

# **Federal-aid Highway Program Stewardship and Oversight Agreement**

## **Iowa Department of Transportation And Federal Highway Administration Iowa Division**

The Federal Highway Administration, Iowa Division (FHWA), and the Iowa Department of Transportation (Iowa DOT) enter into this agreement to conduct project oversight activities in accordance with the following stipulated agreement elements. This agreement outlines responsibilities and accountability for FHWA and Iowa DOT. The purpose of this agreement is to clarify actions, prevent misinterpretations, and avoid time delays. This agreement is intended to be a living document that when needed can be modified to incorporate additional legislation, additional processes, or other changes to improve program and project delivery in the State of Iowa.

At a minimum, this agreement will be reviewed annually by FHWA and Iowa DOT in January of each year. FHWA or Iowa DOT may initiate amendments to this Agreement should essential modifications become apparent to either party.

/s/ Lubin M. Quinones

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Lubin M. Quinones  
Division Administrator  
Federal Highway Administration

July 31, 2012

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Date

/s/ Paul Trombino III

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Paul Trombino, III  
Director  
Iowa Department of Transportation

August 2, 2012

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Date

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## **1. Purpose**

### **1.1. Purpose of Agreement**

The purpose of this Stewardship and Oversight Agreement is to formalize the roles and responsibilities of the Federal Highway Administration, Iowa Division (FHWA), and the Iowa Department of Transportation (Iowa DOT) in administering the Federal-Aid Highway Program. This Stewardship and Oversight Agreement outlines a consistent risk-based approach for FHWA and Iowa DOT to effectively and efficiently manage the Federal-aid Highway Program and ensure that it is delivered in accordance with laws, regulations, policies, and good business practices. FHWA and Iowa DOT administer the Federal-aid Highway Program through program and project management, and use a number of management tools to monitor the health of the Federal-aid Highway Program including performance indicators/measures, program assessments such as the Risk Management Framework, program reviews including the Financial Integrity Review and Evaluation (FIRE) Program, and other tools. Iowa DOT accepts joint responsibility as the project approval authority for delegated activities (also referred to as State Administered in this Agreement) in accordance with Section 106 of Title 23, United States Code (U.S.C.).

FHWA retains overall responsibility for the Federal-aid Highway Program and retains the right and authority to review all aspects of the Iowa DOT's delivery of the Federal-aid Highway Program. Nothing in this Agreement will limit FHWA from accessing or reviewing any Federal-aid program and/or project or Iowa DOT's or sub-recipient's documents that are pertinent to the delivery of the Federal-aid Highway Program.

### **1.2. Authority for Delegation**

Section 106 of Title 23, United States Code, requires FHWA and Iowa DOT to enter into an agreement that documents the delegation of responsibilities. The FHWA Stewardship/Oversight Agreement Guidance issued May 8, 2006, encouraged all division offices to implement a comprehensive approach in developing their Stewardship and Oversight Agreement. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 further defined the requirements of stewardship and oversight responsibilities including increased efforts pertaining to Major Projects. SAFETEA-LU builds on the foundation of two laws that brought surface transportation into the 21st century – the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) of 1998. SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance while giving state and local transportation decision makers the ability to enhance transportation systems and implement innovative solutions to transportation challenges. FHWA is charged with administering the Federal-aid Highway Program under Title 23 of the Code of Federal Regulations (CFR) and

associated laws. SAFETEA-LU and the two preceding transportation laws allow Iowa DOT to accept certain delegated responsibilities for FHWA including approvals related to the National Environmental Policy Act (NEPA), design, award, and construction of Federal-aid projects.

### **1.3. Stewardship Expectations**

This Agreement outlines the framework by which FHWA and Iowa DOT will administer the Federal-aid Highway Program efficiently and effectively to maintain a national highway network, improve operation, improve safety, and provide for national security while protecting and improving the environment. This Agreement addresses the comprehensive approach in administering the Federal-aid Highway Program through stewardship and delegated roles and responsibilities to Iowa DOT.

## **2. Iowa DOT and FHWA Roles and Responsibilities**

### **2.1. Role/Expectations of Iowa DOT**

Iowa DOT is empowered through delegation as provided under Federal law to monitor, review, and/or approve activities related to the use of Federal-aid funds. Iowa DOT, in conformance with Title 23, U.S.C., accepts responsibilities for delegated duties in this Agreement. Iowa DOT is responsible for administering the delegated aspects of the Federal-aid Highway Program in a manner that ensures efficient and effective use of the Federal-aid funds and compliance with federal laws and regulations. Iowa DOT, along with FHWA, is responsible for ensuring financial integrity and compliance with applicable laws and regulations.

### **2.2. Role/Expectations of FHWA**

FHWA will monitor the Federal-aid Highway Program and maintain review and/or approval authority (as defined in the section of this agreement labeled *Delegated Program and Project Responsibilities*) of non-delegated activities. FHWA, along with Iowa DOT, is responsible for ensuring financial integrity and compliance with applicable laws and regulations. FHWA is accountable for the Federal-aid Highway Program and ensuring that it is delivered in an efficient and effective manner. FHWA will review, at their discretion, any program or project including those that have unique features, high-risk elements, unusual circumstances, or projects included in program and/or process reviews.

### **3. Methods of Oversight**

#### **3.1. Risk Assessment and Program Assessment**

Risk assessments and program assessments will be used in a cooperative effort between Iowa DOT and FHWA in evaluating program areas. This effort will focus on balancing risk with consideration for staffing resources, funding within Federal-aid Highway Programs, and highway needs within the state. Iowa DOT will work collaboratively with FHWA to identify risks and make practical resources available to address FHWA's risk assessment findings.

The risk assessment process will be led by FHWA and will be performed annually by Iowa DOT and FHWA staff for the various program areas (e.g. planning, environment, design, construction, and so on). These assessments identify the level of risk (high, medium, and low) for each area. Program assessments may be used as a step in the risk assessment process. The risk assessment process provides key input in identifying FHWA's major initiatives and activities in FHWA's Performance Plan and it assists FHWA and Iowa DOT with resource planning (e.g. personnel, budget, priorities, and so on) to address these initiatives.

The primary purpose of a program assessment is to evaluate the current state of a program and to identify strengths and opportunities for improvement of the various program areas. In collaboration with Iowa DOT, FHWA staff is responsible for completing the program assessments and addressing the findings.

#### **3.2. Program of Oversight Initiatives (POI)**

FHWA and Iowa DOT are held to a high standard of accountability and transparency, and are frequently assessed by various Federal review teams. To improve consistency in program oversight among the FHWA Division Offices, a single, comprehensive oversight document (Program of Oversight Initiatives, POI) that reflects all of the proposed FHWA oversight initiatives for the coming performance year will be created by FHWA. In the past, numerous oversight initiatives were documented in many places, including: FHWA's Unit Plan, Risk Assessment, and the Stewardship and Oversight Agreement. By developing a POI, FHWA can readily capture all initiatives associated with FHWA oversight responsibilities. This puts FHWA in a better position to respond to the various Federal reviews and audits, and allows FHWA to explain what is being done in its risk-based program oversight.

FHWA will prepare, by June 1<sup>st</sup> of each year, a POI that summarizes FHWA's planned oversight activities for the FHWA Performance Year (June 1<sup>st</sup> through May 31<sup>st</sup>). The oversight activities will be discussed with Iowa DOT during May leadership meetings between Iowa DOT and FHWA to discuss any changes or new initiatives in planned oversight and reporting activities.

### **3.3. Financial Integrity Review and Evaluation Program**

FHWA has implemented the Financial Integrity Review and Evaluation (FIRE) program (FHWA Order 4560.1B) 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 maintained in conducting day-to-day operations, both within FHWA and Iowa DOT. FHWA is responsible for completing the components of the FIRE program on an annual basis, and coordinating with Iowa DOT personnel, as necessary.

### **3.4. Program Reviews**

Iowa DOT and FHWA will monitor activities and exercise controls as necessary within their respective areas of responsibility to ensure all Federal-aid projects are carried out in compliance with applicable laws, regulations, and standards. The monitoring of these activities is intended to evaluate procedures and policies used in delivering the Federal-aid Highway Program, and to identify strengths and opportunities for improvement. Furthermore, the monitoring activity will be both on a program-wide and project level basis using key processes such as (but not necessarily limited to) project reviews/project management teams, process reviews/program evaluation (PR/PE), project inspections, subrecipient activities, and partnering activities. Other methods of monitoring projects and programs include reviewing Iowa DOT reports, attending monthly/periodic meetings, and performing the normal day-to-day interactions. Further discussion of the key processes is provided below.

#### **3.4.1. Process Reviews/Program Evaluations (PR/PE)**

FHWA uses PR/PEs to evaluate project development and construction activities. The primary purpose of the PR/PE program is to provide FHWA with a monitoring and control technique that documents procedures and processes and further assures FHWA that Federal-aid funds are being spent in accordance with Federal laws, regulations, and policies. In addition, PR/PEs evaluate the effectiveness of processes, procedures, and products developed by Iowa DOT in all phases of a project, as well as the internal operations of FHWA. Based in part on these reviews, assurances can be made that a program is being implemented as intended and is producing a product of expected quality. PR/PEs can be used to evaluate either or both Title 23 and non-Title 23 activities on Federal-aid projects, regardless of route designation [i.e., National Highway System (NHS) or non-NHS] or Federal-aid funding category.

PR/PEs are generally selected as a result of the risk assessment process conducted annually. This is a systematic process of consistent discovery and detection of potential risk events in all areas of the Federal-aid Highway Program. PR/PEs



may also be initiated and conducted as necessary throughout the year if an emerging topic/issue is determined by the FHWA leadership team to be of significant risk to FHWA at the national, regional, or statewide level. FHWA staff will involve and discuss potential projects with their Iowa DOT counterparts prior to topic selection. With the limited number of resources (staff, budget, etc.) available to FHWA and Iowa DOT, PR/PEs will be conducted on an “as needed” basis. That is, there will not be a specified total number of PR/PEs to be conducted per year by FHWA, and accordingly, there will not be a specified number of PR/PEs to be conducted in a particular emphasis area (i.e., environment, design, construction, etc.) in a year.

The PR/PE topics should be strategically identified to achieve program goals, while balancing the associated risks, priorities, and available resources of FHWA and Iowa DOT. The associated risks may include statutory requirements, evidence of non-compliance, lack of established procedures, quality, and competencies of personnel, and FHWA’s relationship with Iowa DOT. Benefits or payoffs should also be considered in the selection of PR/PE topics. Payoff issues include looking at the quality of the system, technical complexities, advancing innovative technologies, and cost-effective solutions.

PR/PEs will normally be conducted using a joint FHWA/Iowa DOT team approach, typically with 2-5 members to a team. When appropriate, the PR/PE should include a financial review and involve members of the FHWA and Iowa DOT finance sections to review and determine if appropriate internal controls exist to detect and prevent possible fraud, waste, or abuse of Federal-aid funds. It is the goal of FHWA to have Iowa DOT personnel as active members on each PR/PE team, recognizing that there may be times when, due to differing priorities or lack of available resources, this may not be possible. Iowa DOT team member(s) should periodically brief Iowa DOT management of the status and findings of the PR/PE. The draft final report with findings and recommendations will be discussed by FHWA and Iowa DOT management. The purpose of this discussion is to document feedback on the findings and develop a joint implementation plan for the agreed upon recommendations.

### **3.4.2. Program Accountability & Results (PAR) Reviews**

PAR Reviews are FHWA reviews to determine quickly whether a program or process is being conducted efficiently, effectively, and in compliance with federal requirements; based on a limited sample size. They may be used to follow up on PR/PE recommendations or as part of the risk assessment process to select PR/PE topics. They are generally very limited in scope, typically looking at a sample of 10 projects.

### **3.4.3. 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 among FHWA, Iowa DOT, Resource Agencies, and industry. Examples of this activity include; ACEC-IA/Iowa DOT/FHWA, advisory committees for urban interstate reconstruction projects, task forces, quality management committees.

## **3.5. Program Management**

### **3.5.1. Project Reviews/Project Management Teams**

Project reviews/project management teams focus on developing a project for letting and assuring that stewardship/oversight requirements are met.

### **3.5.2. Project Inspections**

Project reviews may focus on any aspect of a Federal-aid highway project. These reviews will monitor the goal that the project be completed on time, within budget, and with the highest degree of quality and safety.

FHWA project inspections are conducted with Iowa DOT personnel and are designed to focus on evaluating and improving current activities and following-up on unresolved issues from previous FHWA 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 with Iowa DOT. The degree of project review activity is established by FHWA, in discussions with the individual FHWA Transportation Engineer and appropriate FHWA Program Specialist, based on risk, comfort level, and resources to conduct reviews.

## **3.6. Sub-recipient Activities**

Iowa DOT will also monitor sub-recipient activities to assure compliance with applicable Federal requirements. Sub-recipient monitoring will cover each program, function, or activity, and as part of the overall monitoring will include an assessment of the sub-recipient's ability to manage Federal-aid projects.

## **4. Control Documents**

### **4.1. FHWA Reviewed/Approved Iowa DOT Manuals, Policies, Specifications, Guides, and Procedures**

A listing of applicable documents reviewed for compliance with Federal-aid requirements and/or approved by FHWA is contained in Appendix A. Revisions to any of these manuals, policies, specifications, etc., that are related to Federal-aid will be sent to FHWA for approval/concurrence before the revision is implemented. FHWA approval procedures are documented in section 6.2.2 and appendix G. Appendices F and G list project and program actions, federal fund eligibility references, responsible party identification for Iowa DOT and FHWA, action requirements, and approval authority identification.

### **4.2. AASHTO and Related Manuals, Policies, Specifications, and Guides**

A listing of these applicable documents is contained in Appendix B.

### **4.3. Federal Laws, Regulations, and Policies (Applicable to Federal-aid Projects)**

A listing of applicable Federal laws, regulations, and policies is contained in Appendix C.

## **5. Stewardship/Oversight Indicators**

A listing of applicable stewardship/oversight indicators is contained in Appendix D. Iowa DOT's stewardship/oversight indicators will be transmitted to FHWA by December 31 of each year. FHWA's stewardship/oversight indicators will be reported to Iowa DOT by December 31 of each year.

These indicators should be used to set targets, track trends, and to implement actions. For example, countermeasures may include increased attention/review of the issue or developing new processes/procedures. Iowa DOT and FHWA will review these indicators in January of each year.

## **6. Delegated Program and Project Responsibilities**

### **6.1. FHWA Overall Responsibility Retention**

Notwithstanding this Agreement, FHWA retains overall responsibility for all aspects of Federal-aid Highway Programs. This Agreement does not preclude FHWA access to and

review of a Federal-aid project at any time and does not replace the provisions of Title 23, U.S.C. Program and project responsibilities are discussed in the sections below.

Full FHWA oversight of projects shall be retained on new or reconstruction<sup>1</sup> Interstate projects over \$1 million. This will include preliminary engineering, final design, Right-of-Way, Intelligent Transportation Systems, landscaping, and other ancillary work necessary for these projects. However, for inherently low risk oversight projects on the Interstate system as defined in the Programmatic Agreement for Inherently Low-Risk Oversight Projects on the Interstate System between the Federal Highway Administration Iowa Division Office and the Iowa Department of Transportation<sup>2</sup>, Appendix E, FHWA's oversight will be satisfied by a risk management framework and process/program reviews rather than the Full Oversight procedures discussed in this agreement.

Iowa DOT assumes project approvals for FHWA for all Federal-aid projects where FHWA has not retained Full Oversight.

However, as mentioned above, certain actions and responsibilities on State Administered projects cannot be and are not assumed by Iowa DOT. FHWA retains authority for and approval of the following actions:

- All Federal responsibilities for planning and programming oversight specified in 23 U.S.C. 134 and 135.
- Federal air quality conformity determinations required by the Clean Air Act.
- Obligation of funds.
- Waivers to Buy America requirements (FHWA Headquarters (HQ) approval required as noted in Mr. Horne's March 13, 2008 memorandum).
- SEP-14/SEP-15 methods (FHWA HQ approval required for experimental contracting/project delivery methods).
- Civil Rights Program approvals.
- Environmental approvals except those specifically delegated under Sections 6004 and 6005 of SAFETEA-LU and FHWA/Iowa DOT Programmatic Categorical Exclusions.
- Addition or modification of access points or access control on the Interstate System.
- Use of Interstate airspace for non-highway-related purposes.

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<sup>1</sup> For the purposes of this agreement Interstate reconstruction is defined as additional mainline capacity, modification and/or creation of new access points, removal and replacement of the pavement structure or the overlay of an existing pavement structure more than 4" thick, modification or creation of rest areas/weigh stations, or removal and replacement of any significant part of the substructure or superstructure of an existing bridge.

<sup>2</sup> Inherently low risk oversight projects include those that are routine, low risk projects and generally non-controversial in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements.

- Hardship acquisition and protective buying.
- Modifications to the Federal-aid project agreements, including FMIS project closure (FMIS final voucher).
- Fund transfers to other agencies.
- Advance Construction and conversion to Federal funding.
- Approval of Financial Plans and project management plans for Major Projects.
- Participation in costs incurred before FHWA authorization, Section 1.9(b) Approval of Federal Participation.
- Design exceptions on all full Federal oversight projects and all projects on the Interstate Highway System regardless of funding source.
- Any geometric modification to the Interstate or its interchanges.
- Toll authority

## **6.2. FHWA Division Responsibilities**

Full Oversight Projects – For all Full Oversight projects or programs, FHWA shall ensure that all necessary approvals and activities are in accordance with Federal policies, practices and standards, and Title 23, U.S.C. For all Full Oversight projects or programs, FHWA shall also ensure that projects or programs comply with certain non-Title 23, U.S.C. Federal-aid program requirements, such as metropolitan and statewide planning, environment (NEPA, Clean Air Act, and other related environmental laws and statutes), procurement of engineering and design related service contracts, Title VI of the Civil Rights Act and related statutes, participation by disadvantaged business enterprises (DBE), prevailing wage rates (Davis-Bacon), construction procurement procedures (competitive bidding), and acquisition of Right-of-Way (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and related statutes). On Full Oversight projects FHWA personnel will concur in consultant selection and agreements; review and approve project designs; approve Plans, Specifications, and Estimates; concur in award; approve<sup>3</sup> changes in contract (change orders, supplemental agreements, time extensions, claims, etc.); conduct project inspections; final inspections; and project acceptance. Project related agreements with local public agencies, railroads, or utilities concerning items such as funding, relocation, flagging, access, or insurance; do not normally require FHWA approval unless the agreement affects federal funding eligibility on the project as referenced in appendix G.

