manner. The regulations do not specify the procedures to be followed to meet this requirement. ODOT is expected to use a design procedure that is appropriate for their conditions.

Materials: Subsection (a) of 23 U.S.C. 109 requires that the FHWA ensure that the plans and specifications for all proposed Federal-aid highway projects provide for facilities that will adequately serve the existing and planned future traffic in a manner that is conducive to safety, durability, and economy of maintenance. To fulfill this requirement for all Federal-aid highway projects, the FHWA OH Division prime objectives are to:

- Maintain a close working relationship with ODOT materials and construction staff.
- Promote improvements when new approaches or technologies are developed and where deficiencies are identified.
- Ensure that the materials incorporated in the construction work and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.

Furthermore, the FHWA is required, by means of an approved quality assurance program, to assure the quality of materials incorporated into Federal-aid highway projects on the National Highway System (NHS). For Federal-aid projects on the NHS, the primary objectives are to:

- Assure that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.

- Provide oversight of construction materials and compliance with Federal requirements on a statewide basis.
- Assure adequate and qualified staff to maintain ODOT's quality assurance responsibility as part of its Quality Control/Quality Assurance (QC/QA) program.
- Assure compliance with, and assist in, maintaining the ODOT Transportation Technician Qualification Program

**b. Applicable Laws, Regulations, and Orders**

- Title 23 USC, 106, 109, 114
- 23 CFR 625.4 Standards, policies, and standard specifications
- 23 CFR 626 Pavement Policy
- 23 CFR 635 Construction and Maintenance
- 23 CFR 637 Construction Inspection and Approval

**c. Program Approval Actions**

- The ODOT Construction and Material Specifications are approved by FHWA on a program basis to facilitate project approvals (typically on a 2–4 year cycle).
- Supplemental Specifications are approved by FHWA on a program basis.
- Each State must develop a quality assurance program that will assure that materials and workmanship incorporated into each Federal aid highway construction project on the NHS are in conformity with the requirements of the approved plans and specifications. The program must be approved by FHWA.

**d. Project Approval Actions**

- FHWA will approve changes in project specifications for materials on FHWA Oversight projects.
- FHWA will approve Supplemental Specifications for specific FHWA Oversight projects.

**e. Monitoring**

- FHWA will monitor ODOT's Quality Assurance Program through construction inspections on FHWA Oversight projects, as well as process reviews.
- FHWA will monitor the acceptance and testing of materials in accordance with ODOT's Construction and Material

Specifications and the ODOT Sampling and Testing Manual on Federal-aid projects through construction inspections and process reviews.

**f. Performance Indicators**

- 1) Track % of pavement conditions acceptable – General system.
- 2) Track % of pavement conditions acceptable – Priority System.
- 3) Track % of pavement conditions acceptable – Urban System.

**g. Business Standards**

- FHWA will review and respond within 2 weeks to ODOT for Supplemental Specifications revisions and project materials specifications.
- FHWA will review and respond within 30 days to ODOT for substantive changes in its Quality Assurance Program.
- Time to review and approve a complete revision of the Standard Construction and Material Specifications will be negotiated prior to the activity.
- See Quality Assurance Program Summary Table for more business standard details.

**h. Approved Procedures/Agreements/Manuals**

- ODOT Construction and Material Specifications
- ODOT Sampling and Testing Manual
- ODOT Pavement Design and Rehabilitation Manual
- FHWA Contract Administration Manual

**Quality Assurance Program  
Summary Table**

Activity/Item	All NHS		Non-NHS	
	ODOT Action	FHWA Action	ODOT Action	FHWA Action
Quality Assurance Program Materials test methods and updates, Field Sampling and Testing Manual	Maintain (on going)	Review and Act Upon (10 Working Days)	ODOT prepares and approves	No action
Transportation Technician Qualification Program	Develop and implement	Review and Act Upon when updated (10 Working Days)	Required by ODOT	No action
Qualified Laboratory Program	Develop and implement	Review and Act Upon when updated (10 Working Days)	Required by ODOT	No action
AASHTO accreditation inspection reports, use of outside testing facility	Maintain accreditation, submit inspection report, approve outside testing facility	Review, make recommendations for consideration (as necessary)	Required by ODOT	No action
Ohio Construction and Material Specifications (Supplemental Issues)	Maintain (on going)	Review and Act Upon (10 Working Days)	Required by ODOT	No action
Material or Product Selection: proprietary products, recycled materials, public interest findings (23 CFR 635.411)	Develop and prepare	Review and approve on FHWA Oversight projects only	Develop and prepare	No action

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## **13. PLANNING**

### **a. Program Overview**

#### **1. Work Programs**

Title 23 CFR, Part 420, Planning and Research Program Administration contains the policies and procedures for administering activities and studies undertaken by States and Metropolitan Planning Organizations (MPO) funded through their respective Work Program or as separate projects not included in a Work Program.

#### **a. Statewide Planning and Research (SPR) Work Program**

ODOT prepares the Work Program annually. FHWA provides pre-program guidance, draft review comments, approves the Work Program, and authorizes SPR funds. FHWA monitors the work throughout the year using day-to-day involvement as appropriate. ODOT submits progress reports to FHWA.

#### **b. MPO's Unified Planning Work Program (UPWP)**

The UPWP is prepared annually by each MPO and reviewed by ODOT, FHWA and Federal Transit Administration (FTA). FHWA and FTA comments are provided to the MPO jointly with ODOT's, or may be provided individually through the MPO's Technical Advisory Committee review process. FHWA authorizes Urban Planning Funds upon joint FHWA/FTA approval of the UPWPs. These funds are traditionally referred to as "PL" funds. ODOT and FHWA monitor the Work Program through progress and annual reports and by participation in MPO meetings.

## **2. Statewide Transportation Planning**

Title 23 CFR, Part 450, Subpart B, addresses the requirements of the statewide transportation planning process.

### **a. Statewide Long Range Transportation Planning**

Ohio DOT develops a Statewide Long Range Transportation Plan which considers all modes of transportation. The Plan (Access Ohio) covers at least a 20-year planning horizon, considers the eight planning factors as outlined in the CFR, and provides an opportunity for public comment.

### **b. Statewide Transportation Improvement Program (STIP)**

Ohio DOT develops a STIP containing all projects to be funded by FHWA and FTA for a four (4) year period. The STIP is updated biennially by Ohio DOT and submitted to FHWA and FTA for approval every year. Projects contained in the STIP must be consistent with the Statewide Transportation Plan and the MPO TIPs, and must include public involvement and provide interested parties a reasonable opportunity to comment on the proposed program. Along with the STIP, Ohio DOT will certify that the projects in the STIP are based on a planning process that meets the requirements of 23 U.S.C. 134 and 135, 49 U.S.C. 5303, and 23 CFR 450.

## **3. Metropolitan Transportation Planning**

### **a. MPO Long Range Transportation Plan**

Title 23, CFR Part 450, Subpart C, addresses metropolitan planning requirements. Each MPO must update their Long Range Transportation Plan every 4 years for non-attainment and maintenance areas and every 5 years for attainment areas which: covers at least a 20-year planning horizon, includes long range and short range strategies which lead to an integrated Intermodal plan; includes a financial plan which compares estimated revenues with costs of construction, maintenance, capital purchases and operations;

considers the eight planning factors; and provides opportunity for public comment.

- b. MPO Transportation Improvement Program (TIP)  
Each MPO, in cooperation with the State and its public transit operators will prepare and update a TIP each year covering at least four (4) years. The TIP shall include all projects requiring FHWA and FTA approval; include a priority list of projects to be carried out in the first four (4) years; identify each project or phase; and be financially constrained by year. The TIP development process must provide a reasonable opportunity for public comment. Highway and transit projects must be selected in accordance with the specific funding programs.
- c. Consolidated Planning Grant (CPG)  
In 1997, the ODOT agreed to be a CPG pilot state and continues to be the lead Agency for carrying out all State and metropolitan planning activities between Ohio and the MPOs.