Involvement on Other Projects – FHWA will fulfill its oversight and stewardship role on projects delegated to Iowa DOT through the tools, such as FIRE, construction inspections on a limited number of projects, and PR/PE reviews discussed previously in this Agreement. To fulfill this role, FHWA may become involved with any Federal-aid project, including those

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<sup>3</sup> All contract modifications must be approved by FHWA, but nonsubstantial construction change orders as defined in Iowa DOT's Construction Manual are usually approved at final inspection rather than prior to the work being undertaken.

for which Iowa DOT has assumed oversight responsibility. Additionally, Iowa DOT may request FHWA involvement in project or program activities. The extent of FHWA involvement will be defined by Iowa DOT's request and will be met to the extent FHWA has available staffing and funding. On non-federally funded Interstate reconstruction projects, Iowa DOT will request FHWA to review final plans to ensure compliance with applicable Interstate standards and regulations.

Approval Timelines – It is the expectation that all FHWA project and program actions/reviews/approvals will be completed within fifteen working days from receipt. Additional time may be required if coordination with FHWA HQ is necessary.

Technical Assistance – FHWA is prepared to provide technical assistance to Iowa DOT or local transportation agencies on any aspect of an eligible Title 23 project. Technical assistance activities will be decided on a case-by-case basis in consultation with Iowa DOT, other partners and FHWA.

#### **6.2.1. FHWA's Stewardship and Oversight Communication Plan**

As part of its stewardship and oversight communication plan, FHWA will:

- Share the annual risk assessment information that relates to the Iowa DOT or sub-recipients.
- Share information on program or performance measurement/management that relates to the Iowa DOT or sub-recipients.
- Share project, process, or program reviews that relate to the Iowa DOT or sub-recipients.
- Share FHWA performance planning information that relates to the Iowa DOT or sub-recipients.
- Share new and revised FHWA policies, rules, and guidance.
- Inform Iowa DOT if a project related Freedom of Information Act request is received.
- Discuss, on at least an annual basis, stewardship and oversight efforts that are governed by this Agreement.

## **6.2.2. FHWA Oversight Documentation**

### FHWA Reviewed/Approved Iowa DOT Manuals, Policies, Specifications, Guides, and Procedures

Iowa DOT manuals, policies, specifications, guides, and procedures discussed in section 4.1 and listed in Appendix A will be formally approved by FHWA. Formal approval by FHWA must be documented as described below.

Manuals, Policies, and Procedures – Changes to manuals, policies, and procedures listed in Appendix A will be submitted by Iowa DOT to FHWA requesting formal approval for the change. FHWA will respond by e-mail or letter documenting the formal approval and the approved submittal will be filed by FHWA. Any change impacting design values, engineering guidance, or format of the plans requires formal FHWA approval. Changes that deal solely with internal Iowa DOT processes, such as automation procedures, do not require formal approval.

Design Standards – New or revised design standards (including bridge) will be submitted by Iowa DOT's Design or Bridge and Structures Office to FHWA for formal approval. FHWA will respond by e-mail or letter documenting the formal approval, and the approved submittal will be filed by FHWA. Iowa DOT should allow up to 15 working days for formal approval of manuals, policies, procedures, and standards before they are implemented.

Specifications – FHWA will attend Iowa DOT's monthly Specification Meeting. FHWA objections to new or revised specifications will be raised at this meeting. Minutes from the meeting will be reviewed by FHWA, stamped approved, and filed by FHWA. If concerns are discovered during the FHWA review of the minutes, they will immediately be brought to the attention of Iowa DOT's Specification Engineer for resolution.

### FHWA Planning Oversight

Statewide Transportation Improvement Program (STIP) – Review of the STIP submitted by Iowa DOT will take place jointly with FHWA Iowa Division and the Federal Transit Administration (FTA) Region 7 in Kansas City. A joint approval letter will be signed by the FHWA Division Administrator and the FTA Regional Administrator, and sent to Iowa DOT.

State Planning and Research (SPR) Program – Review and approval of the annual SPR workplan and revisions, submitted by the Office of Systems Planning to FHWA, will be done by the Transportation Planner and Program Delivery Team. The review will include evaluation of the projected funding, the minimum

expenditures for planning and research, and an eligibility review of planned activities. Accomplishment reporting of all planning and research projects will be reviewed to ensure useful products are being produced. Additionally, reports and other deliverables may be reviewed to verify utility. Some revisions to Part II of the program (such as State Research Program - IHRB) are handled via e-mail approval between the Research and Technology Bureau and FHWA's Program Delivery Team.

#### FHWA Project Development Oversight

FHWA will participate<sup>4</sup> in Project Management Teams (PMTs) and review draft and final documents and preliminary plans as requested by Iowa DOT. For PMT meetings FHWA will actively participate in the meeting and provide input on FHWA requirements for the project. PMT minutes will document those discussions and agreements and will be reviewed by FHWA. Comments will be provided to Iowa DOT if errors or omissions are noted by FHWA. For draft NEPA and design documents, comments will be returned by FHWA within 15 working days to the submitter, unless coordination is required with FHWA HQ. FHWA will expect the submitter to resolve with FHWA any outstanding issues noted in the comments.

Copies of submittals and comments will be kept in FHWA's preliminary files until the project completes construction.

Commitments within NEPA and design documents/approvals will be reviewed for compliance by FHWA at the time construction is authorized/obligated.

#### Patented and Proprietary Products

FHWA continues to support the principle of competition in the selection of materials whenever more than one equally suitable product exists to fulfill project requirements. Iowa DOT may specify proprietary products when they certify that there is no suitable alternative product (such as an innovative product offering better performance) or that the product is needed for synchronization. FHWA must approve, through a public interest finding (PIF), the specification of a proprietary product when other equally suitable alternatives exist. When Iowa DOT has assumed FHWA's role on State Administered projects, Iowa DOT may approve PIFs for that project. LPAs may not approve PIFs or certifications. Additional approvals are not required when proprietary products are being

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<sup>4</sup> For Full Oversight projects, FHWA will participate in all PMT meetings. For State Administered projects requiring either an EA/FONSI or an EIS/ROD, FHWA will participate only in PMT meetings until the NEPA process is completed.



evaluated in FHWA-sponsored programs such as Highways for Life, the Innovative Bridge Research and Deployment Program, and the Innovative Pavement Research and Deployment Program.

FHWA will provide an internet posting of FHWA's approval of PIF on FHWA's website. Iowa DOT does not plan to post PIFs or certifications.

#### FHWA Construction Oversight

Construction inspections should be performed jointly by FHWA and the administering agency's representative. Preliminary findings/recommendations from construction project inspections led by FHWA will be discussed with the applicable state or LPA representative during the inspection. Inspection reports should be completed within three weeks of the inspection. A copy of the report will be provided to the office administering the project (resident construction engineer or LPA), the Iowa DOT oversight office (Office of Construction or Office of Local Systems), and others involved in the inspection or project oversight (e.g., District Local Systems Engineer). The original report will be in FHWA's project files.

Documented resolution of FHWA's findings/recommendations will be provided by the administering agency to FHWA within one month of receiving the inspection report. If the resolution will take longer than one month to accomplish, monthly progress reports should be provided to FHWA.

#### Appeals of FHWA Decisions

Decisions made by FHWA Iowa Division staff or the FHWA Iowa Division Administrator are appealable to the next higher FHWA management level.

### **6.3. Iowa DOT Responsibilities**

By signing this Agreement, Iowa DOT accepts responsibility for FHWA review and approval actions to the extent such review and approval is required by Federal law and regulation. FHWA's expectation is that the Iowa DOT will act on the behalf of the Secretary of the USDOT for State Administered projects and will exercise similar judgment as FHWA.

For all delegated projects or programs, Iowa DOT shall assure that all necessary approvals (Right-of-Way, utility, environmental, railroad, design, and design exceptions (NHS), PS&E, concurrence in award, and construction) are in accordance with State policies, practices and standards, and Title 23, U.S.C. Iowa DOT's assumption of FHWA's responsibility for review and approval authority does not alter the applicability of Federal laws on Federal-aid projects.

For all delegated projects or programs, Iowa DOT shall also comply with certain non-Title 23, U.S.C. Federal-aid program requirements, such as metropolitan and statewide planning, environment (NEPA, Clean Air Act, and other related environmental laws and statutes), procurement of engineering and design related service contracts, Title VI of the Civil Rights Act and related statutes, participation by disadvantaged business enterprises (DBE), prevailing wage rates (Davis-Bacon), construction procurement procedures (competitive bidding), and acquisition of Right-of-Way (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and related statutes).

For delegated projects or programs that are developed and administered by local agencies/governments (including Transportation Enhancement Projects), Iowa DOT shall provide the necessary review and approval to assure compliance with Federal requirements as discussed in this Agreement. Iowa DOT will be responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting control. Furthermore, Iowa DOT is ultimately accountable to FHWA for ensuring compliance with Federal-aid requirements on such projects.

Iowa DOT will inform FHWA if a project related Freedom of Information Act request is received.

### **6.3.1. Iowa DOT Oversight Documentation of Federal-aid Primary Projects**

Project specific approvals (use of force account, proprietary products, etc.) will be documented in the specific project files.

#### Operations and Finance Division

The Office of Finance applies the same state and federal requirements to Full Oversight and State Administered projects. The same processes and procedures are used for both types of projects when processing payment documents, preparing requests for reimbursement, preparing project modifications, and processing FHWA final vouchers. Payments to contractors, vendors, or subrecipients are processed using payment procedures outlined in the DOT Policy and Procedures Manual, the Iowa Department of Administrative Services Accounting Manual and the Code of Federal Regulations.

The documentation reviewed by Iowa DOT, for all projects, is the same regardless of whether they are State Administered or Full Oversight. On Full Oversight projects, the documentation reviewed is forwarded to FHWA for their

review and approval. On State Administered projects, the documentation is available to FHWA upon request.

### Office of Bridge and Structures

The Office of Bridges and Structures (OB&S) produces bridge plans for primary structures using consultant design and also in-house performed design.

Consultant design firms must demonstrate sufficient training and experience to be eligible for design work according to Iowa DOT PPM 300.04 Prequalification of Architectural, Engineering and Related Professional and Technical Firms. Consultant plans are reviewed by the OB&S Consultant Coordination Section for accuracy and adherence to the Iowa DOT OB&S Bridge Design Manual policy, AASHTO Design Specifications, and the OB&S Plan Checklist. The consultant designer is required to develop plans according to their company QA/QC program and is ultimately responsible for the design work that has been performed.

The Office of Bridges and Structures provides quality assurance for in-house design utilizing the Design Section Leader to oversee the design process. The Design Section Leader assigns design tasks to the designer, detailer, and checker (second independent designer) based on their experience in relation to the complexity of the project. Design team members are experienced in structural design and familiar with the AASHTO Design Specifications, Iowa DOT design standards, and the Bridge Design Manual. The checker performs independent calculations of all structural components, checks quantities, and reviews for accuracy and adherence to the Iowa DOT OB&S Bridge Design Manual policy, AASHTO Design Specifications, and the OB&S Plan Checklist.

### Office of Design

The Iowa DOT Design Manual establishes state policies for preliminary and detailed design. Sections 1C-1 and 1C-8 outline specific documentation requirements for project design criteria and other elements considered crucial for project approval. For each project, a design criteria worksheet is to be completed. This worksheet lists the project's design criteria, preferred values established by the Iowa DOT, and acceptable values established by AASHTO publications. This worksheet is submitted to the office director overseeing project development for approval or to the Assistant District Engineer for district administered projects, and updated at each of the critical project milestones. Once roadway line and grade are established, field exam plans are prepared. Field exam plans are reviewed for compliance with AASHTO requirements by the Field Exam Engineer using the review checklist in sections 1D-9 and 1D-10 of the Design Manual. Final plans are reviewed and sealed by the Design Section Leader. Prior to plan turn-in, projects are distributed throughout Iowa DOT for cross-discipline

review. For projects led by the Office of Design, controls on the Project Scheduling System prevent projects from being submitted for letting unless the project design criteria worksheet has been approved.

#### Office of Location and Environment

The Iowa DOT Office of Location and Environment (OLE) evaluates the impact projects have on the social and natural environment. OLE certifies National Environmental Policy Act (NEPA) compliance for projects meeting the criteria as defined in the FHWA/Iowa DOT joint “Programmatic Agreement Regarding the Processing of Certain Categorical Exclusion Actions” referred to as the PCE Agreement. OLE reviews LPA countersigned categorical exclusions (CE), environmental assessments (EA), and environmental impact statements (EIS) for compliance with relevant rules and regulations regarding NEPA prior to FHWA signature. Prior to project lettings, OLE reviews non-federal aid projects that are contractually tied to federal aid projects for independent utility and logical termini.

#### Office of Right of Way

Letting Certification – The Iowa DOT provides right of way letting certifications for projects on the primary road system and LPA projects that utilize federal-aid funding in any phase of their project. For projects on the primary road system, Iowa DOT staff and FHWA staff will meet as required to review projects for the upcoming lettings. Any issues that involve right of way clearance are discussed at these meetings and a solution is agreed to. If right of way will not be cleared by the scheduled letting, the project is either removed from the letting or a Public Interest Finding (PIF) is prepared and submitted to FHWA justifying why the project should remain in the scheduled letting. Projects developed by the LPA’s are monitored by the Office of Right of Way to ensure compliance. There is a right of way agent assigned to each of the six Iowa DOT Districts. This agent is assigned the review responsibility for all of the LPA projects within that District. When a project concept is received, letters of introduction are sent to each LPA informing them of the assistance available from the right of way agent. In addition to the letter, each agent follows up the letter with a phone call to the LPA representative to discuss the project and explain the requirements of the right of way process. The goal of this approach is to address any issues before they become problems. The right of way agent also conducts random audits on selected projects to ensure compliance. Copies of these audits are supplied to FHWA. Each LPA is required to provide a Project Development Certification, which is signed by an LPA representative certifying that they have completed all right of way activities in compliance with state and federal law.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and related statutes (Uniform Act) – The Iowa DOT Right of Way Manuals outline the policies and procedures of the Iowa DOT in following the requirements of the Uniform Act. These manuals were reviewed and approved by the FHWA on February 16, 2011. In addition, the April 2006 edition of Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance” was adopted in the Right of Way Administrative Rules – 761 Iowa Administrative Code Chapter 111 by the Iowa Legislature in 2006. This document outlines the requirements for right of way acquisition in the State of Iowa to comply with both state and federal law, including the most recent changes made to the Uniform Act. A check and balance that is in place to ensure the compliance of these laws is the appeal process outlined in the administrative rules and a well defined eminent domain and appeal process through the court system.

#### Office of Traffic and Safety

Work Zone Compliance – Iowa DOT adopts the most recent version of the Manual of Uniform Traffic Control Devices (MUTCD) per Iowa Code. Iowa DOT has developed dozens of standard traffic control layouts and specification language/other contract documents that often go above and beyond the minimum requirements in the MUTCD. Iowa DOT has a multi-disciplined Work Zone Traffic Safety Committee that meets monthly to address any work zone issues. Annual work zone safety field reviews are conducted in half of the districts each year to randomly ensure compliance with requirements and to gain a sense of overall work zone effectiveness. Many work zone requirements are listed in the Iowa DOT Standard Specifications for Highway and Bridge Construction. Project inspectors continuously monitor traffic control setups. Project inspectors, upon seeing non complying traffic control, have the capability of issuing non-compliance notices to the Contractor to enforce these requirements in accordance with the Iowa DOT Construction Manual.

Traffic Management Plan/Work Zone Safety and Mobility Compliance – PPM 500.18 was developed in 2007 with FHWA concurrence. This policy describes how the Iowa DOT is to comply with the FHWA Work Zone Safety and Mobility Rule. The Iowa DOT submits an annual list of significant projects to the Iowa Division Office. The Iowa DOT and FHWA monitor the status of Transportation Management Plan (TMP) development for significant projects through project management teams. Annual work zone field reviews and bi-annual program reviews are completed to ensure compliance. Iowa DOT and FHWA work together to conduct the field and process reviews. Process reviews evaluate the effectiveness of the entire process and if potential enhancements are discovered, action items are included in the report.

Office of Construction

The Office of Construction maintains the Construction Manual as guidance in the administration of construction contracts. Chapter 2, Contract Administration, includes guidance on procedures to be followed for Iowa DOT projects. The FHWA Division Office approves the Chapter 2 updates each year prior to publication.

The contract administration procedures include, but are not limited to the following:

- Equal Employment Opportunity
- Davis Bacon Wage Requirements
- Subcontracts
  - Disadvantaged Business Enterprises
  - Prompt Payment
- Construction Period
- Change Orders
- Project Acceptance
- Authorization for Final Payment

Additionally, the Office of Construction:

- Meets with the District Construction Engineers several times each year to discuss technical and administrative issues to promote uniformity of contract administration.
- Provides technical support to identify solutions to construction problems. These problems may include evaluation of deficient work, compliance with contract requirements and adequacy of design details.
- Provides training for field staff on administrative and technical requirements.
- Provides administrative support for acquiring storm water permits, designation of haul roads, and maintaining project status databases.

The Iowa DOT uses an AASHTO software product FieldBook/FieldManager to document item progress, contract modifications, and weekly working day reports. This software uploads files to the central contractor pay system to process payments to the prime contractor. A user guide for this system is maintained and training is provided annually for new users.

The District and Resident Construction Offices are responsible for administration of the construction contracts, maintaining appropriate documentation, and performance of project audits.

#### Office of Contracts

Iowa DOT PPM 500.11 – Construction/Maintenance Contract Lettings and Division 11 of the Iowa DOT Standard Specifications for Highway and Bridge Construction provide the major guidelines for the Office of Contracts in their oversight role, details can be found in appendix H. The Office of Contracts is also responsible for entering data, certifying available funds, and requesting authorization/modification of a project in FHWA’s FMIS for the construction lettings except for some of the small grant program projects administered by the Office of Systems Planning.

#### Office of Materials

The Iowa Materials Instructional Memorandum (IMs) provides guidance to the District Materials Offices and Project Engineers for reviewing documentation of materials accepted into construction and maintenance projects. These reviews are intended to determine compliance with the contract documents, prescribed methods of acceptance, sampling, testing and the requirements of 23 CFR 637. The results of the District Materials Engineer’s (DME’s) final review of materials used provides the basis of certification of conformance with approved plans and specifications by the Highway Division to the FHWA. The specific materials sampling/testing and acceptance procedures for materials incorporated in federal-aid projects are maintained by the Office of Materials within the Instructional Memorandums (IMs) and are closely monitored and developed with FHWA oversight.

#### Research and Technology Bureau

The Research and Technology Bureau works in cooperation with the Office of Systems Planning to develop the research section of the State Planning and Research workplan. The research portion of the workplan is developed using the Iowa Department of Transportation State Planning and Research Procedures to comply with 23 CFR 420.111. The workplan includes a discussion of new projects, continuation of existing projects, listing of projects that are completed, planned funding for pooled fund projects, and a discussion of accomplishments. The workplan is submitted through the Office of Systems Planning to FHWA for approval prior to the obligation of funding and any work starting. Amendments to

the plan are handled in a similar fashion. The details of some line items in the plan are approved separately.

Oversight of the program is facilitated by Iowa DOT staff, delegated by the Research and Technology Bureau, through review of quarterly reports, attendance at technical advisory committee meetings, and voucher reviews.

#### Office of Systems Planning

The Office of Systems Planning in conjunction with the Research and Technology Bureau submits the Statewide Planning and Research Plan to FHWA for approval and obligation of federal funding.

#### **6.3.2. Iowa DOT Oversight Documentation of Federal-aid LPA Administered Projects**

Details of Iowa DOT's oversight of Federal-aid LPA administered projects are found in appendix I. Project specific approvals (use of force account, proprietary products, etc.) should be documented in the specific project files.

### **6.4. Stewardship Roles and Responsibilities for Specific Functional Program Areas<sup>5</sup>**

#### **6.4.1. Preservation of the Interstate System**

The Interstate System is designed, constructed, and operated to provide the highest level of service within the State of Iowa. To preserve the mobility and safety of the Interstate System and the investment by the United States all reconstruction project plans regardless of funding source will be reviewed by FHWA prior to construction. This review will include temporary changes to access control used to facilitate construction as well as compliance with applicable Interstate standards and regulations. Additionally, due to traffic volumes and speed, all construction that takes place within Interstate Right-of-Way will be directly administered by Iowa DOT unless prior approval has been obtained from FHWA.

#### **6.4.2. Programming and Project Authorization/Agreement Process**

TEA-21 requires an opportunity for early and continuous public involvement in the development of the State Transportation Improvement Program (STIP).

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<sup>5</sup> A table listing the applicable FHWA and Iowa DOT roles and responsibilities are contained in appendices F and G.



Funding flexibility and expanded project eligibility under TEA-21 have given decision makers more options to address transportation priorities.

Authorization to proceed with a project is accomplished by FHWA after a specific request is received from Iowa DOT. FHWA Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall not be given until all of the requirements of 23 CFR 635 have been satisfied. Occasional exceptions may be made to the ROW, utility, and railroad requirements of 23 CFR 635 when meeting one or more of these conditions are not “feasible or practical” and it is determined to be in the public’s interest to proceed with advertisement of the project. In these cases, the PS&E must adequately account for these exceptions.

For Full Oversight projects, Iowa DOT will provide all required documentation to FHWA at least ten business days prior to the date authorization is requested. All documentation will be provided to FHWA in a single submittal. If it is not feasible or practical to submit any required documentation with the submittal, a status of this documentation will be provided with the submittal. FHWA will review the project documentation to assure that all project requirements are met.

FHWA obligation/authorization of State Administered projects in the construction letting will be requested electronically by the Iowa DOT through FMIS five business days prior to the scheduled advertisement date for that letting. Iowa DOT will ensure that all applicable requirements have been met and that the project was developed in compliance with this agreement and all applicable laws and standards.

FHWA obligation/authorization of all other projects will normally take seven business days to approve; however, priority is given to projects in the construction letting.

Iowa DOT and FHWA use FMIS for requesting and approving Project Authorizations and Project Agreements for each Federal-aid highway and highway planning and research project eligible for funding. On State Administered oversight projects, submittal of the project authorization to FHWA for approval will serve as Iowa DOT’s implicit certification that all applicable requirements are satisfied and all submitted data is correct. If errors are found, the project will not be obligated/authorized.

### **6.4.3. Financial Management**

The correctness and propriety of all Federal-aid claims are the primary responsibility of Iowa DOT whether the primary cost documentation originates within Iowa DOT or with some third party. This responsibility is fulfilled by Iowa DOT maintaining adequate operating policies and procedures and a sound accounting system with proper internal controls together with suitable audit

activities. It is FHWA's responsibility to assure such processes are in place and provide desired results as well as to provide technical assistance and advice in funding and financial areas. The Fiscal Management Information System (FMIS) is FHWA's major financial information system. FHWA provides assistance to Iowa DOT for access to FMIS for the electronic data sharing and signature.

FMIS contains data related to all highway projects financed with Federal-aid highway funds. FHWA uses this information for planning and executing program activities, evaluating program performance, and depicting financial trends and requirements related to current and future funding. Electronic data sharing allows Iowa DOT to enter FMIS data electronically and FHWA to review and approve the data. This process provides faster approvals and better control of funds. Both Iowa DOT and FHWA have the ability to access FMIS information to obtain current funding and project related reports.

FHWA makes payments to the Iowa DOT based on costs incurred under each project. The Iowa DOT submits their billings for costs incurred under authorized projects to the FHWA Division Office electronically through the Rapid Approval & State Payment System (RASPS). RASPS is a feeder system used by FHWA to electronically process grant payments against balances obligated in FMIS and DELPHI. This payment process is often referred to as the "Current Bill."

Iowa DOT payment requests are certified by an authorized Iowa DOT official before they are transmitted to FHWA. Iowa DOT billing information is uploaded into RASPS where electronic bills are created. Upon receipt of the DOT's billing request, a member of the FHWA Finance Team reviews the payment request to ensure that no suspended/closed projects or program codes are included in the request; a Personal Identification Number (PIN) is used to authorize the pending billings in RASPS. This action transmits the payment request to the FHWA Office of Financial Services for payment processing.

Office of Management and Budget (OMB) Circular A-133 was issued pursuant to the Single Audit Act of 1984 (P.L. 98-502) as amended by the Amendments of 1996 (P.L. 104-156), for the purpose of setting forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards. The U. S. Department of Health and Human Services is the cognizant agency for audit responsibilities of Iowa DOT.

The Iowa DOT Office of Finance, External Audit Section is responsible for conducting external audits involving Iowa DOT's operations. FHWA may provide technical advice and assistance to Iowa DOT and auditors as appropriate and advise Iowa DOT of requirements imposed by Federal laws, regulations, or provisions of contracts.

Provisions for Federal-aid reimbursement to Iowa DOT for costs incurred are found in 23 U.S.C.121. In accordance with 23 CFR 1.9(a), Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State Law, the regulations in 23 CFR, and policies and procedures prescribed by FHWA. FHWA provides oversight of Cost Reimbursable Contracts, pursuant to 23 CFR Part 140, 49 CFR Part 18, and OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments). Likewise, FHWA must comply with the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA). Reimbursement to Iowa DOT is made through an electronic signature Federal-aid Rapid Approval and State Payment System (RASPS). The Single Audit Act does not preclude FHWA from performing program reviews and these activities are undertaken by FHWA to facilitate oversight of the current billing process. These routine financial management reviews may be conducted on Iowa DOT's accounting systems and records to assure conformance with applicable laws, regulations, and government-wide accounting principles and standards. To maintain an adequate system of management control and to promote effective program delivery and efficiency, FHWA and Iowa DOT together conduct joint reviews. The employment of these mechanisms will provide reasonable assurance that only allowable costs are reimbursed, thus ensuring the integrity of the Federal-aid program. Further these joint cooperative efforts between FHWA and Iowa DOT will help to establish opportunities for continuous improvements.

There are projects with special circumstances or funding sources that require an exception to the processing of claims via the electronic current billing process. In these instances, hand vouchers are prepared and sent to FHWA for processing the payment. FHWA will review and forward these claims to FHWA HQ for payment, as is done with the RASPS process.

The Cash Management Improvement Act of 1990 (31 CFR Part 205) prescribes rules and procedures for the transfer of funds between the federal government and the states for federal grant and other programs. The U.S. Treasury and the State of Iowa have entered into an agreement to describe its funds transfer procedures. FHWA's involvement is to provide assistance and guidance to Iowa DOT to facilitate compliance and to assist in the implementation of cash management improvements.

The Financial Integrity Review and Evaluation Program (FHWA Order 4560.1B) requires each FHWA Division Office to establish an effective oversight program to ensure that Federal funds are properly managed and effectively used in accordance with Federal policies. Under this program, each FHWA Division Office is required to perform in support of the Federal Highway Administration's annual certification of internal and financial controls to support the financial statements, a grant financial management process review in response to the performance of an annual risk assessment. The purpose of the grant financial management process review is to assess one key State process to determine that:

- The process complies with Federal requirements,
- The process complies with generally accepted accounting principles and standards and internal controls, and
- Areas of opportunity are identified for process improvement.

The FIRE includes an annual review of Financial Billing Transactions and/or Improper Payments to verify:

- The eligibility and accuracy of costs billed to FHWA,
- That costs were incurred after FHWA approval,
- That costs were charged to the correct project,
- That costs were approved by the appropriate State/local official, and
- That Iowa DOT has sufficient supporting documentation to substantiate the billing.

The Federal-aid Highway Program is made up of a series of separately funded categories, each having its own specific and separate funding as described in 23 U.S.C. Each of the programs has certain activities for which that funding may be used and are described in law. When an Authorization Act establishes a program, it sets certain ground rules under which the program operates. These rules include the amounts of funds available to the program for each fiscal year; period of availability; Federal participation ratio; fund source; type of authority; and a listing of eligibility activities. In order to be more responsive to Federal budget policy, a limit is placed on total obligations that can be incurred during the fiscal year (called obligation limitation). FHWA, in their role of administering and delivering the Federal-aid Highway Program, has a responsibility to provide information, guidance, and assistance to Iowa DOT. Although this oversight is ongoing, when a new Authorization Act modifies existing programs, or adds or eliminates programs, then FHWA has a responsibility to advise Iowa DOT that significant changes in the program have been made and ensure that appropriate financing procedures are implemented by Iowa DOT.

Advance construction (23 U.S.C.115 and 23 CFR Subpart G) has been an effective tool in innovative financing to advance a project's construction time line. These projects must meet the same requirements and proceed in the same manner as a regular Federal-aid project, except for the following: FHWA authorization does not constitute any commitment of Federal funds and Iowa DOT will not be reimbursed until the project has been converted. Iowa DOT is responsible for funds management, which includes monitoring unobligated balances of the various funds to ensure funds are being used effectively and

lapsable funds are limited. This would also include a review of older projects that have had no activity for possible release of funds for use on other eligible federal projects. FHWA will evaluate the effectiveness of this program annually.

Iowa DOT is responsible for the official records for all Federal-aid projects. Supporting documentation will be retained by Iowa DOT (and/or by the local public agency for subrecipient projects) in accordance with 49 CFR 18.42, Retention and Access Requirements for Record (typically three years after the date of FHWA's signature on the FMIS final voucher/project closure document) and will include (but is not limited to) the final contractor pay estimate, material certification, project agreement/modification, and final Right of Way certificate in accordance with current requirements. Records for certain items such as real property and equipment records have different retention periods and should be treated accordingly. Supporting documentation retained by Iowa DOT (and/or by the local public agency) will be available to FHWA upon request.

At the time this agreement is being written, Iowa DOT does not utilize Federal innovative financing instruments such as TIFIA loans, GARVEE loans, or the establishment of a State Infrastructure Bank with Federal-aid funds (Iowa DOT does have a State Infrastructure Bank that is inactive). If such products are utilized in Iowa, an addendum to this agreement will be developed to discuss the oversight and stewardship of this innovative financing tool.

#### **6.4.4. Preliminary Design and Environment**

In accordance with Section 1309 of TEA-21, 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. These laws and regulations include NEPA and implementing regulations of the Council on Environmental Quality (CEQ) 40 CFR 1500 and FHWA 23 CFR 771; Section 4(f) of the Department of Transportation Act and implementing regulations 23 CFR 774; Section 106 of the National Historic Preservation Act and implementing regulations 36 CFR 800; Section 404 of the Clean Water Act; and Section 7 of the Endangered Species Act, as well as others.

With adoption of the Environmental Policy Statement in 1994, FHWA is committed to incorporating environmental stewardship into all policies, procedures, and decisions. For all projects that require an action be taken by FHWA, FHWA and Iowa DOT will work together to ensure compliance with NEPA and other applicable laws before an alternative is selected and location/design is approved. The level of involvement will be commensurate with the level of the environmental impacts or project complexity and will depend on the project environmental documentation class.

Appendix F shows a list of Iowa DOT and FHWA project actions related to the preliminary design and environmental process. The successful administration of

the Federal-aid Highway Program is predicated upon Iowa DOT's commitment to the preparation and submittal of fully completed documents in accordance with established guidelines, formats, and procedures. Preliminary design and environmental documents prepared by local public agencies and consultants will first be reviewed and accepted by Iowa DOT prior to being forwarded to FHWA.

#### **6.4.5. Design**

FHWA will make sufficient reviews of Federal-aid projects to assure they are designed and constructed using appropriate cost-effective strategies and in accordance with applicable standards as listed in 23 CFR Part:

- 620 Engineering
- 625 Design Standards for Highways
- 626 Pavement Policy
- 627 Value Engineering
- 630 Pre-construction Procedures
- 633 Required Contract Provisions
- 636 Design-Build Contracting<sup>6</sup>
- 645 Utilities
- 646 Railroads
- 650 Bridges
- 652 Pedestrian and Bicycle Accommodations and Projects
- 655 Traffic Operations
- 771 Environmental Impact and Related Procedure
- 772 Noise

All projects on the NHS, regardless of funding source, must follow FHWA approved AASHTO design standards. Iowa DOT may request FHWA approval for state developed standards for rehabilitation and resurfacing projects on non-freeway portions of the NHS.

For Federal-aid projects on the NHS, including the Interstate System, the primary objectives of FHWA reviews are to:

- Promote improved safety through appropriate use of design standards and guidelines.
- Make value added input at appropriate points in the project development process, with emphasis on early involvement in the project decision-making process.
- Maintain a close working relationship between FHWA and Iowa DOT project development personnel.

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<sup>6</sup> At the time this agreement was signed, Design-Build Contracting was prohibited by Iowa law.

- Ensure the integrity of the Interstate system through the review and approval of Interstate access point additions or modifications.
- Promote context sensitive solution concepts.
- Ensure that environmental commitments are incorporated into projects.

The types of reviews that will be undertaken include:

Preliminary Plan, ROW Plan, and Construction Plan Reviews: These reviews are appropriate during the time the design concepts and major design features are being developed and finalized. The objectives of these reviews are to:

- Assure that appropriate design considerations are used during layout development.
- Assure that environmental commitments are observed.
- Assure cost-effective design alternates are considered.
- Maintain communication with the highway agency.
- Evaluate the quality of the plan.

On complex projects, an onsite Field Exam should be conducted and a review team approach considered. FHWA will participate in Field Exams on full-oversight projects.

Plans, Specifications and Estimate (PS&E) Reviews: These are the last reviews in the preparation of project documents, allowing project authorization to take place. The reviews may use a checklist approach and should generally not involve a design review if there was adequate FHWA involvement during the intermediate reviews leading up to the final plans. These reviews are required on all FHWA oversight projects to assure that the project is ready for authorization.

Design Process Reviews/Program Evaluations (PR/PE): These reviews evaluate the adequacy of the processes and procedures used by Iowa DOT on design activities. Their purpose is to provide oversight and review of design methods, techniques, procedures, and policies on a statewide or area wide basis. Process reviews can be broad in scope, covering a major design activity such as conceptual studies, preliminary plan development, or PS&E preparation, or they can be more specific, covering such elements as geometrics, pavement design, safety, structures, etc. All process reviews should include a sufficient sampling of actual products and/or projects to assure that the process is producing the intended

results. As appropriate, State Administered Federal-aid projects will be included in the sample of projects inspected as a part of process reviews.