The CPG program allows ODOT and MPOs to develop annual Unified Planning Work Programs (UPWPs) that will address intermodal transportation needs. Since all Federal FHWA and FTA planning funds, , are pooled in the CPG, this process eliminates the need of keeping track of the different categories of federal planning funds as they are spent on various UPWP activities. The accounting and billing process is simplified; and ODOT, as a lead agency, draws down the necessary funds to cover the expenditures as substantiated by MPO invoices and ODOT reimbursement payments.

#### **4. Traffic Monitoring**

Title 23 CFR, Part 500 provides the regulatory guidance for the development and operation of a traffic monitoring system for highways including traffic counting, vehicle classification, and weigh-in-motion programs. The system is guided by the "AASHTO Guidelines for Traffic Data Programs," augmented by the FHWA "Traffic Monitoring Guide" and the "Highway Performance Monitoring System Field Manual."



Specifications and the ODOT Sampling and Testing Manual on Federal-aid projects through construction inspections and process reviews.

**f. Performance Indicators**

- 1) Track % of pavement conditions acceptable – General system.
- 2) Track % of pavement conditions acceptable – Priority System.
- 3) Track % of pavement conditions acceptable – Urban System.

**g. Business Standards**

- FHWA will review and respond within 2 weeks to ODOT for Supplemental Specifications revisions and project materials specifications.
- FHWA will review and respond within 30 days to ODOT for substantive changes in its Quality Assurance Program.
- Time to review and approve a complete revision of the Standard Construction and Material Specifications will be negotiated prior to the activity.
- See Quality Assurance Program Summary Table for more business standard details.

**h. Approved Procedures/Agreements/Manuals**

- ODOT Construction and Material Specifications
- ODOT Sampling and Testing Manual
- ODOT Pavement Design and Rehabilitation Manual
- FHWA Contract Administration Manual

**Quality Assurance Program  
Summary Table**

<b>Activity/Item</b>	<b>All NHS</b>		<b>Non-NHS</b>	
	<b>ODOT Action</b>	<b>FHWA Action</b>	<b>ODOT Action</b>	<b>FHWA Action</b>
Quality Assurance Program Materials test methods and updates, Field Sampling and Testing Manual	Maintain (on going)	Review and Act Upon (10 Working Days)	ODOT prepares and approves	No action
Transportation Technician Qualification Program	Develop and implement	Review and Act Upon when updated (10 Working Days)	Required by ODOT	No action
Qualified Laboratory Program	Develop and implement	Review and Act Upon when updated (10 Working Days)	Required by ODOT	No action
AASHTO accreditation inspection reports, use of outside testing facility	Maintain accreditation, submit inspection report, approve outside testing facility	Review, make recommendations for consideration (as necessary)	Required by ODOT	No action
Ohio Construction and Material Specifications (Supplemental Issues)	Maintain (on going)	Review and Act Upon (10 Working Days)	Required by ODOT	No action
Material or Product Selection: proprietary products, recycled materials, public interest findings (23 CFR 635.411)	Develop and prepare	Review and approve on FHWA Oversight projects only	Develop and prepare	No action

**Quality Assurance Program  
Summary Table**

Activity/Item	All NHS		Non-NHS	
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Material or Product Selection: proprietary products, recycled materials, public interest findings (23 CFR 635.411)	Develop and prepare	Review and approve on FHWA Oversight projects only	Develop and prepare	No action

## PROGRAM APPROVAL CHART

PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Ref. Source	Review	Approve	Remarks
20-YR Statewide Transportation Plan	23 CFR 450.214	FHWA	ODOT	FHWA reviews and comments on LRTP but no official approval action is taken.
Statewide Transportation Improvement Prog. (STIP)	23 CFR 450.216	FHWA	FHWA/FTA	Minimum 4 year period; update required every 4 years;
State Planning & Research (SPR) Work Program	23 CFR 420.11	FHWA	FHWA	ODOT annually develops work program.
Highway Performance Monitoring System (HPMS) Annual Data Submittal from State and Field Verification Review and Report	23 U.S.C. 307 (h)	FHWA	None	FHWA HQ required Field Verification review to be conducted by the Division Offices. Based on this review, the Division Office recommends the acceptance of the HPMS data for funding apportionment and allocation purposes. ODOT submits HPMS Submittal by June 15 <sup>th</sup> of each year.
Certification of Public Road Mileage	23 CFR 460.3	FHWA	None	Due by June 1 <sup>st</sup> of each year.
Heavy Vehicle Use Tax Annual Certification by State & Triennial Division Office Review	23 CFR 669.21	FHWA	None	State Department of Revenue required to certify that HVUT is being collected. FHWA HQ recommends a review be completed every 3 years.
Highway Statistics: 500 Series Reports	23 CFR 420.105	FHWA	None	ODOT is required to submit several Highway Statistics forms annually.
Traffic volume Monthly Automated Traffic Recorder Data	23 CFR 1.5	FHWA	None	ODOT submits required ATR data reports directly to FHWA HQ.
Annual Truck Weight Characteristics Data	23 CFR 1.5	FHWA	None	ODOT annually submits required data directly to FHWA HQ.
Metropolitan 20-Year Long Range Transportation Plan (LRTP)	23 CFR 450.322	FHWA & ODOT	MPO	FHWA & ODOT reviews and comments on Metropolitan LRTPs but no official approval action is taken by FHWA.
Metropolitan Transportation Improvement Program (TIP)	23 CFR 450.324	FHWA & ODOT	Governor or Designee	Minimum 4 year period; updated at least every 4 ears. FHWA reviews and comments on TIPs. All TIPs are developed by the MPO and included in the STIP by reference which is approved by FHWA.
Metropolitan Unified Planning Work Program	23 CFR 450.314	FHWA & ODOT	FHWA/ODOT	MPOs annually develop and submit work program by MPO. FHWA & ODOT reviews and comments on UPWPs from each MPO.
TMA Planning Certification Process Reviews in MPOs greater than 200,000.	23 CFR 450.334	FHWA & ODOT	FHWA	TMA Planning process reviews in Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown are completed on a 4-year cycle.
Vehicle (Truck) Size and Weight Enforcement Certification	23 CFR Part 657	FHWA	FHWA	State is responsible for enforcing vehicle size and weight laws. State is required to develop a plan for maintenance of an effective enforcement process. Each State plan is approved by FHWA and will then serve as a basis by which the annual State certification of enforcement will be judged. In Ohio, this Certification is completed by the State Highway Patrol.

## **2. Statewide Transportation Planning**

Title 23 CFR, Part 450, Subpart B, addresses the requirements of the statewide transportation planning process.

### **a. Statewide Long Range Transportation Planning**

Ohio DOT develops a Statewide Long Range Transportation Plan which considers all modes of transportation. The Plan (Access Ohio) covers at least a 20-year planning horizon, considers the eight planning factors as outlined in the CFR, and provides an opportunity for public comment.

### **b. Statewide Transportation Improvement Program (STIP)**

Ohio DOT develops a STIP containing all projects to be funded by FHWA and FTA for a four (4) year period. The STIP is updated biennially by Ohio DOT and submitted to FHWA and FTA for approval every year. Projects contained in the STIP must be consistent with the Statewide Transportation Plan and the MPO TIPs, and must include public involvement and provide interested parties a reasonable opportunity to comment on the proposed program. Along with the STIP, Ohio DOT will certify that the projects in the STIP are based on a planning process that meets the requirements of 23 U.S.C. 134 and 135, 49 U.S.C. 5303, and 23 CFR 450.

## **3. Metropolitan Transportation Planning**

### **a. MPO Long Range Transportation Plan**

Title 23, CFR Part 450, Subpart C, addresses metropolitan planning requirements. Each MPO must update their Long Range Transportation Plan every 4 years for non-attainment and maintenance areas and every 5 years for attainment areas which: covers at least a 20-year planning horizon, includes long range and short range strategies which lead to an integrated Intermodal plan; includes a financial plan which compares estimated revenues with costs of construction, maintenance, capital purchases and operations;

considers the eight planning factors; and provides opportunity for public comment.

- b. MPO Transportation Improvement Program (TIP)  
Each MPO, in cooperation with the State and its public transit operators will prepare and update a TIP each year covering at least four (4) years. The TIP shall include all projects requiring FHWA and FTA approval; include a priority list of projects to be carried out in the first four (4) years; identify each project or phase; and be financially constrained by year. The TIP development process must provide a reasonable opportunity for public comment. Highway and transit projects must be selected in accordance with the specific funding programs.
- c. Consolidated Planning Grant (CPG)  
In 1997, the ODOT agreed to be a CPG pilot state and continues to be the lead Agency for carrying out all State and metropolitan planning activities between Ohio and the MPOs.

The CPG program allows ODOT and MPOs to develop annual Unified Planning Work Programs (UPWPs) that will address intermodal transportation needs. Since all Federal FHWA and FTA planning funds, , are pooled in the CPG, this process eliminates the need of keeping track of the different categories of federal planning funds as they are spent on various UPWP activities. The accounting and billing process is simplified; and ODOT, as a lead agency, draws down the necessary funds to cover the expenditures as substantiated by MPO invoices and ODOT reimbursement payments.

#### **4. Traffic Monitoring**

Title 23 CFR, Part 500 provides the regulatory guidance for the development and operation of a traffic monitoring system for highways including traffic counting, vehicle classification, and weigh-in-motion programs. The system is guided by the "AASHTO Guidelines for Traffic Data Programs," augmented by the FHWA "Traffic Monitoring Guide" and the "Highway Performance Monitoring System Field Manual."

## **5. Highway Performance Monitoring System (HPMS)**

Title 23 CFR, Part 420 addresses the policy for states to provide data that support FHWA's responsibilities to the Congress and to the public. The "Highway Performance Monitoring System Field Manual" provides instructions for collecting and reporting quality and timely data in the condition and performance of the highways and streets.

## **6. Highway Statistics Reports**

Title 23 CFR, Part 420 addresses the policy for states to provide data that supports FHWA's responsibilities to the Congress and to the public. The "Guide to Reporting Highway Statistics" manual provides instructions for complying and reporting: motor fuel consumption, motor fuel tax revenues, motor vehicle registrations and fees, driver licenses and fees, highway income and expenditures, debt service, and highway capital outlay and maintenance expenditures which traditionally is referred to as the "500 series reports."

## **7. Certification of Public Road Mileage**

Title 23 CFR, Part 460 addresses the policies and procedures for identifying and reporting public road mileage for utilization in the statutory formula for the apportionment of Highway Safety funds under 23 U.S.C. 402(C). By June 1 of each year, the Governor or ODOT Director certifies the public road mileage in the state as of the end of the previous calendar year. In Ohio, the ODOT Director has been selected as the Governor's designee.

## **8. Certification of Enforcement of Heavy Vehicle Use Tax**

Title 23 CFR, Part 659 prescribes requirements for states to follow in order to annually certify that proof of payment of the Federal Heavy Vehicle Use Tax is obtained before individuals can register their heavy trucks. By July 1 of each year, the Governor or ODPS Director certifies that Ohio is obtaining proof of payment of the Heavy Vehicle Use tax as a condition of registration. The 12 month certification period ends May 31. In Ohio, the ODPS Director has been selected as the Governor's designee.

## **b. Applicable Laws, Regulations, and Procedures**

- Title 23 CFR, Part 420
- Title 23 CFR, Part 450, Subpart B
- Title 23 CFR Part 450, Subpart C
- Title 23 CFR, Part 460
- Title 23 CFR, Part 470
- Title 23 CFR, Part 500
- Title 23 CFR, Part 659

## **c. Program Approval Actions**

FHWA approval is on an annual basis for all the programs listed above and where noted on the following chart. As a condition for receipt of federal funds, ODOT agrees to develop plans and work programs for statewide, metropolitan, and other transportation planning activities. FHWA will review these plans and programs to assure they meet applicable laws and regulations.

Programs requiring oversight include:

- 1) State and metropolitan planning sub-programs under the State Planning and Research Program.
- 2) Statewide transportation planning process, including the STIP.
- 3) Metropolitan Planning Organization transportation planning process.

ODOT must also submit other planning related reports to FHWA. The reports include information on public road mileage for apportionment of highway safety funds; information collected from the Highway Performance Monitoring System; and information relating to the identification of Federal-aid highways, the functional classification of roads and streets, the designation of urban area boundaries and the designation of routes on the Federal-aid highway systems.

FHWA will serve on the MPOs Technical Advisory Committees as an advisor and not as a voting member. Through FHWA/ODOT's involvement with the MPOs, both agencies will continue to stress the importance of the public involvement process and will assist in applying appropriate levels of environmental consideration during the planning process to result in a more feasible, efficient, and acceptable transportation planning product.



#### **d. Project Approval Action**

Projects not originally included in an approved work program or TIP/STIP will need individual project approval from FHWA. An amendment to the appropriate planning document also needs to be processed.

#### **e. Monitoring**

ODOT will monitor all SPR activities, including those of sub-recipients (local governments including county, municipalities, etc.) to assure the work is being managed and performed satisfactorily and that time schedules are being met. ODOT will submit a report annually to FHWA documenting the results of its monitoring process.

ODOT will review its long-range transportation plan every 5-years to assure it still meets the goals and objectives in the plan. If necessary, the ODOT will update or rewrite the long range transportation plan.

FHWA and ODOT periodically monitor MPO plans and activities to ensure they are in conformance with all applicable federal and state guidelines.

FHWA conducts certification reviews of Transportation Management Areas (TMA) on a four (4) year cycle and periodic reviews of the non-TMAs.

#### **f. Performance Indicators**

- 1) Track % deviation from STIP – Total Program.
- 2) Track % deviation from STIP – ODOT Program.
- 3) Track % deviation from STIP – Local Program.

#### **g. Business Standards**

ODOT will provide FHWA at least 30 days to review and comment on the draft and final Statewide Transportation Improvement Program, Metropolitan TIPs, State Planning and Research Work Program, the MPO UPWPs and the Statewide and Metropolitan Long Range Transportation Plans.

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## **14. RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER**

### **a. Program Overview**

The purpose of the program is to implement the provisions of 23 U.S.C. 504 and 505 for research, development, technology transfer, programs, and studies undertaken with FHWA planning and research funds.

#### **1. State Planning and Research (SPR) Program**

The main requirements under 23 CFR 420 are to create a SPR Work Program, monitor planning and research activities, submit performance and expenditure reports, conduct peer exchanges, develop and maintain an FHWA approved research and development management process, and maintain program certification.

The SPR Work Program consists of two parts: (1) Part I, Planning, which is prepared by ODOT's Planning Division and (2) Part II, Research, which is prepared by ODOT's Office of Research. ODOT is responsible for preparation and overall coordination of the Work Program in accordance with 23 CFR 420. The SPR Program operates on a state fiscal year basis with program approval every 2 years. Amendments and revisions are submitted periodically for approval.

#### **2. Local Technical Assistance Program (LTAP)**

LTAP was created to provide educational training, technical assistance and related support services for rural, small urban, tribal governments, consultants and contractors that do work for local agencies on roads, bridges, and public transportation. The LTAP program is regulated under 23 U.S.C. 504(b). The Ohio LTAP center is located within the Ohio Department of Transportation.

The Ohio LTAP conducts biennial surveys of local agency training needs. The survey results are used as the basis for

developing the curriculum of technical workshops and deployment training courses offered during the next two years.