On Federal-aid projects where Iowa DOT has the delegated authority to act for FHWA in design monitoring, a similar type of program of independent reviews will be conducted. Iowa DOT administered projects are subject to joint FHWA-Iowa DOT process reviews and inspections and must comply with applicable Federal requirements. For Federal-aid projects off the NHS, the objective of the design-monitoring program is to ensure that non-Title 23 U.S.C. requirements are met.

Design Exceptions – Design exceptions for Full Oversight and Interstate projects may be requested by Iowa DOT to FHWA. Iowa DOT has assumed the responsibility to approve and document design exceptions for State Administered projects that are not on the Interstate system. The determination to approve a project design exception is made after due consideration is given to all project conditions and parameters. Additionally, Iowa DOT should document design variances where the Iowa DOT standard(s) is (are) not being met; however, the design satisfies the applicable AASHTO standard(s).

#### **6.4.6. Right-of-Way (ROW)**

All Federal, State, and local public agencies (and others receiving Federal financial assistance for public programs and projects requiring the acquisition of real property) must comply with the policies and provisions set forth in the Uniform Act and its amendments. The current regulations implementing the Uniform Act were first published in the Federal Register of March 2, 1989, and are codified in the Code of Federal Regulations, Title 49, Part 24. These regulations contain the standards and procedures that acquiring agencies must follow in their appraisal, acquisition, and relocation assistance programs. Additionally, state and local public agencies using federal funds for transportation programs administered under Title 23, U.S.C. must adhere to the regulations contained in 23 CFR 710 in the administration of their Right-of-Way (ROW) programs.

The following oversight functional areas involving the Federal-aid ROW program are covered under 49 CFR Part 24, which has no provision for exemptions under Title 23, U.S.C.:

- Appraisal
- Acquisition
- Relocation
- Property Management



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.

- Level One involves ROW acquisition with federal funding regardless of whether Federal-aid is used in other phases of work; there is a dual concern for the rights of property owners and displaced persons, and the stewardship of the federal dollars.
- Level Two involves ROW acquisition without federal funding but has Federal-aid in other phases of work; the primary concern is to protect the rights of property owners and displaced persons.

Joint continuous review of the State's activities has proven to be an effective means of assuring that the rights of owners and displaced persons are protected as well as monitoring the expenditure of federal funds. Process reviews and program evaluations will be conducted when needs or trends are identified. Certain ROW activities are not covered specifically by either 49 or 23 CFR but are a combination of sound business practice and occasional national emphasis areas, which affect the ROW program and may be included in the reviews.

Local Public Agencies (LPAs) are required to comply with the Uniform Act and its governing regulations found in 49 CFR 24 in the same manner as Iowa DOT. As stipulated in 23 CFR 710.201(b), Iowa DOT is responsible for assuring that ROW acquisitions by local public agencies occur in compliance with Federal and State laws and regulations.

Appendix F identifies the agencies responsible for each Right-of-Way program area activity and approving action.

#### **6.4.7. Bridges**

Part 650, Subpart C of 23 CFR established the National Bridge Inspection Standards (NBIS) that apply to all bridges carrying vehicular traffic that are greater than 20 feet in length and are located on a public road. Subpart D establishes the procedures for administering the Highway Bridge Program (HBP). The program was established to replace and rehabilitate deficient bridges.

An NBIS compliance review will be conducted at least once each year. The reviews include the following major NBIS elements: inspection procedures, frequency of inspection, qualifications of personnel, quality of the reports and the inventory. FHWA will also review Iowa DOT's underwater inspections, program to deal with scour, quality assurance, and procedures established to review and track critical findings. The review includes a random sampling of bridge inspection reports, records, and field reviews of selected bridges.

Iowa DOT is responsible for monitoring LPA compliance with NBIS requirements. As part of the NBIS compliance review, FHWA will include a review of selected LPAs and Iowa DOT's quality assurance processes for these agencies.

Eligibility for the HBP is based on bridge inspection and inventory data submitted annually to FHWA by Iowa DOT. A selection list of eligible structures is furnished by FHWA to Iowa DOT. Iowa DOT and LPAs may request approval of HBP funding for bridges not on the current or previous Selection Lists. The distribution of HBP funds to each State is based on unit cost data for bridges, which is prepared annually by Iowa DOT and reviewed by FHWA, and the area of deficient bridges contained in the bridge inventory. Not less than 15 percent of the apportioned funds shall be expended for projects located off the Federal-aid system. Iowa DOT and the local governments may select any bridge on the selection list for replacement or rehabilitation under this program. However, consideration shall be given to projects, which will remove from service highway bridges most in danger of failure. Additionally, Iowa DOT may also use these apportioned funds for bridge preventative maintenance type projects that are selected by an approved systematic process.

One of FHWA's and Iowa DOT's goals is to decrease the number of structurally deficient bridges in Iowa. As Iowa DOT works towards implementing asset and bridge management systems; the selection of bridge replacement, rehabilitation, and maintenance projects will consider structural deficiency in project selection.

#### **6.4.8. Safety Program**

FHWA and Iowa DOT will work together on all safety issues including those related to geometric design, roadside safety, safety appurtenances, the highway safety improvement program, work zone safety and temporary traffic control, traffic safety data collection and analysis, multi-disciplinary safety teams, pedestrian and bicycle safety, younger and older drivers, safe routes to school program, and Iowa's Comprehensive Highway Safety Plan. In each instance, sharing of knowledge occurs through discussions, meeting/committee/task force participation, and by performing periodic reviews. Iowa DOT has the responsibility for carrying out the core Highway Safety Improvement Program in accordance with Section 148 of Title 23 of the United States Code (23 U.S.C.148).

Highway Safety Improvement Program (HSIP): The purpose of the Highway Safety Improvement Program (including the High Risk Rural Road and Rail-Highway Grade Crossing set-asides) shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads. To obligate "core" safety funds Iowa DOT must have in effect an HSIP under which the State: 1) develops

and implements a Strategic Highway Safety Plan (SHSP)<sup>7</sup> that identifies and analyzes highway safety problems and opportunities to reduce fatalities and serious injuries, 2) produces a program of projects or strategies to reduce identified safety problems, 3) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements, 4) submits an annual report to the FHWA Division Office.

To provide maximum flexibility and responsiveness to highway safety issues, HSIP projects are typically contained in a statewide line item in the STIP. Therefore, Iowa DOT will develop a five-year program of projected HSIP projects (one-year program for HRRR and Rail-Highway Grade Crossings) to be updated no less than annually. FHWA will review and approve this list of projects and any amendments and will refer to it when authorizing HSIP projects.

Iowa DOT will submit an annual report of its Highway Safety Improvement Program (including Rail-Highway Grade Crossings, High Risk Rural Roads, and Transparency<sup>7</sup> Five Percent List<sup>7</sup>) to FHWA by August 31<sup>st</sup> of each year.

Safe Routes to School Program: Section 1404 of SAFETEA-LU includes the program language for the Safe Routes to School Program. The purpose of the program shall be to enable and encourage children in primary and middle schools, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Iowa DOT must set aside from its Safe Routes to School apportionment not less than 10 percent and not more than 30 percent of the funds for non-infrastructure related activities to encourage walking and bicycling to school. In order to receive program funds, Iowa DOT must have a full-time position for coordination of the State's safe routes to school program.

Drug Offender's Driver's License Suspension, Section 159: 23 U.S.C. 159, 23 U.S.C. 315, and 23 CFR 192 encourage states to enact and enforce drug offender's driver's license suspensions. States must comply with 23 U.S.C. 159 in order to avoid the withholding of Federal-aid highway funds. By January 1 of each year, the Governor of Iowa shall submit written notification to FHWA whether Iowa has enacted and is enforcing a law or whether Iowa opposes such a law as per 23 U.S.C. 159.

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<sup>7</sup> In Iowa the SHSP is known as Iowa's Comprehensive Highway Safety Plan.

Work Zone Safety and Mobility (23 CFR 630 Subpart J): 23 CFR 630 Subpart J provides guidance and establishes requirements for systematically addressing the safety and mobility impacts of work zones, and developing strategies to help manage these impacts on all Federal-aid highway projects.

Iowa DOT and FHWA will partner in the development and implementation of policies and procedures to address work zone impacts both early on and throughout the project delivery process and to expand work zone planning beyond the project work zone itself to address corridor, network, and regional issues. This effort also includes expanding work zone management beyond traffic safety and control to encompass broader solutions that address the need for continued mobility during road construction.

The Iowa DOT will analyze programmed projects that show the potential for traffic delays and submit a list of all projects designated as “significant” as defined below:

- Interstate system projects within the boundaries of a designated Transportation Management Area that occupy the same location for more than three days with either intermittent or continuous lane closures. Note: The Iowa DOT shall request an exception from the FHWA for projects that will not cause sustained work zone impacts.
- Projects on the interstate system outside of a Transportation Management Area that will adversely impact traffic flow as indicated by lane capacity or other analysis methods.
- Projects on the primary (non-interstate) system that the Highway Division determines may have adverse work zone traffic impacts.

FHWA will review and approve projects that fall under the first bullet. For projects deemed significant, the Iowa DOT will develop and monitor the Transportation Management Plans as outlined in Iowa DOT’s PPMs and Construction Manual.

FHWA and Iowa DOT will perform biennial process reviews to assess conformance with and effectiveness of Iowa DOT’s work zone safety and mobility policies and procedures.

Temporary Traffic Control Devices (23 CFR 630 Subpart K): The Iowa DOT and FHWA will partner in the development and implementation of policies and procedures for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations. FHWA will review the Iowa DOT’s policies and procedures for conformance.

#### **6.4.9. Research, Development, and Technology Transfer Program**

The purpose of the program is to implement the provisions of 23 U.S.C. 502 for research, development, technology transfer, programs, and studies undertaken with FHWA planning and research funds. The main requirements under 23 CFR 420 are to create a State Planning and Research (SPR) Work Program, monitor planning and research activities, submit performance and expenditure reports, conduct peer reviews, develop and maintain an FHWA approved research and development manual, and maintain program certification.

FHWA approves the annual work program that includes the annual report, and reviews pooled-fund proposals. FHWA participates in ongoing program activities including peer exchanges. Iowa DOT has considerable flexibility in the use of funds and determination of eligible activities that meet the requirements of 23 CFR 420.

#### **6.4.10. Planning Program**

Transportation planning activities are legislated under 23 U.S.C. 134, 23 U.S.C. 135, TEA-21 Section 1203-Metropolitan Planning, TEA-21 Section 1204-Statewide Planning, and SAFETEA-LU Sections 1107, 3006, 3007, and 6001. Implementing regulations are found in 23 CFR 450 and 49 CFR 613. The Federal Highway Administration, Iowa Division Office and Federal Transit Administration, Region Seven Office are jointly responsible for required approval actions such as:

- Certification of the metropolitan planning process in each Transportation Management Area at least once every four years.
- Review and approval of the State Planning and Research Plan that includes the Transportation Planning Work Programs (TPWP) and its amendments.
- Review and approval of the State Transportation Improvement Program (STIP) and its amendments and transportation conformity.

FHWA participates in statewide and MPO planning activities as necessary to develop a planning finding as part of the STIP approval. FHWA and Iowa DOT work together in the project-planning phase to ensure compliance with NEPA and other applicable laws before location approval. Project coordination is facilitated by frequent consultation and meetings.

Transportation Planning also includes data collection and reporting, which is included under 23 CFR 420. Section 420.107(b)(2) requires that:

*“...State Transportation Agencies shall provide data that support FHWA’s responsibilities to the Congress and to the public. These data include, but are not limited to, information required for:*

- Preparing proposed legislation and reports to the Congress.*
- Evaluating the extent, performance, condition, and use of the Nation’s transportation system.*
- Analyzing existing and proposed Federal-aid funding methods and levels, and the assignment of user cost responsibility.*
- Maintaining a critical information base on fuel availability, use, and revenues generated.*
- Calculating apportionment factors.”*

FHWA conducts reviews of planning processes and products such as Highway Performance Monitoring System (HPMS) data, Heavy Vehicle Use Tax Enforcement, etc.

Management and Monitoring Systems are included under Section 500 of 23 CFR. Section 500.105(b) states: “States shall develop, establish, and implement a Traffic Monitoring System that meets the requirements of Subpart B (Section 500.201-204).”

FHWA provides technical expertise and assistance through participation in committees and meetings set up by the MPOs and Iowa DOT that address data collection and analysis issues as well as coordination on individual topics of interest such as:

- Congestion Management
- Environmental Justice
- Air Quality Conformity
- Multimodal and Intermodal Coordination
- Freight Issues

When submitting transportation information, Iowa DOT agrees to follow the U.S. DOT Information Dissemination Quality Guidelines for complying with the requirements of the U.S. Office of Management and Budget’s Guidelines (for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies) implementing Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (P.L. 106-554).

#### **6.4.11. Materials Acceptance Program**

The Materials Acceptance Program (MAP) is structured around 23 CFR 637. The overall purpose of the MAP is to assure the quality of materials and construction in all Federal-aid highway projects.

For Federal-aid projects, the primary objectives of the MAP are as follows:

- To assure that materials incorporated in projects and the construction operations controlled by sampling and testing are in conformity with the approved plans and specifications.
- To provide oversight of construction materials and compliance with federal requirements on a statewide basis.
- To assure adequate and qualified staff to maintain Iowa DOT's quality assurance responsibility as part of its Quality Control/Quality Assurance (QC/QA) program.
- To maintain a close working relationship between FHWA and Iowa DOT materials and construction staff.
- To promote improvements when new approaches or technologies are developed and where deficiencies are identified.

FHWA will monitor Iowa DOT's MAP for construction of full federal oversight projects. For State Administered projects, Iowa DOT will monitor the MAP for construction as if FHWA were fully involved except Iowa DOT does not need to send materials certificates to FHWA.

FHWA will review and approve Iowa DOT's MAP on an as needed basis. The MAP includes:

- Quality Control (QC)
- Quality Assurance (QA)
- Dispute Resolution
- Independent Assurance
- Materials Certification
- Qualified Laboratory Program
- Testing Personnel /Qualification Program
- Schedule of Materials Control Sampling and Testing

Additionally, FHWA will have ongoing involvement in the development and implementation of the MAP with Iowa DOT. In general, FHWA will monitor the implementation and effectiveness of the MAP through process reviews.

Individual process reviews will be identified in FHWA's Annual Performance Plan.

#### **6.4.12. Maintenance**

In accordance with 23 U.S.C. 116 (applicable to all Federal-aid highways), States are required to maintain, or cause to be maintained any project constructed as part of a Federal-aid system. FHWA is responsible for maintenance monitoring of all Federal-aid projects. [Note: requirement of CFR 635, Subpart E, requiring State's annual certification that Interstate was being maintained in accordance with Interstate maintenance guidelines was eliminated under TEA-21 Section 1306(a)]

A Preventive Maintenance (PM) activity shall be eligible for Federal assistance if the State demonstrates to FHWA that the activity is a cost-effective means of extending the useful life of Federal-aid bridges and highways. FHWA staff will assist Iowa DOT in developing PM programs, identify and approve eligible activities, and provide information on best practices, procedures, and technologies.

FHWA staff will observe highway conditions during their routine travel activities and report any noted deficiencies to Iowa DOT for discussion and resolution. FHWA may also perform in-depth maintenance reviews, as appropriate. The oversight activities of the State's routine maintenance program will apply to NHS and non-NHS routes.

#### **6.4.13. Construction**

In general, Iowa DOT is responsible for the construction of all Federal-aid projects and for ensuring that such projects receive adequate supervision and inspection to ensure that projects are completed in conformance with approved plans & specifications. The primary objectives of the FHWA construction-monitoring program are:

- To evaluate Iowa DOT's control of the projects and the quality and progress of work.
- To maintain a close working relationship with Iowa DOT construction staff.
- To promote quality improvements.
- To promote work zone safety.
- To assure that projects are completed in reasonably close conformance with the approved plans and specifications and approved changes.
- To ensure incorporation of environmental commitments.



FHWA will use the following types of inspections to obtain these objectives:

- Process Review/Product Evaluation (PR/PE)
- Inspection-In-Depth
- Project Inspection
- Final Inspection

Title 23 requirements apply to all projects on the NHS regardless of oversight process. Non-Title 23 requirements (e.g., Environmental, Civil Rights, Davis-Bacon wage rates, Disadvantaged Business Enterprises, etc.) apply to all projects and are subject to review regardless of oversight process.

#### **6.4.14. Civil Rights**

FHWA and Iowa DOT are committed to effectively implement and enforce civil rights programs within Iowa DOT's design, planning, construction, and management of the multimodal transportation system. Iowa DOT 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 according to Titles VI and VII of the Civil Rights Act and the codified Federal regulations that implement these acts.

FHWA and Iowa DOT review all civil rights program work plans and program documents. FHWA will review and approve Iowa DOT's programs on an ongoing basis through process and program reviews. Finally, FHWA will analyze civil rights reports submitted by Iowa DOT to help identify trends and provide feedback and recommendations for improvement to Iowa DOT.

FHWA will be an advocate of the civil rights program and provide training, technical assistance, and active participation in Iowa DOT initiated civil rights meetings and review activities upon the request of Iowa DOT and availability of resources.

#### **6.4.15. Intelligent Transportation Systems (ITS)**

Iowa DOT, in consultation with FHWA, is responsible for maintaining the statewide ITS architecture. Responsibility for updating the regional ITS architectures rests with the respective MPOs. However, Iowa DOT must ensure that the statewide and regional ITS architectures remain consistent with each other. FHWA will work cooperatively with Iowa DOT on this effort and is available to provide guidance and technical assistance.

The applicable regulations for ITS projects are contained in 23 CFR 940 Intelligent Transportation System Architecture and Standards. This section of 23

CFR describes the regulations that must be followed for projects that contain ITS components.

- ITS Regional Architecture, 23 CFR 940.9 – An ITS regional architecture shall be developed to guide the development of specific projects and programs.
- Systems Engineering Analysis, 23 CFR 940.11 – All ITS projects shall be based on a systems engineering analysis. The applicable regional ITS architecture shall be used in the development of ITS projects. The analysis should be on a scale commensurate with the project scope.
- Project Administration, 23 CFR 940.13 – Prior to authorization of Federal-aid funds for construction or implementation, the project sponsors shall demonstrate that ITS projects conform to the system engineering and conformity requirements provided in 23 CFR 940.11 and that there is a commitment to the operations, management and maintenance of the overall system.

#### **6.4.16. Emergency Relief**

Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program, commonly referred to as the emergency relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, or landslides. A catastrophic failure is defined as the sudden and complete failure of a major element or segment of the highway system that causes a disastrous impact on transportation services. The failure must be catastrophic in nature. Additionally, in order to be eligible for ER, the cause of the failure must be determined to be external to the facility. Although there is no nationwide definitive monetary break point between what is considered routine and extraordinary repair expenses FHWA has determined that eligible ER repair activities in a State in the range of \$700,000 (Federal share) or more are usually significant enough to justify approval of ER funds. By law, FHWA can provide up to \$100 million in ER funding to a State for each natural disaster or catastrophic failure event that is found eligible for funding under the ER program unless Congress passes special legislation lifting the cap for that disaster.

The ER funds are available for permanent repairs and for work accomplished more than 180 days after an event at the pro rata Federal-aid share that would

normally apply to the Federal-aid facility damaged. For Interstate highways, the Federal share is 90 percent. For all other highways, the Federal share is 80 percent. Emergency repair work to restore essential traffic, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the occurrence of the disaster, may be reimbursed at 100 percent Federal share. During this 180-day period, permanent repair work is reimbursed at normal pro rata share unless permanent repair is performed as an incidental part of emergency repair work.

After approval of the program of projects, permanent repairs will be administered as if they were normal Federal-aid projects under this agreement. Additional details on the ER program can be found in FHWA's Emergency Relief Manual. Large scale ER events will receive special consideration and flexibility in how they are administered by both Iowa DOT and FHWA including a phased approach to the approval of the program of projects to allow timely obligation of federal funds given the limited resources of both agencies.

#### **6.4.17. Emergency/Security Reporting**

When significant events, as defined in FHWA Order 5181.1A, Emergency Reporting Procedures affecting highway transportation occur in Iowa, the Iowa DOT will provide information and follow-up reports to FHWA (criteria for Order dated March 5, 2010 are listed below). FHWA will provide briefings to the Federal Highway Administrator, the Office of the Secretary of Transportation, the Office of Emergency Transportation, and the Federal Highway Administration (FHWA) Regional Emergency Transportation Coordinators (RETCO).

*Highway and highway infrastructure related incidents meeting one or more of the following criteria will be reported.*

- *Any event that, in the opinion of the Division Administrator or Division Engineer will generate immediate national interest.*
- *Other events that create disruption to highway operations that are expected to last more than 8 hours. These events can include, but are not limited to:*
  - *Damage or closure of highways or highway infrastructure caused by an act of nature including, but not limited to, earthquakes, floods, tornados, hurricanes, or wild fires. Report only Interstate highway closures of more than 8 hours due to winter weather events.*
  - *Damage or closure of highways or highway infrastructure due to terrorist or criminal acts, accidents, or unknown causes.*

- *Damage or closure of highways or highway infrastructure caused by other mode incidents, such as collapse of a rail bridge onto an adjacent highway or a dam bursting.*
- *Other incidents to be reported regardless of damages or reason for closure:*
  - *Crashes involving 6 or more fatalities,*
  - *School bus crashes resulting in injuries, death, or statewide media attention,*
  - *Chain reaction crashes involving 10 or more vehicles,*
  - *Truck or charter bus crashes resulting in injuries, death, or statewide media attention,*
  - *Closure due to evacuation conducted for any reason, and*
  - *The loss of life or serious injury of a prominent individual such as a Member of Congress, senior Executive Branch or military official, diplomatic dignitary, or other major public figure.*

#### **6.4.18. Major Projects, Project Management Plans, Cost Estimates, and Financial Plans**

Major Projects are those projects receiving Federal financial assistance with an estimated cost of \$500 million or more or projects that have been identified by the United States Department of Transportation Secretary as being "Major" because of special interest.

In the early development of each Major Project, Iowa DOT shall submit to FHWA an initial Project Management Plan (PMP). The purpose of the PMP is to define the roles, responsibilities, processes, and activities, which will result in the Major Project being completed on time, within budget, with the highest degree of quality and safety, and in a manner in which the public trust, support and confidence in the project is maintained.

The preparation of an initial PMP during the project's environmental study is critical to ensure the project is delivered in an efficient and effective manner. The initial PMP shall be prepared by Iowa DOT and submitted to the FHWA prior to the submission of the NEPA decision document for the project. The PMP is to be a living document in which revisions will be issued as the project progresses in order to add, modify, or delete provisions that will result in the most effectively managed project. At a minimum, these revisions and updates to the PMP will occur prior to authorization of Federal-aid funds for right of way acquisition, and

construction. During construction, Iowa DOT will continue to update the PMP to reflect the current status of the Major Project. PMP guidance is posted on the FHWA Major Project Web site.

Major Project Cost Estimates are required to be prepared and updated by Iowa DOT. To validate the Cost Estimates, FHWA will perform at least one review prior to approving the NEPA decision document, and another review prior to authorization of the first mainline construction contract. Additional reviews may be required any time an update of the Financial Plan or PMP shows a significant change to the Cost Estimates or schedule. Details for developing Cost Estimates can be found on the FHWA Major Project web site.

Every Major Project also requires the development and submittal of a Financial Plan. A Financial Plan is a comprehensive document that reflects the Project's cost estimate and revenue, and provides a reasonable assurance that there will be sufficient financial resources available to implement and complete the project as planned. The plan should clearly explain the assumptions about both cost and revenue upon which the plan is based. Financial Plans for Major Projects shall be prepared by Iowa DOT and submitted to the FHWA.

The initial Financial Plan should be prepared as early in the project development process as practical. In all cases, the initial Financial Plan must be submitted and approved by FHWA before authorization of Federal-aid funding for mainline project construction. Financial Plans are to be updated annually. The annual updates of the Financial Plan should provide information on actual costs, expenditures, and dedicated revenue in comparison to initial estimates. Additionally, updated estimates of future years' costs, expenditures, and dedicated revenue will be included. Identified funding shortfalls should be highlighted along with proposed resource solutions. Financial Plan guidance is posted on the FHWA Major Project web site.

Projects in the \$100-500 million range are also required to have Financial Plans and annual updates of the Financial Plans prepared by the project owner. The Financial Plan should address the same items as those for Major Projects. The initial Financial Plan should be prepared as early in the project development process as practical. In all cases, the initial Financial Plan must be completed before authorization of Federal-aid funding for mainline project construction. FHWA does not approve these Financial Plans, but they will be subject to review by FHWA.

Major Projects that have been approved for Operational Independence and Non-Concurrent Construction (per FHWA Major Project Guidance) will be treated in accordance with the new dollar amounts of each approved phase.

A Value Engineering study is required for any Federal-aid project meeting thresholds described in current legislation. The Division Administrator may require more than one Value Engineering analysis for those projects.

# **APPENDIX A**

## **FHWA** **REVIEWED/APPROVED** **IOWA DOT MANUALS,** **POLICIES,** **SPECIFICATIONS, GUIDES,** **AND PROCEDURES**

**Appendix A: State Manuals, Policies, Specifications, Guides, and Procedures**

**Administration**

Iowa DOT Policies and Procedures (PPM)

300.04 – Prequalification of Architectural, Engineering, and Related Professional and Technical Firms

300.12 – Negotiated Contracts for Architectural, Engineering, and Related Professional and Technical Services

420.05 – Value Engineering

500.02 – Can-Do Process

500.03 – Wetlands

500.06 – Utility Adjustment for Highway Improvement Projects

500.07 – Highway Traffic Noise Analysis and Abatement

500.11 – Construction/Maintenance Contract Lettings

500.15 – Process for New or Revised Interchanges

500.17 – Cultural Resource Protection

500.18 – Work Zone Safety and Mobility

510.02 – Project Development Public Involvement Plan

Iowa Administrative Code

Chapter 111 – Real Property Acquisition And Relocation Assistance

Chapter 112 – Primary Road Access Control

Chapter 115 – Utility Accommodation

Chapter 116 – Junkyard Control

Chapter 117 – Outdoor Advertising

Chapter 132 – Iowa Scenic Byway Program

**Bridge and Structural Design**

Guidelines for Preliminary Design of Bridges and Culverts

English and Metric CADD Standards

Reinforcing Bar Dimensions and Details

Bridge Design Manual

Reinforced Concrete Box Culvert Design Criteria



Rating

- (1) Bridge Inspection Training Manual, July 1991
- (2) Inspection Manual for Sign Structure
- (3) Load Ratings for Standard Bridges, Final Report for HR239-Phase III
- (4) Bridge Maintenance Inspection and Evaluation, White, Minor, and Derucher, 2<sup>nd</sup> Ed, 1992

Iowa DOT Bridge Standard Plans

**Civil Rights – Office of Employee Services (OES)**

Contract Compliance Plan (Plan on compliance for Contract Compliance for EEO/AA)

Disadvantaged Business Enterprise (DBE) Plan DBE Plan required by 49 CFR Part 26

Title VI Plan

Affirmative Action Plan

ADA Transition Plan (to bring our system into compliance for ADA)

**Construction**

Construction Manual, Chapter 2 and 5

**Contracts**

Bid Item Description Book – letting guidelines

Construction Contract time Determination Procedures Required by 23 CFR 635.121

Liquidated Damages Procedures required by 23 CFR 635.127

**Location and Environment**

National Programmatic Agreement “Implementation of Transportation Enhancement Activities”

July 2002 – State of Iowa Programmatic Agreement “Procedures for Implementation of Section 106 Requirements”

Categorical “No Historic Properties Affected” PMOU

Programmatic Categorical Exclusion Agreement

July 31, 1996 – Merged NEPA/404 process (Can-Do Reference Manual Chapter 7)

March 1, 2001 – FHWA/Iowa DOT agreement authorizing Iowa DOT to make initial consultation with State Historic Preservation Officer

August 7, 1986 – Informal Section 7 consultation delegated by FHWA to all State highway or transportation agencies

## **Local Systems**

Federal-aid Project Development Guide

Instructional Memorandums (IMs) to Local Public Agencies (LPAs)

Policy for Accommodating Utilities on the County and City Non-Primary Federal-aid Road System

## **Maintenance**

## **Materials**

Iowa DOT Office of Materials Instructional Memoranda

Iowa DOT Office of Materials Laboratory Manual

## **Modal**

## **Planning**

Guidelines for Development of the Iowa Statewide Transportation Improvement Program (STIP)

Process for New or Revised Interstate Access in Iowa

## **Right-of-Way**

Uniform Manual, Real Property Acquisition, and Relocation

Iowa DOT Right of Way Manual

## **Roadway Design**

Iowa DOT Design Manual (English and Metric) – Any change impacting design values, engineering guidance, or format of the plans requires approval. Updates that deal solely with automation procedures do not require approval.

Iowa DOT Standard Road Plans Manual (English and Metric)

Iowa DOT Road Design Details (English and Metric)

**Specifications**

Iowa DOT Standard Specifications for Highway and Bridge Construction  
(English and Metric)

Iowa DOT General Supplemental Specifications for Highway and Bridge  
Construction

**Traffic & Safety**

Comprehensive Highway Safety Plan

Iowa DOT Traffic and Safety Manual

**Finance**

# **APPENDIX B**

# **AASHTO AND RELATED** **MANUALS, POLICIES,** **SPECIFICATIONS, AND** **GUIDES**

**Appendix B: AASHTO and Related Manuals, Policies, Specifications, and Guides**

**General**

AASHTO Green Book: A Policy on Geometric Design of Highways and Streets

AASHTO Highway Capacity Manual

AASHTO – Guide for the Planning, Design, and Operation of Pedestrian Facilities

AASHTO – Guide for the Development of Bicycle Facilities

AASHTO – Very Low Volume Local Road Policy

**Bridge and Structural Design**

Structural Welding Code—Reinforcing Steel, ANSI/AWS

D1.4–92, 1992.

American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges 17th Ed. 2002.

AASHTO LRFD Bridge Design Specifications English Units 6th Ed. 2012.

AASHTO LRFD Bridge Design Specifications English Units 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> Ed. 2004/2007/2010

AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic Signals 2001, w/ 02 & 04 Interims.

AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic Signals 5<sup>th</sup> Ed. 2009, w/ 2010 & 2011 Interims.

American Welding Society (AWS) D1.1-2008 Bridge Welding Code w/2009

American Welding Society (AWS) D1.5-2002 Bridge Welding Code w/ 03 & 05 interims

AASHTO LRFD Bridge Construction specifications, 3rd Ed, 2010.

AASHTO Specifications for Design of Pedestrian Bridges, 1997

Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, Report No. FHWA-PD-96-001, December 1995

Manual Condition Evaluation of Bridges, 2000, w/ 01 & 03 interims

The Manual for Bridge Evaluation” second edition, 2010, with 2011 interim

AASHTO Guide for Commonly Recognized (CoRe) Structural Elements, 1997

AASHTO Guide Specifications for Horizontally Curved Girders, 2002

AASHTO Guide Specifications for Bridge Temporary Works, 1995 w/2008 interim

AASHTO Construction Handbook for Bridge Temporary Works, 1995 w/2008 interim

AASHTO, Guide Specifications for Highway Bridge Fabrication with HPS70W Steel.

AASHTO Guide Specifications for Seismic Isolation Design, 2000

AASHTO Guide Specifications for The Design of Stress-Laminated Wood Decks, 1991

AASHTO Guide Specifications and Commentary for Vessel Collision Design Of Highway Bridges, 1991

Guide Specifications and Commentary for Vessel Collision Design of Highway Bridges, 2nd Edition, with 2010 Interim Revisions

AASHTO Guide Specifications for Strength Evaluation of Existing Steel And Concrete Bridges, 1989

AASHTO Guide Specifications for Structural Design of Sound Barriers, 1989 w/ 1992 & 2002 interims

AASHTO Guide Specifications for Fatigue Design of Steel Bridges, 1989

AASHTO Guide Specifications for Strength Design of Truss Bridges (Load Factor Design), 1986

AASHTO Guide Specifications for Fracture Critical Non-Redundant Steel Bridge Members, 1978, with 1981, 1983, 1984, 1985, and 1986 Interim Revisions

AASHTO – NSBA Steel Bridge Collaboration

AASHTO – Guide Specifications – Thermal Effects in Concrete Bridge Superstructures, 1989.

PCI Design Handbook Precast and Prestressed Concrete 6th Edition, 2004

Formwork for Concrete, 6th Ed., 1995

ACI Detailing Manual – 1994.

CRSI Design Handbook – 1996

Metric Properties of Structural Shapes (AISC)

Highway Structures Design Handbook – Steel Volumes I and II (AISC)

Four LRFD Design Examples of Steel Highway Bridges, SI units, Vol. II, Chapter 1A, Highway Structures Design Handbook, National Steel Bridge Alliance

Manual of Steel Construction, 13th and 14th editions

## **Construction**

## **Contracts**

**Finance**

AASHTO Uniform Audit & Accounting Guide For Audits of Architectural and Engineering (A/E) Consulting Firms

**Location and Environment**

**Local Systems**

**Maintenance**

**Materials**

Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II, AASHTO 1995

American Society for Testing and Materials (ASTM)

American Welding Society (AWS) Code

American Wood Preserver's Association (AWPA)

American Institute of Steel Construction (AISC)

Society of Automotive Engineers (SAE)

Industrial Fasteners Institute (IFI)

American Society of Mechanical Engineers (ASME)

**Modal**

**Planning**

NCHRP Report 365 – Travel Estimation Techniques for Urban Planning – Barton-Aschman Associates Inc.