**b. Applicable Laws, Regulations, and Procedures**

- 23 USC applies to all research and technology transfer activities
- Title 23, CFR, Part 420 and 450 apply to State Planning and Research Program Administration
- ODOT Research, Development and Technology Transfer Manual of Procedures
- ORC, Section 5501

**c. Program Approval Actions**

ODOT will administer the research program in accordance with the ODOT Research, Development and Technology Transfer Manual of Procedures, which has been reviewed and approved by the Division Office. Significant changes to this manual shall be submitted to the FHWA Division Office for approval.

The research work program is submitted to the Division Office as Part II of the ODOT's Planning and Research Work Program. Currently, the Division Office approves the research work program on a biennial basis. The ODOT's research work program shall meet the requirements of 23 CFR, Part 420.209(a)-(c).

Ohio LTAP coordinates with the FHWA to draft an annual Work Plan based on the State fiscal year. FHWA reviews the draft LTAP Work Plan. FHWA comments are incorporated into the draft and the final version is approved by FHWA.

**d. Project Approval Action**

ODOT will identify and implement research projects that address high priority transportation issues. An interactive process involving ODOT management and Research Advisory Committee (RAC) members as described in the ODOT Research Program Manual shall be used for the identification and prioritization of projects to be included in the research work program. ODOT shall determine the funding level at which the identified and prioritized projects will be supported with FHWA research funds.

Other types of projects, including Experimental Features, Demonstration Projects, Application Projects, Test and Evaluation Projects and Special Projects, will be approved by the FHWA Division Office.

**e. Monitoring**

In regards to the SPR, the FHWA exercises its oversight responsibilities through review of the work program prior to approval actions, review of SPR Work Program amendments prior to approval, and ongoing participation of its technical specialists in research study technical panels. As appropriate, FHWA personnel may participate in peer exchanges.

The ODOT will submit, annually, to the FHWA Division Office performance and expenditure reports that meet the requirements of 23 CFR, Part 420.117, (a)-(c).

The ODOT will host a peer exchange and report their findings to the FHWA Division Office in accordance with 23 CFR, Part 420.209. The interval between peer reviews will not exceed three years. In addition, the ODOT program manager participates in peer exchanges hosted by other States and uses the knowledge gained to improve the research program.

FHWA participates in the ODOT RAC process which reviews research program progress and provides recommendations on program priorities and projects.

FHWA provides oversight to the LTAP program through review of the annual work plan.

**f. Performance Indicators**

- 1) Track number of research studies that have results implemented.

**g. Business Standards**

FHWA will review and provide comments on the draft and final State Planning and Research Work Program within 30 days.

Other types of projects, including Experimental Features, Demonstration Projects, Application Projects, Test and Evaluation Projects and Special Projects, will be approved by the FHWA Division Office.

**e. Monitoring**

In regards to the SPR, the FHWA exercises its oversight responsibilities through review of the work program prior to approval actions, review of SPR Work Program amendments prior to approval, and ongoing participation of its technical specialists in research study technical panels. As appropriate, FHWA personnel may participate in peer exchanges.

The ODOT will submit, annually, to the FHWA Division Office performance and expenditure reports that meet the requirements of 23 CFR, Part 420.117, (a)-(c).

The ODOT will host a peer exchange and report their findings to the FHWA Division Office in accordance with 23 CFR, Part 420.209. The interval between peer reviews will not exceed three years. In addition, the ODOT program manager participates in peer exchanges hosted by other States and uses the knowledge gained to improve the research program.

FHWA participates in the ODOT RAC process which reviews research program progress and provides recommendations on program priorities and projects.

FHWA provides oversight to the LTAP program through review of the annual work plan.

**f. Performance Indicators**

- 1) Track number of research studies that have results implemented.

**g. Business Standards**

FHWA will review and provide comments on the draft and final State Planning and Research Work Program within 30 days.

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## **15. RIGHT-OF-WAY**

### **a. Program Overview**

The purpose of this section is to address the right-of-way (ROW) functional areas of appraisal, acquisition and relocation, the principal activities used to acquire space for highway projects. These right-of-way activities are covered under Title 49 CFR (24), which has no provision for exemptions under Title 23 U.S.C. Therefore, the rules of Title 49 and Title 23 apply in the situation where Federal aid is being used to fund the right-of-way activity and/or if Federal-aid is being used to fund the project.

The work activities listed below are covered under 23 CFR and require specific approval and/or oversight by FHWA:

- ROW certification
- State ROW operations manual
- ROW authorization
- Air rights on the interstate
- Airspace leases/joint use agreements
- Sale/transfer of excess ROW
- Early acquisition, protective buying, and hardship
- Functional replacement
- Highway beautification

The work activities listed below are covered in 23 CFR and do not require specific program or project approvals, but are not exempted from FHWA oversight under Title 23 U.S.C.:

- Direct eligible costs including administrative, legal and court settlements.
- Real property donations

### **b. Applicable Laws, Regulations, and Orders**

- 49 CFR 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs
- 49 CFR 18, Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR 1.23, Use of Right of Way

- 23 CFR 620, Subpart B, Relinquishment of Highway Facilities
- 23 CFR 635.309, Right-of-Way Certification
- 23 CFR 646.216, Railroad RW
- 23 CFR 710, Right-of-Way and Real Estate
- 23 CFR 750, Highway Beautification
- 23 CFR 751, Junkyard Control and Acquisition

**c. Program Approval Actions**

The approval of the ODOT Right-of-Way Operations manual is a program approval action required by 23 CFR 710.201(c).

**d. Project Approval Actions**

FHWA project-level approval actions include authorization of federal-aid right-of-way activities, early acquisition approval, acceptance of project right-of-way certifications, etc. See the Project Activity Approval Chart for more detail.

**e. Monitoring**

- Even though there are no exemptions under the law for any functions covered in 49 CFR 24, for practical purposes there are two levels of review of those elements. One level depends on whether the project involves ROW acquisition and has Federal-aid in the ROW project phases. The second level relates to where Federal-aid funds are not used in right of way but are used for construction. Although the ROW regulations must be followed under both levels, less attention is given to the reasonableness of the actual dollar expenditures made for ROW activities on those projects where there is no Federal-aid in the ROW activities, provided they meet the minimum criteria of 49 CFR 24.

For the first level of projects, there is a dual concern for the rights of property owners and displaced persons and the stewardship of the federal dollars. However, it should be stated that for all practical purposes, the ODOT R/W staff does not distinguish whether Federal funds are in the R/W phase and essentially treats all acquisitions the same. Continuous review by FHWA of the State's activities is accomplished through two primary review techniques. The first is through Quality Assurance Reviews (QARs) which are initiated by ODOT but in which FHWA personnel participates. The second is through Quality Improvement Reviews (QIRs)

which are initiated by FHWA and cover topics of a particular function which are selected through a Risk assessment.

- Local Public Agencies (LPAs), i.e., cities and counties, are required to comply with the Uniform Act and its governing regulations found in 49 CFR 24 in the same manner as ODOT. As stipulated in 23 CFR 710.201(b), ODOT is responsible for assuring that ROW acquisitions by local public agencies are made in compliance with Federal and State laws and regulations. However, FHWA continues to also monitor this process through periodic QIRs and both ODOT and local agency right-of-way program activity, as well as the ODOT's oversight of local agency ROW activity is subject to review by FHWA at any time. Review and technical assistance in the Highway Beautification program are also provided by FHWA.
- Right-of-Way Operations Manual
  - ODOT is responsible for full compliance with FHWA requirements.
  - Future changes to a manual, because of new FHWA requirements or changes in State law, etc., will be submitted to FHWA for acceptance within a reasonable period of time.
  - In-house administrative manual changes should be transmitted to FHWA for informational purposes.
  - In accordance with 23 CFR 710.201(c), ODOT shall certify to the FHWA every five years that the Right-of-Way Operations Manual is current and in compliance with federal and state laws and regulations.

#### **f. Performance Indicators**

- 1) Monitor % of Right-of-Way acquisition cases filed for appropriation.