Trip Generation, 7<sup>th</sup> Edition – Institute of Transportation Engineers

NCHRP Report 255 – Highway Traffic Data for Urbanized Area Project Planning and Design – JHK & Associates

**Right-of-Way**

**Roadway Design**

AASHTO – A Policy on Design Standards Interstate System,

AASHTO – Roadside Design Guide

**Traffic and Safety**

Manual of Uniform Traffic Control Devices

NCHRP 350 Standards, Policies, and Standard Specifications



**APPENDIX C**  
**FEDERAL LAWS,**  
**REGULATIONS, AND**  
**POLICIES**  
**(APPLICABLE TO**  
**FEDERAL-AID PROJECTS)**

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>                    | <b>23 U.S.C.</b>         | <b>23 CFR</b>                                   | <b>OTHER U.S.C.</b>              | <b>OTHER CFR</b>   | <b>OTHER LAWS AND GUIDANCE</b>   | <b>REMARKS</b>  |
|-----------------------------------|--------------------------|---|----------------------------------|--|--|---|
| Accommodation of Utilities        |                          | 645 Subpart B                                   |                                  |  |  | Applies to all projects on Federal-aid highways.      |
| Nonsegregated Facilities          |                          | 633A  | 42 U.S.C. § 2000d <u>et seq.</u> | 41 CFR 60.1.8  | Title VI of the Civil Rights Act of 1964   | All contracts and subcontracts of \$10,000 or more.   |
| Disadvantaged Business Enterprise | 140(c)                   | 200 & 230                                       |                                  | 13 CFR 121<br>13 CFR 124<br>48 CFR 1 Parts 19, 26, and 52<br>49 CFR Part 26 (DBE)<br>49 CFR Part 21 (Title VI)<br>49 CFR 18.36 |  | Applies as necessary to meet State DBE program goals. |
| Equal Employment Opportunity      | 140 (a), (b), (c), & (d) | 1.9<br>1.36<br>230 Subpart A, C, & D<br>231.311 |                                  | 41 CFR 60-1<br>41 CFR 60-4   | Executive Order 11246<br>Executive Order 11375<br>Federal Aid Highway Act 1968<br>Federal Aid Highway Act 1970 |   |

<sup>8</sup> Source: FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT  | 23 U.S.C.               | 23 CFR                         | OTHER U.S.C.   | OTHER CFR  | OTHER LAWS AND GUIDANCE  | REMARKS   |
|--|-------------------------|--------------------------------|--|--|--|---|
| On-the-Job Training                                | 140(a) & (b)            | 230A<br>230.111 (b)<br>230.113 |  |  | SAFETEA-LU Section 5204(e)   | Applies to all Federal-aid highway construction projects.                         |
| Use of Convict Labor and Convict Produced Material | 114(b)                  | 635.117(a)<br>635.417          |  |  |  | Applies to all Federal-aid highway construction projects on Federal-aid highways. |
| Nondiscrimination                                  | 101, 109(h), 140, & 324 | 200, 230A, 230D, 635.107 652   | 29 U.S.C. 794<br>42 U.S.C. 2000e<br>42 U.S.C. 3601-3619<br>42 U.S.C. 4601-4655<br>42 U.S.C. 12101-12213<br>49 U.S.C. 322 | 28 CFR 35<br>29 CFR 1630<br>41 CFR 60<br>49 CFR 21, 23<br>28 CFR 50.3<br>49 CFR 1.48<br>49 CFR 25<br>49 CFR 27 | The Civil Rights Act of 1964, Title VI<br>The Age Discrimination and Employment Act of 1967<br>The Age Discrimination Act of 1975<br>The American Disabilities Act of 1990<br>Title VII Fair Housing Act<br>FHWA Order 4710.8<br>Executive Order 11246, 11375, & 13166<br>Section 504,<br>Rehabilitation Act of 1973 | All contracts and subcontracts of \$10,000 or more.                               |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>  | <b>23 U.S.C.</b> | <b>23 CFR</b>            | <b>OTHER U.S.C.</b>                        | <b>OTHER CFR</b>            | <b>OTHER LAWS AND GUIDANCE</b>                | <b>REMARKS</b>  |
|---|------------------|--------------------------|--|-----------------------------|---|---|
| Payment of Predetermined Minimum Wage   | 113              | 633 Subpart A<br>635.309 | 40 U.S.C.<br>276(a) & (c)                  | 29 CFR 1, 3, 5              | Davis-Bacon Act<br>Copeland Anti-Kickback Act | Projects within the ROW of a Federal-aid highway exceeding \$2,000. |
| Statements and Payrolls   |                  | 635.118                  | 40 U.S.C.<br>276(a) & (c)<br>18 U.S.C. 874 | 29 CFR 3, 5                 | Davis-Bacon Act<br>Copeland Anti-Kickback Act | Projects within the ROW of a Federal-aid highway exceeding \$2,000. |
| Subletting or Assigning the Contract  |                  | 633 &<br>635.116         |  |                             |   | All projects on NHS   |
| Safety: Accident Prevention (OSHA compliance)   |                  | 635.108                  | 40 U.S.C. 333                              | 29 CFR 1926                 | OSHA  | Applies to all Federal-aid construction projects.                   |
| False Statements Concerning Highway Projects  |                  | 633A,<br>635.119         | 18 U.S.C.<br>1020                          |                             |   | Applies to all Federal-aid construction projects.                   |
| Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion |                  | 635.112(g)               |  | 2 CFR 180 and<br>2 CFR 1200 |   |   |
| Certification Regarding the Use of Contract Funds for Lobbying                        |                  | 635.112(g)               | 49 U.S.C.<br>322A                          | 49 CFR 20                   |   | Contracts and subcontracts exceeding \$100,000.                     |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT  | 23 U.S.C.        | 23 CFR            | OTHER U.S.C.    | OTHER CFR      | OTHER LAWS AND GUIDANCE                             | REMARKS   |
|--|------------------|-------------------|-----------------|----------------|---|---|
| Buy America  | 313              | 635.410           |                 |                | STAA Section 165<br>ISTEA Section 1041(a) & 1048(b) | Applies to all Federal-aid highway construction projects. Requires use of domestic iron and steel with provisions for waivers.<br><a href="http://www.fhwa.dot.gov/construction/cqit/buyam.cfm">http://www.fhwa.dot.gov/construction/cqit/buyam.cfm</a> |
| Indian Preference on Federal-aid Projects (Labor & Employment) | 140              | 635.117           | 42 U.S.C. 2000e |                | FHWA Notice 4720.7                                  | Any project meeting "Guidance" criteria   |
| Non-Collusion Certification                                    | 23 U.S.C. 112    | 23 CFR 635.112(f) |                 |                |   | Applies to all Federal-aid highway construction projects.   |
| Standardized Changed Conditions Contract Clauses               | 23 U.S.C. 112(e) | 23 CFR 635.109    |                 |                |   | Applies to all Federal-aid highway construction projects with possible exception of design-build  |
| Drug-Free Workplace  |                  |                   |                 | 49 CFR 29      |   |   |
| Publicly Owned Equipment                                       |                  | 635.106           |                 |                | OMB Circular A-87                                   | Applies to all Federal-aid highway construction projects.   |
| Contractor Purchased for State Ownership                       | 302              | 140               |                 | 49 CFR Part 18 |   | Applies to all Federal-aid highway construction projects.   |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>  | <b>23 U.S.C.</b> | <b>23 CFR</b>            | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b>   | <b>OTHER LAWS AND GUIDANCE</b>                        | <b>REMARKS</b>  |
|---|------------------|--------------------------|---------------------|--|---|---|
| Equipment Rental Rates                                      |                  | 140.910                  |                     | 48 CFR Part 31<br>49 CFR 18.32                           | OMB Circular A-87<br>FAPG NS 23 CFR<br>635.120        | Applies to all Federal-aid highway construction projects. |
| Foreign Contractor and Supplier Restriction                 |                  |                          |                     | 49 CFR 30  |   | Applies to all Federal-aid highway construction projects. |
| Salvage credits   |                  |                          |                     | 49 CFR 18.36   |   | Applies to all Federal-aid highway construction projects. |
| Method of Construction (low bid for construction contracts) | 112(a) & (b)     | 635.104<br>635 Subpart B |                     | 49 CFR 18.36   | Brooks Act<br>Technical Advisory<br>T5080.4 & T5080.6 | Applies to all Federal-aid highway construction projects. |
| Owner Force Account / Cost Effective Justification          | 112B             | 635B                     |                     |  |   |   |
| Alternate Bids  |                  | 635.411(b)               |                     |  |   |   |
| Bonding and Prequalification                                | 112              | 635.110                  |                     | 49 CFR Part 29<br>Suspended,<br>debarred<br>49 CFR 18.36 |   |   |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>                            | <b>23 U.S.C.</b> | <b>23 CFR</b>              | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b>  | <b>OTHER LAWS AND GUIDANCE</b>   | <b>REMARKS</b>   |
|---|------------------|----------------------------|---------------------|---|--|--|
| Advertising for Bids                      | 112              | 635.112                    |                     | 49 CFR Part 20 (Lobbying)<br>49 CFR Part 29<br>49 CFR 18.36 |  |  |
| Contract Time                             |                  | 635.121                    |                     |   | Technical Advisory T5080.15, Construction Contract Time Determination Procedures | Applies to Federal-aid highway construction projects on the NHS. |
| Bid Opening and Tabulation                |                  | 635.113                    |                     | 49 CFR 18.36<br>49 CFR 18.35                                |  |  |
| Reimbursement Construction Engineer Costs | 112              | 1.11, 172, 635.105(b)      | 40 U.S.C. 1101-1104 |   | Brooks Act   |  |
| Change Orders                             |                  | 635.102, 635.120 & 635.121 |                     |   |  | Applies to Federal-aid construction projects on the NHS.         |
| Claims                                    |                  | 635.124                    |                     |   |  | Applies to Federal-aid construction projects on the NHS.         |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT                          | 23 U.S.C. | 23 CFR               | OTHER U.S.C.                    | OTHER CFR  | OTHER LAWS AND GUIDANCE  | REMARKS  |
|----------------------------------|-----------|----------------------|---------------------------------|--|--|--|
| Liquidated Damages               |           | 635.127              |                                 |  |  | Applies to Federal-aid construction projects on the NHS. |
| Incentive / Disincentive Clauses |           | 635.127 (d, f)       |                                 |  | Technical Advisory T5080.10<br>Incentive/Disincentive (I/D) for Early Completion |  |
| Project Supervision and Staffing | 114 & 302 | 635.105              |                                 |  |  |  |
| Work Hours                       |           |                      | 40 U.S.C. 327-330               |  | Contract Work Hours & Safety Standards Act                                       |  |
| Consultants                      | 112       | 172<br>140 Subpart H | 40 U.S.C. Chapter 11, 1101-1104 | 49 CFR 18<br>2 CFR 225 (OMB Circular A-87)<br>48 CFR part 31<br>48 CFR Chapter 99<br>Cost Accounting Standards | Brooks Act<br>Generally Accepted Accounting Principles (GAAP)                    |  |



**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT   | 23 U.S.C. | 23 CFR        | OTHER U.S.C. | OTHER CFR   | OTHER LAWS AND GUIDANCE  | REMARKS  |
|---|-----------|---------------|--------------|-------------|--|--|
| FHWA 1273   | 114, 315  | 633           |              | 49 CFR 1.48 |  |  |
| Proprietary Materials                               | 112       | 635.411       |              |             |  | Applies to all Federal-aid highway construction projects.            |
| State Preference                                    | 112       | 635.409       |              |             |  | Applies to all Federal-aid highway construction projects.            |
| State Owned /<br>Furnished/<br>Designated Materials | 112       | 635.407       |              |             |  | Applies to all Federal-aid highway construction projects.            |
| Engineer's Estimate                                 | 106       | 630 A&B       |              |             | FHWA's "Guidelines On Preparing Engineer's Estimate, Bid Reviews And Evaluation"<br>January 20, 2004 | Applies to all Federal-aid highway construction projects on the NHS. |
| General Materials Requirements                      |           | 635 Subpart D |              |             |  |  |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT   | 23 U.S.C. | 23 CFR               | OTHER U.S.C.                                   | OTHER CFR                 | OTHER LAWS AND GUIDANCE   | REMARKS  |
|---|-----------|----------------------|--|---------------------------|---|--|
| Implementation of the Clean Air Act and Federal Water Pollution Control Act |           | 633 & 777            | 33 U.S.C. 1251, 1368, & 1386<br>42 U.S.C. 1857 | 40 CFR 15<br>30 CFR 404   |   | All contracts and subcontracts of \$100,000 or more. |
| Environment   |           | 771, 772, 774, & 777 | 42 U.S.C. 4321                                 | 40 CFR 1500<br>50 CFR 402 | National Environmental Policy Act<br>Section 4(f) of the Department of Transportation Act and implementing regulations; Section 106 of the National Historic Preservation Act and implementing regulations 36 CFR 800; Section 404 of the Clean Water Act; and Section 7 of the Endangered Species Act, |  |
| Policy on Lands, Wildlife and Waterfowl Refuges & Historic Sites            |           | 771                  | 49 U.S.C. Sec. 303                             |                           |   |  |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>         | <b>23 U.S.C.</b> | <b>23 CFR</b>   | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b>      | <b>OTHER LAWS AND GUIDANCE</b>   | <b>REMARKS</b> |
|------------------------|------------------|-----------------|---------------------|-----------------------|--|----------------|
| Right-of-Way           |                  | 1.23 & 710, 750 | 42 U.S.C. 4601      | 49 CFR 24             | Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970             |                |
| Endangered Species     |                  |                 |                     | 50 CFR 402            |  |                |
| Farm Lands Protection  |                  |                 |                     | 7 CFR 658             | Farm Lands Protection Act  |                |
| Historic Preservation  |                  |                 |                     | 36 CFR 800            | National Historic Preservation Act   |                |
| Flood Plain Management |                  | 650 & 771       | 33 U.S.C. 401, 491  | Executive Order 11988 | Public Law 97-424, Transportation Assistance Act of 1982<br>National Flood Insurance Program |                |
| Erosion Control        |                  | 650B            |                     |                       | Federal Water Pollution Control Act  |                |

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**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>   | <b>23 U.S.C.</b> | <b>23 CFR</b>            | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b> | <b>OTHER LAWS AND GUIDANCE</b>                | <b>REMARKS</b>   |
|--|------------------|--------------------------|---------------------|------------------|---|--|
| Procedures for Abatement of Highway Traffic Noise and Construction Noise |                  | 772                      |                     |                  |   |  |
| Bridge Replacement & Rehabilitation Program                              | 144              | 646 Subpart B<br>650.405 |                     |                  |   |  |
| Navigational Clearances for Bridges                                      |                  | 650 Subpart H            |                     |                  |   |  |
| National Bridge Inspection Standards                                     |                  | 650 Subpart C            |                     |                  |   | Applies to all highway bridges on public roads.                      |
| Metric   |                  |                          |                     |                  | Omnibus Trade and Competitiveness Act of 1968 |  |
| Standard Specifications and Plans  |                  | 630B                     |                     |                  |   | Applies to all Federal-aid highway construction projects on the NHS. |
| Emergency Relief   | 120, 125         | 668                      |                     |                  | FHWA’s Emergency Relief Manual                |  |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>                     | <b>23 U.S.C.</b>                       | <b>23 CFR</b>                                 | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b>                       | <b>OTHER LAWS AND GUIDANCE</b>   | <b>REMARKS</b>                                   |
|------------------------------------|--|---|---------------------|--|--|--|
| Traffic Control Devices            | 109(d)                                 | 655 Subpart F                                 |                     |  | Manual of Uniform Traffic Control Devices<br>Iowa Administrative Code 761, Chapter 130 | Applies to all public roads                      |
| Work Zones                         | 402(a)                                 | 630 Subpart J<br>630 Subpart K<br>634         |                     |  |  | 23 CFR 634 applies to federal-aid highway system |
| Highway Safety Improvement Program | 148, 402                               | 924   | 49 U.S.C. 408       |  |  |  |
| Highway Safety Laws                | 153, 154, 158, 159, 161, 163, 164, 402 | 192, 1206, 1210, 1215, 1225, 1252, 1270, 1275 |                     | 49 CFR 1.48, 49 CFR 1.50<br>49 CFR 501 |  |  |
| ITS Architecture                   | 101, 106, 109, 133, 315, 508           | 940   |                     | 49 CFR 1.48                            |  |  |
| Crashworthiness Standards          | 109                                    | 625, 655(f)                                   |                     |  | FAPG NS 23 CFR 625<br>NCHRP Report 350   |  |
| Railroad Insurance                 | 109(e), 120(d), 130, 315               | 646A  |                     |  |  |  |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| <b>SUBJECT</b>                                | <b>23 U.S.C.</b> | <b>23 CFR</b>                   | <b>OTHER U.S.C.</b> | <b>OTHER CFR</b>  | <b>OTHER LAWS AND GUIDANCE</b>   | <b>REMARKS</b> |
|---|------------------|---------------------------------|---------------------|---|--|----------------|
| Pavement Design                               |                  | 626                             |                     |   |  |                |
| Quality Assurance Procedures for Construction |                  | 637 Subpart B                   |                     |   |  |                |
| Administrative Requirements                   | 302              | Subchapter A, Part 1<br>420.115 |                     | 49 CFR 18<br>49 CFR 19<br>2 CFR parts 1, 180, 215, 220, 225, & 230                            | OMB Circular A-102<br>OMB Circular A-110<br>OMB Circular A-21<br>OMB Circular A-87<br>OMB Circular A-122 |                |
| Audits  | 112(b)(2)        | 140-Subpart H                   |                     | 48 CFR 31, Federal Acquisitions Regulations<br>49 CFR 18.26<br>2 CFR parts 220, 225, 230, and | OMB Circular-A-133   |                |
| Records Retention                             |                  |                                 |                     | 49 CFR 18.42  |  |                |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT                   | 23 U.S.C.               | 23 CFR                   | OTHER U.S.C. | OTHER CFR               | OTHER LAWS AND GUIDANCE   | REMARKS |
|---------------------------|-------------------------|--------------------------|--------------|-------------------------|---|---------|
| Project Agreement         | 106                     | 630 Subpart A<br>420.115 |              |                         | <a href="#">FHWA Memorandum December 29, 2009, INFORMATION: Tapered Match on Federal-aid Projects</a> |         |
| Advance Construction      | 115                     | 630G                     |              |                         |   |         |
| State Infrastructure Bank | 610                     |                          |              |                         | NHS Act of 1995   |         |
| Funds Management          |                         | 630 Subpart A            |              | 49 CFR 18.<br>49 CFR 19 | SAFETEA-LU section 1904   |         |
| Funds Transfers           | 103(d)<br>104<br>119(b) |                          |              |                         | SAFETEA-LU section 1108<br>FHWA HPP & TI Implementing Guidance  |         |
| Major Projects            | 106                     |                          |              |                         | TEA-21<br>SAFETEA-LU  |         |

**Appendix C: Federal Laws, Regulations, and Policies**  
**(Applicable to all Federal-aid Projects unless noted in the column labeled “Remarks”)<sup>8</sup>**

| SUBJECT           | 23 U.S.C. | 23 CFR | OTHER U.S.C. | OTHER CFR | OTHER LAWS AND GUIDANCE | REMARKS   |
|-------------------|-----------|--------|--------------|-----------|-------------------------|---|
| Value Engineering | 106(e)    | 627    |              |           | SAFETEA-LU              | Applies to projects on the Federal-aid system estimated to cost over \$25 million and bridge projects estimated to cost over \$20 million |



**APPENDIX D**

**STEWARDSHIP/OVERSIGHT**

**INDICATORS**

**Appendix D: Stewardship/Oversight Indicators**

Reported by Iowa DOT to FHWA by December 31.