### g. Business Standards

<i>Work Activity</i>	<i>ODOT Action</i>	<i>FHWA Action</i>	<i>Result</i>
Appraisals	Review, Certification, and Approval – All Projects		Appraisal Reports
Acquisitions	Performance and Approval – All Projects		Property Ownership/Title, Easements
Relocations	Performance and Approval – All Projects		Relocations
ROW Authorizations and Agreements	Requests	Authorize – All Projects (7 days)	Authorization & Agreements
ROW Certification	Approve	Approve (7 days)	Certificates
Functional Replacement	Approval and Oversight	Concur (14 days)	Functional Replacement of Real Property
Air Rights – Interstate	Request	Review and Approve (14 days)	Airspace Agreement
Airspace Leases/Joint Use Agreements	Approve & Oversight Non-Interstate	Approve – Interstate (14 days)	Leases/Agreements
Disposal of Excess ROW	Approve Non-Interstate, with no Federal funds in R/W	Review and Approve Interstate or if Federal funds used and less than Fair Market Value	Property Sale & Revenue to Transportation Fund
Federal Land Transfer	Prepare Request	Review and Approve (90 days)	Transfer Deeds
Early Acquisition, Hardship, Protective Buying	Prepare Submission	Review, Approve, and Authorize (14 days)	Property Ownership
ROW Operations Manual	Prepare Manual	Review and Approve (30 days)	Manual
Highway Beautification	Prepare Request	Review and Approve (30days)	Manual
Administrative, Legal, and Court Awards	Approve	Stewardship & Oversight	Property Acquisition
Access Control – Disposal and Changes	Approve Non-Interstate, with no Federal funds in R/W	Review and Approve all Interstate or if Federal funds used and less than Fair Market Value (14 days)	Disposition/Change
Early Acquisition Cost	Approve	Concur (14 days)	Reimbursement/Matching Credit

## h. Approved Procedures/Agreements/Manuals

- ODOT ROW Operations Manual
- ODOT Local Public Agency Manual

### PROJECT ACTIVITY APPROVAL CHART

PROJECT ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action	Reference Document	Interstate	Non-Interstate NHS	Non-NHS Projects	Other Projects Subject to FHWA Oversight by Mutual Agreement
Appraisals	49 CFR 24	ODOT	ODOT	ODOT	ODOT
Acquisitions	23 CFR 710	ODOT	ODOT	ODOT	ODOT
Relocations	49 CFR 24	ODOT	ODOT	ODOT	ODOT
ROW Authorizations and Agreements	23 CFR 710	FHWA	FHWA	FHWA	FHWA
ROW Certification	23 CFR 710 23 CFR 635	FHWA	FHWA	ODOT	FHWA
Functional Replacement (Federal Funds in ROW)	23 CFR 710	FHWA	FHWA	FHWA	FHWA
Air Rights – Interstate	23 CFR 710	FHWA	N/A	N/A	N/A
Airspace Leases/Joint Use Agreements	23 CFR 710	FHWA	ODOT FHWA*	ODOT FHWA*	FHWA
Disposal of Excess ROW	23 CFR 620 23 CFR 710	FHWA	ODOT FHWA*	ODOT FHWA*	FHWA
Federal Land Transfer	23 CFR 710	FHWA	FHWA	FHWA	FHWA
Early Acquisition, Hardship, Protective Buying	23 CFR 710	FHWA	FHWA	FHWA	FHWA
Administrative, Legal, and Court Awards	23 CFR 710	ODOT	ODOT	ODOT	ODOT
Access Control – Disposal and Changes	23 CFR 620 23 CFR 710	FHWA	ODOT FHWA*	ODOT FHWA*	FHWA

\* Below fair market value if Federal funds used in R/W

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## **16. SAFETY**

### **a. Program Overview**

#### **1. Strategic Highway Safety Plan (SHSP)**

Title 23 USC Section 148 requires that each state develop and implement an SHSP to ensure that the state focuses its resources on the most critical safety needs while addressing them from the perspectives of the “4E’s” – engineering, education, enforcement and emergency medical services. Federal, State, local, and other stakeholder representatives comprise a Steering Committee which is responsible for developing and updating the SHSP. This document is required to be updated periodically (4-5 years but may be updated as needed) to ensure that it remains reflective of the State’s safety problems. FHWA approves the process for the initial approval and serves as a member of the State’s steering committee.

#### **2. Highway Safety Improvement Program (HSIP)**

Title 23 USC Section 148 establishes a program area for purposes of hazard elimination and rail-highway crossing safety. This program also includes addressing safety on High Risk Rural Roads. ODOT performs HSIP components of *Planning*, *Implementation*, and *Evaluation* to accomplish requirements of the program for highway locations; Ohio Rail Development Commission (ORDC) [statutorily, ORDC is an independent agency within ODOT] performs this for rail-highway grade crossing portion of this program. These components involve: identification of high-crash locations, developing an annual program to address the locations, and an annual report on progress and effectiveness. FHWA is involved in all components with both agencies, both formally and through informal technical assistance.

#### **3. Safe Routes to School (SRTS)**

Section 1404 of SAFETEA-LU established this program to: (1) to enable and encourage children, including those with disabilities, in grades K – 8 to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from

an early age; and (3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. FHWA is a member of the ODOT SRTS Advisory Committee, both formally and through technical assistance.

#### **4. Section 164 (Repeat Offender) Penalty Transfer Program**

A percentage of the State's Federal-aid funds from the Interstate Maintenance Program, Surface Transportation Program and/or National Highway System Program are transferred annually from those programs for highway safety purposes. These funds are eligible only for projects involving alcohol countermeasures or hazard elimination safety construction. This program is unique in that the transferred funds are taken from the FHWA apportionments and placed in the National Highway Traffic Safety Administration (NHTSA) Section 402 apportionment for fiscal delivery.

Alcohol countermeasure projects are fully administered by NHTSA. Safety construction projects are partially administered by FHWA and partially administered by NHTSA. FHWA verifies eligibility of these projects and does a consistency review of the annual HSIP program to the Section 402 Program. Although funding for the safety construction projects is administered by NHTSA, FHWA remains involved in the same manner as described for the HSIP and 402 programs.

#### **5. 402 Highway Safety Program**

Title 23 USC Section 402 establishes a program area for roadway safety that is "non-construction" oriented. FHWA-funded activities target identification and surveillance of crash locations; highway design, construction, and maintenance; traffic engineering services; and pedestrian and bicycle safety

NHTSA has been delegated the lead role in handling financial and administrative aspects of FHWA's portion of the program.

ODPS prepares an annual Highway Safety Plan (HSP) as the planning component of the program, submits a certification statement, and issues a benchmark report. Federal approval is provided by NHTSA in the form of a letter acknowledging ODOT's submission. NHTSA is the lead agency in working with ODOT on

using the results of the evaluation process, with FHWA available to provide technical support either to ODPS or NHTSA in the area of roadway safety.

## **6. Crash Data Collection and Analysis**

Title 23 USC 148 requires each state to use data covering all public roads in order to ensure that ODOT is making funds available to the appropriate local political authorities to improve safety at these locations. FHWA serves member of the State's Traffic Records Coordinating Committee, which is charged with improving the quality and timeliness of crash data from all law enforcement agencies within the state.

### **b. Applicable Laws, Regulations, and Orders**

- 23 USC Sections 130, 148, 159, 163, 164, 315, 402
- 23 CFR Part 646, Part 924 and Part 1200

### **c. Program Approval Actions**

- 23 USC Sections 130 and 148: ODOT provides an annual program evaluation report under the Highway Safety Improvement Program (HSIP), including Hazard Elimination Projects, High Risk Rural Roads, identification of the top 5% of the state's most hazardous locations, and Rail Crossing Improvement Projects. FHWA reviews the State's submission for compliance with the approved guidance regarding the annual reporting requirements.
- 23 USC Section 148: ODOT will submit Ohio's SHSP to FHWA for approval that the State has followed the prescribed process for coordination with its safety partners as outlined. FHWA will review, and approve, the State's submission using the SHSP Checklist developed by FHWA HQ.
- 23 USC Section 148: ODOT will submit an implementation plans for each emphasis area of Ohio's SHSP to FHWA for approval. FHWA will review the implementation plans to ensure that they meet both State & National emphasis areas.
- 23 USC Section 159: ODPS will submit an annual certification to FHWA indicating either opposition to or enactment/enforcement of a law requiring the revocation or suspension of drivers' licenses of individuals convicted of

drug offenses. FHWA will ensure that the certification language meets the requirements of 23 CFR 192.

- 23 USC Section 163: ODOT must annually jointly notify FHWA and NHTSA of the intended use of the Section 163 incentive funds. FHWA will coordinate with NHTSA to ensure that the funds will be expended in accordance with this regulation.
- 23 USC Section 164: ODOT & ODPS must submit a notification to FHWA and NHTSA identifying how the Repeat Intoxicated Drivers penalty transferred funds will be used. ODPS will include all Section 164 penalty transfer projects in the annual Highway Safety Plan (HSP) developed under Section 402. It will also include any Section 164 Penalty Transfer Projects advanced as hazard elimination safety construction projects based on Section 148 criteria in the annual program of projects under the Highway Safety Improvement Program.
- 23 USC Section 402: FHWA will coordinate with NHTSA on program based Federal actions necessary under the Section 402 Program.

#### **d. Project Approval Actions**

- FHWA will verify that projects are in the current HSIP, and approve project authorizations, modified project agreements and final vouchers on all Section 130 and 148 projects.
- FHWA will collaborate with NHTSA on any project level action required for Section 402 projects.
- Section 164 Penalty Transfer Projects, though handled by NHTSA due to transfer to Section 402, will be handled by FHWA similar to Section 148 projects, following partnership agreement procedures except that no financial actions will be taken by FHWA.

#### **e. Monitoring**

- FHWA participates as a team member in ODOT-led task forces and teams that are formed as needed to address perceived needs or problems.
- FHWA participates as a member of the ODOT Traffic Control Review Team that is responsible for assessing work zone traffic control practices and safety, as well as new traffic and safety-related technology and devices.

- FHWA may conduct inspections, including finals, on a statewide sampling basis through annual and process reviews.
- FHWA will provide ongoing technical assistance in the planning, implementation, and evaluation components of the HSIP, and will work cooperatively with ODOT to use process reviews to assess and improve procedures.
- FHWA will support NHTSA in monitoring of Section 402 Program activities by participating in periodic management reviews conducted by NHTSA and by working cooperatively with ODOT.
- ODOT will monitor the Safety and Congestion Work Plan

**f. Performance Indicators**

- 1) Reduce highway fatality rate.
- 2) Reduce frequency of crashes 10% by 2015.
- 3) Complete all high crash location studies by June 30<sup>th</sup> of each year.

**g. Business Standards**

- FHWA will review and approve future revisions to the SHSP and the process used to develop such revisions for compliance with 23 USC 148 within 30 days.
- FHWA will approve revisions to the HSIP within 2 weeks

**h. Approved Procedures/Agreements/Manuals**

- ODOT Highway Safety Program (ODOT Policy 122-002(P))

Section 130 Projects – Rail-Highway Grade Crossings:

The ORDC uses the “simplified” procedure contained in 23 CFR 646.218 for advancing all rail/highway grade crossing projects to the construction stage. ODOT will work with the railroad and local road authority (when necessary) to develop a fully executed agreement, right of way certification and detail estimate for the project. Upon authorization by FHWA, ORDC will authorize the railroad to proceed with construction for each location.

Section 130 projects are funded with a 90% Federal share and 10% State or Local match.

It is ORDC and FHWA policy to assure that adequate warning devices are selected and installed when Federal funds are used at rail/highway grade crossings. The determination of adequacy is made cooperatively between the railroad company, the road authority having jurisdiction over the highway, ODOT and FHWA. As a condition of the construction funding request submitted to FHWA, ODOT and FHWA agree that FHWA obligation of funds serves as Federal approval of a determination of adequacy pursuant to 23 CFR 646.214(b).



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## **17. SPECIFICATIONS**

### **a. Program Overview**

Specifications provide for the basis of payment and facilitate the administration of contracts. Specifications delineate the means and methods for the work. They establish levels of acceptability. They serve as the basis for project decisions. In sum specifications serve as the basis for delivering the highway product to the end user. Specifications include: the Construction and Material Specification Book (C&MS), Supplemental Specifications, Supplements, and Proposal Notes.

The regulations do not require ODOT to have standard specifications. However, the regulations do require that the PS&E for Federal-aid construction projects on the National Highway System be approved on a project-by-project basis prior to advertisement of the project. The FHWA approval of standard specifications is done as a convenience to simplify the PS&E review process. Once approved, the standard specifications can be used on Federal-aid projects without further review. In the absence of pre-approved standard specifications all of the required specification information would have to be included and approved as part of the PS&E package for each project.

ODOT does not differentiate between NHS and Non-NHS projects when it comes to the development and implementation of Specifications, a single set of Specifications is used. State standard Specifications are developed in accordance with ODOT's Standard Procedure: 510-005(SP).

### **b. Applicable Laws, Regulations, and Orders**

- 23 USC 106 and 109
- 23 CFR 625
- 23 CFR 630 Subpart B
- 23 CFR 635.127 Federal-Aid Policy Guide Non-Regulatory Supplement NS 23 CFR 630B
- FHWA, Technical Advisory T 5080.16, Development and Review of Specifications

### **c. Program Approval Actions**

- The ODOT Construction and Material Specifications are approved by FHWA on a program basis to facilitate project approvals.
- FHWA will approve updates to the Liquidated Damages Specification C&MS 108.7 every two years in accordance with the provisions at 23 CFR 635.127.

### **d. Project Approval Actions**

- Non-standard Construction and Material Specifications are approved on a project-by-project basis at the time of PS&E, in accordance with the agreed level of project oversight.

### **e. Monitoring**

- The FHWA will participate in the various specification committees.
- FHWA will assess the performance of individual specifications via the conduct of program and project reviews conducted in accordance with this Agreement.

### **f. Business Standards**

- FHWA will perform a quality control review of proposed specifications and provide comments to ODOT within 30 days of receipt.
- FHWA will approve revised specifications within 14 days of receipt.

### **g. Approved Procedures/Agreements/Manuals**

- ODOT, Construction and Materials Specification Development Policy, 27-005(P)
- ODOT, Construction and Materials Specification Development Standard Procedures, 510-005(SP)
- ODOT, Specification Committee Supplemental Instructions
- ODOT, Qualified Products List process
- ODOT, Approved List Procedure
- ODOT, Distribution of Standard Drawings, Design Manuals, Proposal Notes, & Supplemental Specifications Policy, 16-004(P)
- ODOT, Distribution of Standard Drawings, Design Manuals, Proposal Notes, & Supplemental Specifications standard procedure, 122-004(SP)
- ODOT, Locally-Administered Transportation Projects Policy, 25-001(P)
- ODOT, Construction and Material Specification books, Supplemental Specifications, Supplements, and Proposal Notes

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## **18. TRAFFIC OPERATIONS**

### **a. Program Overview**

Traffic Operations is a cross cutting program area that touches many aspects of the highway program. Traffic operations contributes heavily to project development through engineering analysis of vehicle and pedestrian movement that are needed to produce sound project level decisions affecting safe and efficient highway operations. It is also an area that contributes heavily to the operations and physical maintenance of highway facilities by providing techniques, procedures, management practices/systems and inventory tools.

ODOT and FHWA have formed partnerships in support of safety and congestion relief initiatives with other State and local agencies, including fire and law enforcement.