- Ratio of wetland acres replaced to acres impacted by highway construction.
- Percent of Highway Safety Improvement Program Funding investment obligated each year.
- Percent change of International Roughness Index (IRI) from previous year for the NHS.
- Average Pavement Condition Index (PCI) for:
  - Planning Class 1 (Interstate)
  - Planning Class 2 (CIN)
- SI&A values of Iowa DOT bridge system.
- Percent of state projects clearances obtained six weeks prior to letting where DOT is the contracting authority.
- Implement portions of Top 5 Percent Safety Report.
- Implement portions of Comprehensive Safety Plan.
- Develop a 20 Year Long Range Transportation Plan.
- LPA Stewardship
  - Number of LPAs and LPA employees attending winter training and seminar opportunities provided by Iowa DOT
  - Number of LPA project/construction reviews conducted and documented by Iowa DOT
- Percent of State projects in the STIP advanced to construction during the fiscal year

Reported by FHWA to Iowa DOT by December 31.

- FMIS Transaction Times – Report statistics on time from Iowa DOT submittal to FHWA approval of FMIS transactions.
- Time to close Full Oversight projects – Report statistics on time from initial authorization/obligation to project is closed in FMIS.
- Number of construction inspections performed on Full Oversight and State Administered projects (state and local) by FHWA.

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

- Inactive federal-aid project metrics to be provided quarterly.
- Number and area of structurally deficient bridges

**APPENDIX E**

**PROGRAMMATIC**  
**AGREEMENT FOR**  
**INHERENTLY LOW-RISK**  
**OVERSIGHT PROJECTS ON**  
**THE INTERSTATE SYSTEM**

**Programmatic Agreement for Inherently Low-Risk Oversight Projects  
On the Interstate System between the  
Federal Highway Administration Iowa Division Office (FHWA) and the  
Iowa Department of Transportation (DOT)**

WHEREAS, the FHWA has the responsibility for administering Federal requirements with respect to all projects constructed with funds made available under title 23, United States Code, including responsibilities relating to design, plans, specifications, estimates, contract awards, contract administration, and inspections;

WHEREAS, there are some projects on the Interstate System that are routine and inherently low risk that are generally non-controversial and in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements;

WHEREAS, it is mutually desirable to both the FHWA and Iowa DOT to streamline the approval process of these routine and inherently low risk projects;

WHEREAS, 23 U.S.C. 106(c)(4) provides that the Secretary of the United States Department of Transportation may not assume any greater responsibility than the Secretary is permitted on September 30, 1997;

WHEREAS, on September 30, 1997, 23 U.S.C. 106(b) permitted the States to approve, on a project-by-project basis, plans, specifications, and estimates for projects to resurface, restore, and rehabilitate highways on the National Highway System (NHS), and further permitted the States to request that the Secretary no longer review and approve highway projects on the NHS with an estimated construction cost of less than \$1,000,000;

NOW THEREFORE, the FHWA and Iowa DOT hereby agree as follows:

1. Inherently low risk oversight projects include those that are routine, low risk projects and generally non-controversial in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements.

These projects would not:

- Include complex or unique engineering features
- Be a portion of a non-low risk oversight project
- Add mainline capacity
- Jeopardize the long-term safety or operation of the Interstate System
- Include projects that are classified as “Major Projects”
- Involve new partners (public/private partnerships)
- Involve new, innovative contracting methods
- Be viewed as high risk

For purposes of this agreement, inherently low risk oversight projects are defined as:

- Pavement and/or bridge preventive maintenance.
- Pavement and/or bridge rehabilitation.
- Pavement and/or bridge resurfacing.
- Pavement and/or bridge reconstruction in-kind to current standards – defined as removal and replacement of existing pavement structure or the overlay of an existing pavement structure.
- Rest areas rehabilitation or replacement at the same location with no revisions to access control.
- Signing, landscaping, and lighting.

This is not to be considered an all inclusive listing. If projects other than those listed above are determined by Iowa DOT to satisfy the qualifications for a low risk oversight project, Iowa DOT may request a low risk oversight project determination from the Iowa Division on a case-by-case basis.

2. For the inherently low risk oversight projects as defined in paragraph 1, FHWA is granting its approval, in advance of the actual delivery of the projects, for these projects' designs, plans, specifications, estimates, contract awards, contract administration, and inspections. These advance approvals are not deemed to occur until after the completion of the National Environmental Policy Act (NEPA) process and the satisfaction of other related environmental laws and procedures.
3. For the inherently low risk oversight projects as defined in paragraph 1, if a design exception is required, the approval of the design exception will be retained by FHWA.
4. For the inherently low risk oversight projects as defined in paragraph 1, FHWA's oversight will be satisfied by a risk management framework and process/program reviews. It is understood that FHWA's approval of funds for these projects at either the preconstruction or construction phase constitutes a determination that the project in question is eligible for Federal-aid and that the appropriate federal requirements have been met to date or defined steps are to be taken to ensure that requirements will be met. Notwithstanding this determination, FHWA continues to retain overall responsibility for all aspects of Federal-aid programs and, as such, shall be granted full access to review any aspect or record of a Federal-aid project at any time.

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

IN WITNESS THEREOF, the parties hereto have caused this instrument to be duly executed, effective for projects obligated after October 1, 2007.

STATE OF IOWA  
IOWA DEPARTMENT OF TRANSPORTATION

BY: /s/ Kevin M. Mahoney                      DATE: 6/8/07  
Kevin Mahoney  
Highway Division Director

FEDERAL HIGHWAY ADMINISTRATION

BY: /s/ Philip E. Barnes                      DATE: 6/15/07  
Philip E. Barnes  
Division Administrator

# **APPENDIX F**

# **PROJECT ACTION** **RESPONSIBILITY**



**Appendix F: Project Action Responsibility**

| PROJECT ACTION   | AGENCY RESPONSIBLE                  |                                      |  |
|--|-------------------------------------|--------------------------------------|--|
|  | NHS PROJECTS<br>(Oversight by FHWA) | NHS PROJECTS<br>(Delegated Projects) | Non-NHS PROJECTS<br>(Delegated Projects) |
| <b>PROGRAMMING AND PROJECT AUTHORIZATION/AGREEMENT PROCESS</b>   |                                     |                                      |  |
| Verify project in STIP   | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| Verify eligibility for proposed funding category   | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| Approve HBP for bridges not on Selection List  | FHWA                                | FHWA                                 | FHWA                                     |
| <b>FINANCIAL MANAGEMENT</b>  |                                     |                                      |  |
| Obligate Federal funds and Approve Federal-aid Project Agreement   | FHWA                                | FHWA                                 | FHWA                                     |
| Approve Federal vouchers   | FHWA                                | FHWA                                 | FHWA                                     |
| Approve Rates for Material Inspection Costs and Labor Additive Rates   | FHWA                                | FHWA                                 | FHWA                                     |
| Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] | FHWA                                | FHWA                                 | N/A                                      |
| Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)]                               | FHWA                                | FHWA                                 | N/A                                      |
| Develop Financial Plan for Federal Projects between \$100 million to \$500 million [23 U.S.C. 106(i)]                | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| <b>PRELIMINARY DESIGN</b>  |                                     |                                      |  |
| Project Concept Statement  | Iowa DOT <sup>(1)</sup>             | Iowa DOT <sup>(1)</sup>              | Iowa DOT                                 |
| Approve Consultant Selection and Agreements<br>PPM 300.12  | FHWA                                | Iowa DOT                             | Iowa DOT                                 |
| Approve Sole source Consultant Contract Selection  | FHWA                                | Iowa DOT                             | Iowa DOT                                 |
| Approve hiring of consultant to serve in a “management” role [23 CFR 172.9]  | FHWA                                | FHWA                                 | FHWA                                     |

Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa

| PROJECT ACTION  | AGENCY RESPONSIBLE               |                                   |                                       |
|---|----------------------------------|-----------------------------------|---------------------------------------|
|   | NHS PROJECTS (Oversight by FHWA) | NHS PROJECTS (Delegated Projects) | Non-NHS PROJECTS (Delegated Projects) |
| Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9]  | FHWA                             | N/A                               | N/A                                   |
| Approve exceptions to design standards [23 CFR 625.3(f)]  | FHWA                             | Iowa DOT <sup>(2,3)</sup>         | Iowa DOT                              |
| Approve Changes in Access to the Interstate System (IJR)  | FHWA                             | NA                                | NA                                    |
| Approve Modification to Interstate that does not result in a change of access (Interchange Operations Report approved by FHWA)  | FHWA                             | NA                                | NA                                    |
| Approve Public interest finding with respect to airport-highway clearance [23 CFR 620.104]  | FHWA                             | Iowa DOT <sup>(4)</sup>           | NA <sup>(4)</sup>                     |
| Approve Participation limits in bridges over railroad [23 CFR 646 Subpart B)  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approval of TS&L  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve Project Management Plan for Federal Major Projects over \$500 million [23 U.S.C. 106(h)]  | FHWA                             | N/A                               | N/A                                   |
| Approve innovative and Public-Private Partnership (PPP) projects in accordance with SEP-14 and SEP-15 (except those Design-Build projects that conform with 23 CFR 636) | FHWA                             | FHWA                              | FHWA                                  |
| <b>DETAILED DESIGN</b>  |                                  |                                   |                                       |
| Approve preliminary plans for major and unusual structures [23 U.S.C.109(a)]  | FHWA <sup>(5)</sup>              | Iowa DOT <sup>(2)</sup>           | Iowa DOT                              |
| Approve retaining Right-of-Way encroachments  | Iowa DOT                         | Iowa DOT                          | Iowa DOT                              |
| Approve use of negotiated contracts   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve use of publicly owned equipment [23 CFR 635.106]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve the use of proprietary products, processes [23 CFR 635.411]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

| PROJECT ACTION  | AGENCY RESPONSIBLE               |                                   |                                       |
|---|----------------------------------|-----------------------------------|---------------------------------------|
|   | NHS PROJECTS (Oversight by FHWA) | NHS PROJECTS (Delegated Projects) | Non-NHS PROJECTS (Delegated Projects) |
| Concur in use of publicly furnished materials<br>[23 CFR 635.407]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| <b>SAFETY (Design Phase)</b>  |                                  |                                   |                                       |
| Assurance that projects meet appropriate design safety criteria, as related to the AASHTO Roadside Design Guide and NCHRP 350 | Iowa DOT                         | Iowa DOT                          | Iowa DOT                              |
| <b>SYSTEM OPERATIONS AND PRESERVATION (Design Phase)</b>  |                                  |                                   |                                       |
| Accept Transportation Management Plans for Work Zones<br>[23CFR630.1012]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approval of System Engineering Analysis (for ITS) [23CFR 940.11]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| <b>PS&amp;E AND ADVERTISING</b>   |                                  |                                   |                                       |
| Approve plans, specifications and estimates<br>[23 CFR 630.205]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Authorize <sup>(7)</sup> advance construction and conversions<br>[23 CFR 630.703 & 709]                                       | FHWA                             | FHWA                              | FHWA                                  |
| Authorize <sup>(7)</sup> utility or railroad force account work<br>[23 CFR 645.113 & 646.216]                                 | FHWA                             | FHWA                              | FHWA                                  |
| Approve utility and railroad agreements<br>[23 CFR 645.113 & 646.216]   | Iowa DOT                         | Iowa DOT                          | Iowa DOT                              |
| Approve use of consultants by utility companies<br>[23 CFR 645.109(b)]  | Iowa DOT                         | Iowa DOT                          | Iowa DOT                              |
| Approve exceptions to maximum railroad protective insurance limits<br>[23 CFR 646.111]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Exempt bridge from Coast Guard permit requirements [23 CFR 650.805]   | FHWA                             | FHWA                              | FHWA                                  |
| Authorize <sup>(7)</sup> advertising for bids<br>[23 CFR 635.112]   | FHWA                             | FHWA                              | FHWA                                  |

Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa

| PROJECT ACTION   | AGENCY RESPONSIBLE                  |                                      |  |
|--|-------------------------------------|--------------------------------------|--|
|  | NHS PROJECTS<br>(Oversight by FHWA) | NHS PROJECTS<br>(Delegated Projects) | Non-NHS PROJECTS<br>(Delegated Projects) |
| Approve hiring of consultant to serve in a "management" role<br>[23 CFR 172.9(d)]                | FHWA                                | Iowa DOT                             | Iowa DOT                                 |
| Approve consultant agreements<br>[23 CFR 172]  | FHWA                                | Iowa DOT                             | Iowa DOT                                 |
| <b>ENVIRONMENT</b>   |                                     |                                      |  |
| All approval actions required by Federal laws and regulations except as noted on next five lines | FHWA                                | FHWA                                 | FHWA                                     |
| Certify Programmatic Categorical Exclusions  | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| 404 Permit Request   | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| Tribal Consultation Delegation per October 10, 2001 delegation                                   | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| Initial Consultation with State Historic Preservation Officer per FHWA March 1, 2001 letter      | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| Informal Section 7 Consultation per FHWA 1986 letter   | Iowa DOT                            | Iowa DOT                             | Iowa DOT                                 |
| <b>RIGHT-OF-WAY</b>  |                                     |                                      |  |
| Approves State ROW operations manual [23 CFR 710.201]  | FHWA                                | FHWA                                 | FHWA                                     |
| Authorize <sup>(7)</sup> Right-of-Way activities [23 CFR 710.307] (If a Federal-aid project)     | FHWA                                | FHWA                                 | FHWA                                     |
| Accept Right-of-Way certificate as a condition of PS&E approval [23 CFR 635.309(b)(c)]           | FHWA                                | Iowa DOT                             | Iowa DOT                                 |
| Approve Hardship and Protective Buying [23 CFR 710.501 & 710.503] (If Federal-aid project)       | FHWA                                | FHWA                                 | FHWA                                     |
| Approve air space agreements [23 CFR 710.405]  | FHWA                                | FHWA                                 | NA <sup>(4)</sup>                        |
| Approve non-highway use and occupancy [23 CFR 710.407]   | FHWA                                | FHWA                                 | NA <sup>(4)</sup>                        |

Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa

| PROJECT ACTION   | AGENCY RESPONSIBLE               |                                   |                                       |
|--|----------------------------------|-----------------------------------|---------------------------------------|
|  | NHS PROJECTS (Oversight by FHWA) | NHS PROJECTS (Delegated Projects) | Non-NHS PROJECTS (Delegated Projects) |
| Approve disposal of federally funded Right-of-Way<br>[23 CFR 710.409]  | FHWA                             | FHWA                              | NA <sup>(4)</sup>                     |
| Approves requests for credits toward the non-federal share of construction costs for early acquisitions, donations or other contributions applied to a project | FHWA                             | FHWA                              | FHWA                                  |
| Request Federal land transfers<br>[23 CFR 710, Subpart F]  | FHWA                             | FHWA                              | FHWA                                  |
| Approve functional replacement of property<br>[23 CFR 710.509]   | FHWA <sup>(8)</sup>              | FHWA <sup>(8)</sup>               | FHWA <sup>(8)</sup>                   |
| <b>CONSTRUCTION</b>  |                                  |                                   |                                       |
| Approve cost effectiveness and emergency determinations for contracts awarded by other than competitive bidding<br>[23 CFR 635.104 & 204]                      | FHWA <sup>(6)</sup>              | Iowa DOT <sup>(6)</sup>           | Iowa DOT <sup>(6)</sup>               |
| Approve construction engineering by local agency<br>[23 CFR 635.105]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve advertising period less than three weeks<br>[23 CFR 635.112]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve addenda during advertising period<br>[23 CFR 635.112]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Concur in award of contract<br>[23 CFR 635.114]  | FHWA                             | Iowa DOT <sup>(2)</sup>           | Iowa DOT                              |
| Concur in rejection of all bids<br>[23 CFR 635.114]  | FHWA                             | Iowa DOT <sup>(2)</sup>           | Iowa DOT                              |
| Approve changes and extra work<br>[23 CFR 635.120] (Construction Manual, Chapter 2)  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Approve contract time extensions<br>[23 CFR 635] (Construction Manual, Chapter 2)  | Iowa DOT                         | Iowa DOT                          | Iowa DOT                              |

| PROJECT ACTION   | AGENCY RESPONSIBLE               |                                   |                                       |
|--|----------------------------------|-----------------------------------|---------------------------------------|
|  | NHS PROJECTS (Oversight by FHWA) | NHS PROJECTS (Delegated Projects) | Non-NHS PROJECTS (Delegated Projects) |
| Concur in use of mandatory borrow/disposal sites<br>[23 CFR 635.407]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Accept materials certification<br>[23 CFR 637.207]   | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| Concur in settlement of contract claims<br>[23 CFR 635.124] (Construction Manual, Chapter 2) (Standard Specification 1109)   | FHWA                             | FHWA                              | Iowa DOT                              |
| Concur in termination of contracts<br>[23 CFR 635.125]   | FHWA                             | Iowa DOT <sup>(2)</sup>           | Iowa DOT                              |
| Waive Buy America provisions<br>[23 CFR 635.410]   | FHWA HQ                          | FHWA HQ                           | FHWA HQ                               |
| Final inspection/acceptance of completed work<br>[23 U.S.C. 114(a) and 23 U.S.C. 121]  | FHWA                             | Iowa DOT                          | Iowa DOT                              |
| <b>CIVIL RIGHTS</b>  |                                  |                                   |                                       |
| Approval actions as required by Federal laws and regulations   | FHWA                             | FHWA                              | FHWA                                  |
| <p>Endnotes:</p> <p>(1) FHWA provided copy for review and comment.</p> <p>(2) Informational copy to FHWA (record keeping and reporting).</p> <p>(3) Exceptions for vertical clearance are subject to coordination with the Military Traffic Management Command for the "26,000 mile priority network" (mainly; the Interstate). Coordination may be accomplished through FHWA.</p> <p>(4) Approvals, if any, will be those required by State laws, regulations, policies, and procedures. However, this does not relieve Iowa DOT from responsibility for these areas, or from compliance with non-Title 23 Federal requirements, which may remain applicable.</p> <p>(5) Typically approved by FHWA Headquarters Bridge Division unless Iowa Division Office has substantial experience with this bridge type.</p> <p>(6) Authorization document in FMIS should reference approvals of this type in State remarks section.</p> <p>(7) The term authorize in this table refers to a FMIS action.</p> <p>(8) Only if Federal funds are used for Right-of-Way acquisition.</p> |                                  |                                   |                                       |