In Ohio, the FHWA's Traffic Operations Program includes the following core elements and components:

- Management of Non-Recurring Congestion
  - *Traffic Incident Management Systems* provide for identification and response to vehicle crashes and breakdowns with appropriate emergency services and to restore normal traffic flow and to reduce secondary crashes.
  - *Work Zone Traffic Control* helps to improve safety and efficiency of vehicular movement through work zones. A new federal regulation, 23CFR630, requires agencies receiving federal funds to implement certain procedures. FHWA is an active participant on ODOT committees and review teams that examine and improve on ODOT standards, practices, and applications of work zone traffic control and safety.
- Management of Recurring Congestion
  - *Freeway Management Operations* improve traffic flow on high volume roads by monitoring traffic conditions and providing appropriate responses to those conditions, through the use of Traffic Incident Management programs, ramp metering, and Traveler Information Systems.

- *Arterial Management Systems* involve traffic signal coordination and optimization of traffic flow by adjusting timing and patterns either based on time-of-day or in response to real-time traffic data.
- Improving Day-to-Day Traffic Operations
  - *Traffic Control and Standards* includes the adoption and use of standard traffic control devices - such as signing, pavement markings, signals, and zones – detailed in the Manual on Uniform Traffic Control Devices (MUTCD), and the conformance of the State MUTCD to be in substantial conformance with the national MUTCD. Changes to the national MUTCD issued by the FHWA must be adopted by the states within two years of issuance. FHWA is an active participant in ODOT committees to prepare revisions to the Ohio MUTCD.

#### **b. Applicable Laws, Regulations, and Orders**

- 23 USC Chapter 1, Sections 101, 104, 109, 114, 116
- SAFETEA-LU Title I, Subtitle A, Section 1110
- 23 CFR Part 1.27, Part 630, and Part 655 Subpart F

#### **c. Program Approval Actions**

- FHWA will review and approve ODOT's work zone policies and standards for conformance with FHWA Work Zone Role (23 CFR 630)
- FHWA reviews and approves the Ohio MUTCD for conformance to the national MUTCD. FHWA also reviews and approves modifications and supplements to the Ohio MUTCD.

#### **d. Project Approval Actions**

- FHWA's specific approval of traffic operations elements of project development will occur coincident with environmental approvals when the traffic operations studies are supporting alternative selection decisions.
- FHWA's specific approval of traffic operations elements of project plans will be approved coincident with PS&E approval dependent on the project's exemption status.
- FHWA's approval of traffic analyses that support interchange/access modification will be approved coincident to the interchange/access modification.

#### **e. Monitoring**

- FHWA will conduct routine project and final inspections of traffic operations aspects on FHWA Oversight projects. For all other projects, FHWA may conduct process reviews.
- FHWA will conduct routine evaluation of the maintenance of traffic on active Federal-aid projects to assure traffic operations components are being adequately maintained.
- FHWA will provide ongoing technical assistance in the area of traffic operations, will include this area in routine risk assessment evaluations, and will work cooperatively with ODOT to use process reviews to assess and improve processes and procedures.
- FHWA will review and approve ODOT's workzone policies and standards for conformance with FHWA Work Zone Rule (23 CFR 630)

#### **f. Performance Indicators**

- 1) Monitor % of daily travel under congested conditions.

#### **g. Business Standards**

- ODOT will notify FHWA of adoption or significant locally produced application of regulatory provisions including the MUTCD, AASHTO Policy and Work Zone Safety and Mobility Regulations within 30 days of adoption.
- FHWA will follow prescribed processing requirements for individual project actions related to Traffic Operations as defined in this partnership agreement.
- ODOT will fully involve FHWA in all aspects of freeway interchange addition or change studies and proposals.

#### **h. Approved Procedures/Agreements/Manuals**

- ODOT Location & Design Manuals
- ODOT Local Public Agency Manual
- ITS Regional Architectures and Strategic Plans
- ODOT Standard Specifications
- ODOT Standard Detail Drawings
- ODOT Maintenance Manual
- ODOT Construction Manual
- ODOT Supplemental Specifications and Special Provision
- Ohio MUTCD

# APPENDIX A

## ACRONYMS

ACHP	Advisory Council on Historic Preservation
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CPG	Consolidated Planning Grant
DBE	Disadvantaged Business Enterprise
EA	Environmental Assessment
EIS	Environmental Impact Statement
ER	Emergency Relief
EEO	Equal Employment Opportunity
FAHP	Federal-Aid Highway Program
FAPG	Federal-Aid Policy Guide
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FONSI	Finding Of No Significant Impact
GIS	Geographic Information System
HBRRP	Highway Bridge Replacement and Rehabilitation Program
HSIP	Highway Safety Improvement Program
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITS	Intelligent Transportation Systems
LRFD	Load and Resistance Factor Design
LPA	Local Public Agency
LTAP	Local Technical Assistance Program
L&D	Location & Design
MUTCD	Manual on Uniform Traffic Control Devices
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
NBI	National Bridge Inspection
NBIS	National Bridge Inspection Standards
NEPA	National Environmental Policy Act
NHS	National Highway System
NHTSA	National Highway Traffic & Safety Administration
NOI	Notice of Intent
ODNR	Ohio Department of Natural Resources

ODPS	Ohio Department of Public Safety
ODOT	Ohio Department of Transportation
ORDC	Ohio Rail Development Commission
OSHPO	Ohio State Historic Preservation Officer
OJT	On-the-Job Training
OPI	Organizational Performance Indicators
PS&E	Plans, Specifications, and Estimate
PMP	Project Management Plan
QA	Quality Assurance
QAR	Quality Assurance Review
QC/QA	Quality Control/Quality Assurance
QIR	Quality Improvement Review
RAC	Research Advisory Committee
ROW	Right-Of-Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users
SRTS	Safe Routes to School
SPR	Statewide Planning & Research
SHSP	Strategic Highway Safety Plan
TEA-21	Transportation Equity Act for the 21st Century
TMA	Transportation Management Area
TRAC	Transportation Review Advisory Council
UPWP	Unified Planning Work Program
USC	United States Code
USACE	United States Army Corps of Engineer
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VE	Value Engineering

# APPENDIX B

## DEFINITIONS

**"3-R" Project:** A type of highway-oriented project that is designed to preserve and extend the service life of the existing facility and to enhance safety. This typically involves resurfacing, restoration, or rehabilitation of an existing facility.

**"4-R" Project:** A type of highway-oriented project that is designed to add capacity, modify and/or create new access points, reconstruct existing pavements and structures, or create new facilities on new location.

**Control Document:** Applicable standards, policies, and standard specifications that are acceptable to FHWA for application in the geometric and structural design of highways.

**Delegated Projects:** Projects that are exempt and do not require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project-by-project basis, as per Title 23 USC 106, subject to ODOT fulfilling the prior role of FHWA.

**FHWA Oversight Projects:** Projects that require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project-by-project basis.

**Major Projects:** Projects with an estimated total cost greater than \$500 million, or projects approaching \$500 million with a high level of interest by the public, Congress, or the Administration.

**One-Step Design-Build Project:** A type of design-build project that is awarded to the low bidder through the letting process. This involves a single step, the submittal of a bid by design-build teams for the project. This is the predominant type of design-build contract used in Ohio, and is the method approved by the FHWA as part of Special Experimental Project 14.

**Oversight:** This is the act of ensuring that the Federal-aid Highway Program is delivered consistent with applicable laws, regulations, and policies. In this context, oversight is the compliance or verification component of FHWA stewardship activities. Narrowly focused, oversight activities ensure that the implementation of the various elements of the Federal-aid Highway Program is in accordance with applicable laws, regulations, and policies. More broadly focused oversight activities enable the FHWA to ensure the effective delivery and operation of the transportation system envisioned in its base Federal statutes.



**Performance/Compliance Indicators:** These indicators track performance trends, health of the Federal-aid Highway Program, and compliance with Federal requirements.

**Program Accountability:** As defined by the FHWA Ohio Division Office, this is an overarching combination of program-wide "stewardship" and "oversight" that is achieved through close coordination with the ODOT.

**Risk Management:** The systematic identification, assessment, planning, and management of threats and opportunities faced by FHWA projects and programs.

**Stewardship:** This is the efficient and effective management of the public funds that have been entrusted to the FHWA. In this context, stewardship reflects the FHWA's responsibility for the development and implementation of the various elements of the Federal-aid Highway Program, and involves all FHWA program delivery activities (e.g., leadership, technology deployment, technical assistance, problem solving, program administration, and oversight).

**Two-Step Design-Build Project:** A type of design-build project in which the qualifications of the design-build team are evaluated prior to the acceptance of cost proposals. The selection process consists of two steps: (a) the submittal and review of qualifications and project approach and (b) the subsequent submittal of technical and cost proposals by the design-build teams. The value added by the design-build proposal is then factored into the cost proposal to determine the low bidder. ODOT has been working on defining a two-step design-build process, which will be submitted to FHWA for review upon its completion.

# APPENDIX C

## ADMINISTRATIVE AGREEMENTS

### Existing Formal Agreements

**Title/Topic:** Categorical Exclusion (CE) Programmatic Agreement

**Description:** Under this agreement, ODOT determines applicability of FHWA's prior approval on CE and wetlands findings.

**Parties Involved:** ODOT and FHWA

**Date Issued/Revised:** March 6, 2003

**Title/Topic:** Historic Bridge (Section 106) Programmatic Agreement

**Description:** This agreement establishes what bridges are historic, pursuant to Section 106. Also, historic bridges are managed as a system, in which the historic status is more quickly identified.

**Parties Involved:** Advisory Council on Historic Preservation (ACHP), Ohio State Historic Preservation Officer (OSHPO), ODOT, and FHWA

**Date Issued/Revised:** April 3, 2002

**Title/Topic:** Section 106 Programmatic Agreement

**Description:** ODOT would act on behalf of OSHPO and FHWA for all actions that do not have an Adverse Effect, pursuant to Section 106. In case of an Adverse Effect, ODOT would determine the Area of Potential Effect.

**Parties Involved:** ACHP, OSHPO, ODOT, and FHWA

**Date Issued/Revised:** July 17, 2006

**Title/Topic:** Agreement for Stream Crossings and/or Minor Wetland Fills

**Description:** This agreement outlines prior concurrence on CE projects based on literature searches, thereby ensuring compliance with the Endangered Species Act and the Fish and Wildlife Conservation Act.

**Parties Involved:** U.S. Fish and Wildlife Service (USFWS), Ohio Department of Natural Resources (ODNR), ODOT, and FHWA

**Date Issued/Revised:** July 22, 2003

**Title/Topic:** Farmland Agreement

**Description:** This agreement establishes when coordination for the Farmland Preservation Policy Act is required (although such coordination is seldom required).

**Parties Involved:** U.S. Soil Conservation Service (now the U. S. Natural Resource Conservation Service), ODOT, and FHWA

**Date Issued/Revised:** December 4, 2000

**Title/Topic:** Section 4(f) Programmatic Agreement

**Description:** Under this agreement, ODOT acts on nationwide Section 4(f) programmatic evaluations and makes non-applicability determinations. There are several exceptions.

**Parties Involved:** ODOT and FHWA

**Date Issued/Revised:** October 10, 2001

**Title/Topic:** Carbon Monoxide (CO) Hot-Spot Analysis Requirements MOU

**Description:** This MOU establishes when a project-level CO analysis is required, pursuant to the 1990 Clean Air Act Amendments.

**Parties Involved:** Ohio EPA, ODOT, and FHWA

**Date Issued/Revised:** January 1997

**Title/Topic:** Alternate Procedures for Consultant Selection

**Description:** This agreement allows the use of ODOT procedures in selecting consultants, with FHWA program-level oversight. The latest amendment of this agreement specifies that ODOT maintains copies of agreements for FHWA review, instead of forwarding a copy of each agreement.

**Parties Involved:** ODOT and FHWA

**Date Issued/Revised:** The agreement originally was enacted on July 26, 1994. However, a minor revision (see above) was made in 2001.

**Title/Topic:** Section 404 and Section 10 Permits Cooperative Agreement

**Description:** This agreement provides for priority review of Section 404 and Section 10 permits through interagency funding of the United States Army Corps of Engineers (USACE) for Federal-aid highway projects in Ohio. It establishes a USACE office in Columbus that works exclusively on ODOT projects.

**Parties Involved:** ODOT, FHWA, and USACE

**Date Issued/Revised:** May 16, 2005

**Title/Topic:** State Scenic Rivers Memorandum of Agreement

**Description:** It establishes coordination procedures and Best Management Practices for highway projects within 1,000 feet of a State Scenic River.

**Parties Involved:** ODOT, ODNR, and FHWA

**Date Issued/Revised:** February 4, 2003

**Title/Topic:** Programmatic Agreement for Utility Agreements

**Description:** This agreement streamlines the overall process by allowing ODOT to act on behalf of the FHWA for actions such as utility relocation plans, estimates, reimbursement eligibility, and billings, with compliance assurance resting with the Central Office Utilities Section.

**Parties Involved:** ODOT and FHWA

**Date Enacted:** January 9, 2004

### **Existing Informal Agreements**

**Title/Topic:** Informal Agreement with USEPA

**Description:** The intent of this agreement is to keep USEPA informed on substantive issues in Ohio. For example, ODOT periodically provides USEPA with information on approaches for satisfying NEPA requirements. As part of this understood arrangement, ODOT annually sends its High Impact List (those projects expected to be EA/FONSI) to USEPA.

**Parties Involved:** USEPA, ODOT, and FHWA

**Date Enacted:** Not Applicable. Used but never formally documented.

**Title/Topic:** Materials Certificates

**Description:** Under this informal agreement, material certificates are maintained in ODOT project files and are not routinely submitted to FHWA. However, these certificates can be obtained by FHWA, upon request.

**Parties Involved:** ODOT and FHWA

**Date Enacted:** This informal agreement was established in late-2001 and supplemented through a March 27, 2002 letter from FHWA to ODOT.

**Title/Topic:** Right-of-way Certificates

**Description:** Under this informal agreement, ODOT no longer submits copies of right-of-way certificates to the FHWA. For Federal Oversight projects, ODOT provides an electronic version of the right-of-way certificate with the PS&E package. ODOT's Office of Contracts retains the original copies of these certificates for all projects.

**Parties Involved:** FHWA and ODOT

**Date Enacted:** This informal agreement was enacted in January 2002. This agreement will be reflected in a set of process documentation that is being prepared by ODOT and FHWA.

### **Proposed Formal Agreement**

**Title/Topic:** Endangered Species Programmatic Consultation Agreement

**Description:** This agreement intends to improve agency coordination and streamline the Endangered Species Act consultation process regarding the Indiana Bat.

**Parties Involved:** USFWS, ODOT, and FHWA

**Date Issued/Revised:** Fall 2006

## **APPENDIX D**

### **KEY ODOT POLICIES ON THE FEDERAL-AID PROGRAM**

Analysis and Abatement of Highway Traffic Noise (21 -001 (P))  
Related Standard Procedure (41 7-001 (SP))

State Scenic Byway Program Policy (31 0-002(P))

Transportation Enhancement Policy (31 0-001 (P))

Development Process Policy for Locally Administered Transportation  
Projects (25- 001 (P))

Construction and Materials Specification Development Policy (27-005(P))  
Related Standard Procedure -Construction and Materials  
Specification Development Standard Procedures (51 0-005(SP))

Value Engineering Policy (51 0-001 (P))

Warranty Policy (51 0-002(P))

Completion Dates/Liquidated Damage Policy (51 2-001 (P))

Change Orders Policy (51 2-004(P))

Acceptance of Non-Specification Materials Policy (51 2-005(P))

Enforcement of Prevailing Wage Laws Policy (51 5-001 (P))

Material Documentation Process Policy (51 5-001 (P))

Pavement Design and Selection Process Policy (51 5-002(P))

Quality Assurance Review Policy (220-001 (P))  
Related Standard Procedure (223-001 9(SP))