# **APPENDIX G**

# **PROGRAM ACTION** **RESPONSIBILITY**

**Appendix G: Program Action Responsibility**

| <b>These are program, not project action responsibilities.</b>                         |                   |   |   |              |  |
|--|-------------------|---|---|--------------|--|
| ACTIVITY   | Authority         | Frequency / Due   | Iowa DOT Contact                        | FHWA Contact | Remarks  |
| <b>Planning</b>  |                   |   |   |              |  |
| <b><u>Statewide Planning</u></b>   |                   |   |   |              |  |
| Statewide Planning and Research (SPR) (Part 1) Work Program                            | 23 CFR 420.111    | Annually by June 30   | Systems Planning                        | Planner      |  |
| State Participation Process for Non-metropolitan Local Officials                       | 23 CFR 450.210(b) | At least once every five years                                    | Systems Planning                        | Planner      |  |
| State Public Involvement Process   | 23 CFR 450.210(a) | As needed or as revised by State                                  | Program Management                      | Planner      |  |
| State Self-certification   | 23 CFR 450.218    | Submitted with proposed STIP or STIP amendments                   | Program Management                      | Planner      | FHWA and FTA issue a joint finding                       |
| Statewide Transportation Plan  | 23 CFR 450.214    | Revise and update, as appropriate                                 | Systems Planning                        | Planner      |  |
| Statewide Transportation Improvement Program (STIP)                                    | 23 CFR 450.216    | At least every 4 years  | Program Management                      | Planner      | Joint FHWA and FTA approval                              |
| STIP Amendments  | 23 CFR 450.218    | As submitted by State   | Program Management                      | Planner      | Joint FHWA and FTA approval                              |
| Tribal Government Consultation Process   | 23 CFR 450.210(c) | As needed or as revised by State                                  | Program Management                      | Planner      |  |
| <b><u>Metropolitan Planning</u></b>  |                   |   |   |              |  |
| Annual Listing of Obligated Projects   | 23 CFR 450.332    | Annually, no later than 90 days after September 30                | Program Management                      | Planner      |  |
| Certification in Transportation Management Areas (TMAs)                                | 23 CFR 450.334(b) | Every 4 yrs   | Systems Planning                        | Planner      | Joint FHWA and FTA certification                         |
| Congestion Management Process in TMAs  | 23 CFR 450.320    | Established and revised as needed                                 | Systems Planning                        | Planner      |  |
| Metropolitan Planning Area Boundaries  | 23 CFR 450.312    | Established and revised as needed                                 | Systems Planning                        | Planner      | Require agreement between Governor and the MPO           |
| Metropolitan Transportation Plan (MTP) in Attainment Areas                             | 23 CFR 450.322    | Every 5 yrs   | Systems Planning                        | Planner      | Developed by MPOs  |
| Metropolitan Transportation Planning Organizations (MPO) Designation and Redesignation | 23 CFR 450.310    | As needed/revised by MPO/State                                    | Systems Planning                        | Planner      | Require agreement between Governor and local governments |
| MPO Self-certification (Non-TMAs)  | 23 CFR 450.334(a) | At least every 4 years, with submittal of TIP as part of the STIP | Program Management/<br>Systems Planning | Planner      |  |



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|---|--|--|---|---------------------|--|
| <b>ACTIVITY</b>   | <b>Authority</b>   | <b>Frequency / Due</b>   | <b>Iowa DOT Contact</b>                       | <b>FHWA Contact</b> | <b>Remarks</b>   |
| MTP in Non-attainment and Maintenance Areas Participation Plans   | 23 CFR 450.322   | Every 4 yrs  | Systems Planning                              | Planner             | Developed by MPOs  |
| Transportation Improvement Program (TIP)  | 23 CFR 450.324;<br>23 CFR 450.328                                      | As needed or revised by MPOs   | Systems Planning                              | Planner             | Developed by MPOs  |
| TIP Amendments  | 23 CFR 450.326;<br>23 CFR 450.328                                      | At least every 4 years   | Program Management                            | Planner             |  |
| Unified Planning Work Programs  | 23 CFR 450.306   | As submitted by MPOs   | Program Management                            | Planner             |  |
|   |  | Annually by June 1   | Systems Planning                              | Planner             | Developed by MPOs; Joint FHWA and FTA approval. Referred to as TPWP in the State.                |
| <b><u>Air Quality</u></b>   |  |  |   |                     |  |
| Congestion Mitigation and Air Quality Improvement Program (CMAQ) Funds Report   | 04/28/99 HQ CMAQ guidance memo   | Annually by March 5 <sup>th</sup>  | Systems Planning                              | Planner             |  |
| Conformity Determination for MTP in Non-attainment and Maintenance Areas  | 23 CFR 450.322;<br>40 CFR 93   | With MTP updates at least every 4 years and as needed on amendments          | Program Management/<br>Systems Planning       | Planner             | Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA) |
| Conformity Determination for TIP in Non-attainment and Maintenance Areas  | 23 CFR 450.328:<br>40 CFR 93   | With TIP submittal at least every four years and as needed on TIP amendments | Program Management/<br>Systems Planning       | Planner             | Joint FHWA and FTA determination; In consultation with EPA                                       |
| PM2.5 and Mobile Source Air Toxics  | Memos February 3, 2006 and March 29, 2006, 71 FR 12468, 23 CFR 771.129 | As needed  | Systems Planning/<br>Location and Environment | Planner/            | In consultation with EPA   |
| <b><u>ROW</u></b>   |  |  |   |                     |  |
| Acquisitions, Appraisals, and Relocations   | 49 CFR 24, The UA  | As needed  | ROW   | Realty Manager      |  |
| Early Acquisitions  | 23 CFR 710.501   | As needed  | ROW and Location and Environment              | Realty Manager      |  |
| Local Public Agency Oversight   | 49 CFR 24.4(b); 23 CFR 710.201(h)                                      | As needed  | Local Systems/<br>ROW                         | Realty Manager      | Iowa DOT has oversight of local public agencies.   |
| Outdoor Advertising Policies and Procedures   | 23 CFR 750.304   | As needed or submitted by State  | ROW   | Realty Manager      |  |
| Railroad Agreement Alternate Procedure  | 23 CFR 646.220   | One time   | ROW   | Realty Manager      |  |
| Requests for Waivers  | 49 CFR 24.204(b);<br>49 CFR 24.7                                       | As submitted by State  | ROW   | Realty Manager      |  |
| State Right-of-Way (ROW) Manual   | 23 CFR 710.201   | Jan. 1, 2001 & every 3 years thereafter                                      | ROW   | Realty Manager      |  |
| Uniform Relocation Assistance and Real Property Acquisition Report – [Office of Management and Budget (OMB) Form 2125-0030] | 49 CFR 24.9(c) and Attachment 2  | Annually by no later than November 15  | ROW   | Realty Manager      | Submitted to FHWA HQ   |

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|---|--|---|--|-------------------------------------|--|
| <b>ACTIVITY</b>   | <b>Authority</b>                               | <b>Frequency / Due</b>  | <b>Iowa DOT Contact</b>  | <b>FHWA Contact</b>                 | <b>Remarks</b>   |
| Utility Accommodation Policy  | 23 CFR 645.215                                 | When changes occur  | ROW  | Realty Manager                      |  |
| Utility Agreement Alternate Procedure                                   | 23 CFR 645.119                                 | One time  | ROW  | Realty Manager                      |  |
| <b>Highway Information</b>  |  |   |  |                                     |  |
| Functional classification of highways/streets                           | 23 CFR 105(b)                                  | As needed or as revised by State  | Systems Planning   | Planner                             |  |
| Highway Performance Monitoring System (HPMS) Data Submission and Review | FHWA HPMS Field Manual & CFR 420.105(b)        | Submission by June 15; Review by December 15  | Transportation Data  | Planner                             | Submission by Iowa DOT; Review by FHWA Division Office |
| Interstate additions & revisions  | 23 CFR 470.111, 115(a)                         | As requested by State   | Planning, Programming, and Modal Division/Location and Environment | Planner/Program Delivery Team       | Approved by HQ – Office Director                       |
| National Highway System (NHS) revisions                                 | 23 CFR 470.113, 115(a)                         | As requested by State   | Systems Planning/Highway Division                                  | Planner                             | Approved by HQ – Office Director                       |
| Public road mileage certification                                       | 23 CFR 460.3 &                                 | Annually by June 1  | Transportation Data  | Planner                             | Approved by Governor or designee                       |
| Urban area boundaries   | 23 CFR 470.105(a)                              | As needed or as revised by State  | Systems Planning   | Planner                             |  |
| <b>Environment</b>  |  |   |  |                                     |  |
| Audits on Section 6005 Pilot Program Memorandum of Understanding (MOU)  | SAFETEA-LU Section 6005; MOU                   | Semiannually for first 2 years of pilot program, annually thereafter until program terminates | Pilot Program Manager  | HQ with Division Office Assistance  | Third-party audit to be conducted by FHWA HQ           |
| Bicycle Transportation and Pedestrian Walkways                          | 23 USC 217                                     | As needed or requested by State   | Bridge and Structures/ Design/ Local Systems/ Systems Planning     | Civil Rights                        |  |
| Environmental Justice   | FHWA Order 6640.23                             | As needed or required   | Location and Environment/ OES- Civil Rights/ Local Systems         | Civil Rights/ Environmental Manager |  |
| Environmental Review Process  | SAFETEA-LU Section 6002                        | As required for EISs and as needed for EAs  | Location and Environment   | Environmental Manager               |  |
| NEPA Procedures, including Section 4(f)                                 | 23 CFR 771; 23 CFR 774; SAFETEA-LU 6007 & 6009 | As needed or required   | Location and Environment   | Environmental Manager               |  |
| Noise Abatement   | 23 CFR 772; 06/12/95 HQ memo                   | As needed or required   | Location and Environment/ Design                                   | Environmental Manager               | FHWA approves Iowa DOT' noise abatement policy         |

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|--|--|---|---|--------------------------------------|--|
| <b>ACTIVITY</b>  | <b>Authority</b>   | <b>Frequency / Due</b>                    | <b>Iowa DOT Contact</b>   | <b>FHWA Contact</b>                  | <b>Remarks</b>   |
| Planning and Environmental Linkages  | 23 CFR 450.212;<br>23 CFR 450.318;<br>Appendix A to 23 CFR 450 | As needed                                 | Systems Planning/<br>Location and<br>Environment                  | Environmental<br>Manager/<br>Planner |  |
| Public involvement/ Public Hearing Program   | 23 CFR<br>771.111(h)(1)  | As revised by State                       | Location and<br>Environment/ Local<br>Systems/Systems<br>Planning | Environmental<br>Manager             | Program is in place  |
| Section 106 of the National Historic Preservation Act  | 23 CFR 800   | As needed or<br>required                  | Location and<br>Environment                                       | Environmental<br>Manager             |  |
| Section 404 of the Clean Water Act   | 23 CFR 777;<br>NEPA/404 MOU                                    | As needed or<br>required                  | Location and<br>Environment/ Local<br>Systems                     | Environmental<br>Manager             |  |
| Section 6(f) of the Land and Water Conservation Fund Act   | 36 CFR 59  | As needed or<br>required                  | Location and<br>Environment/ Local<br>Systems                     | Environmental<br>Manager             |  |
| Section 7 of the Endangered Species Act  | 50 CFR 402;<br>Dispute Resolution<br>Process                   | As needed or<br>required                  | Location and<br>Environment/ Local<br>Systems                     | Environmental<br>Manager             |  |
| Section 9 of the Rivers and Harbors Act (Bridge Permits)   | 23 CFR 650<br>Subpart H; 33 CFR<br>114 & 115                   | As needed or<br>required                  | Location and<br>Environment/ Local<br>Systems                     | Environmental<br>Manager             |  |
| Tribal Government Consultation   | 36 CFR 800.16(m)   | As needed or<br>required                  | Location and<br>Environment/ Local<br>Systems                     | Environmental<br>Manager             |  |
| <b>Civil Rights</b>  |  |   |   |                                      |  |
| Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals | 49 CFR 27.11(c),<br>EO 12250                                   | Annually by Oct. 1                        | OES-Civil Rights  | Civil Rights                         | Division Office reviews and approves                                     |
| ADA complaint reports of investigation   | 28 CFR 35.190  | As requested by<br>FHWA<br>As per Process | OES-Civil Rights  | Civil Rights                         | Division Office reviews, FHWA HQ approves and issues a letter of finding |
| Annual Contractor Employment Report [Construction Summary of Employment Data (Form PR-1392)]       | 23 CFR<br>230.121(a)(3)  | Annually by Sept 25                       | OES-Civil Rights  | Civil Rights                         | Division Office reviews and submits to FHWA HQ                           |
| Disadvantaged Business Enterprise (DBE) Program Plan accomplishments and next year's goals         | 49 CFR 26.11   | Annually by Oct. 1                        | OES-Civil Rights  | Civil Rights                         | Division Office reviews and approves                                     |
| DBE Program revisions  | 49 CFR 26.21(b)(2)   | As needed by Oct 1                        | OES-Civil Rights  | Civil Rights                         | Division Office reviews and approves and submits to FHWA HQ              |
| Equal Employment Opportunity (EEO) Contract Compliance review reports                              | 23 CFR 230.409,<br>230.413(b)(1)(i)(D)                         | Upon completion by<br>State               | OES-Civil Rights  | Civil Rights                         | Division Office reviews and approves                                     |

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| <b>These are program, not project action responsibilities.</b>   |  |  |                                |                       |   |
|--|--|--|--------------------------------|-----------------------|---|
| <b>ACTIVITY</b>  | <b>Authority</b>                               | <b>Frequency / Due</b>                           | <b>Iowa DOT Contact</b>        | <b>FHWA Contact</b>   | <b>Remarks</b>  |
| EEO Contractor Compliance Plan accomplishments and next year's goals   | 23 CFR 230, Subpart C, Appendix A, Part I, III | Annually by March 30                             | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves  |
| Historically Black College & University / Minority Institutions of Higher Learning / Tribal Colleges and Universities Report | EO 12876                                       | Annually by Nov 1 or as requested by FHWA HQ     | OES-Civil Rights               | Civil Rights          | Division Office reviews and submits to FHWA HQ                                |
| On-the-Job-Training (OJT) goals & accomplishments  | 23 CFR 230.111(b)                              | Annually by Jan 30                               | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves  |
| Report on supportive services (OJT & DBE)  | 23 CFR 230.113(g), 230.121(e), 230.204(g)(6)   | Quarterly by April 5, July 5, Oct. 5, and Jan. 5 | OES-Civil Rights               | Civil Rights          | Division Office reviews and comments  |
| State Employment Practices Report (EEO-4)  | 23 CFR 230.311(a)(2)                           | Due by Aug. 15 every odd years                   | OES-Civil Rights               | Civil Rights          | Division Office reviews and submits to FHWA HQ                                |
| State internal EEO affirmative action plan (Title VII) accomplishments, next year's goals, & employment statistical data     | 23 CFR 230.311,                                | Annually by March 30                             | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves  |
| State's Overall DBE Goal   | 49 CFR 26.45(f)(1)                             | Due by Aug 1 every three years- Starting in 2011 | OES-Civil Rights               | Civil Rights          | Division reviews and approves Also requires FHWA legal review and concurrence |
| Supportive services funds requests (OJT and DBE)   | 23 CFR 230.113 & 230.204                       | As requested by FHWA                             | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves and submits to FHWA HQ for approval      |
| Title VI Plan accomplishments and next year's goals  | 23 CFR 200.9(b)(10),                           | Annually by Oct. 1                               | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves  |
| Title VI Plan revisions  | 23 CFR 200.9                                   | As needed by Oct 1                               | OES-Civil Rights               | Civil Rights          | Division Office reviews and approves  |
| Uniform Report of DBE Commitments/Awards and Payments  | 49 CFR 26, Attachment 2                        | Semi-annually by June 1 and Dec. 1               | OES-Civil Rights               | Civil Rights          | Division Office reviews and submits to FHWA HQ                                |
| <b>ITS and Traffic Operations</b>  |  |  |                                |                       |   |
| Traffic Operations Performance Data  | 23 CFR 500                                     | Semi Annually                                    | Transportation Data            | Program Delivery Team |   |
| National Network Modifications   | 23 CFR 658.11                                  | As requested by State                            | Systems Planning               | Planner               |   |
| Regional Intelligent Transportation System (ITS) Architecture Maintenance  | 23 CFR 940.9                                   | As needed  | Research and Technology Bureau | Program Delivery Team | Typically, MPOs own and maintain their regional architecture                  |
| Statewide ITS Architecture and System Plan   | 23 CFR 940.9                                   | As needed  | Research and Technology Bureau | Program Delivery Team |   |
| Systems Engineering Analysis Implementation  | 23 CFR 940.11                                  | Until fully integrated                           | Research and Technology Bureau | Program Delivery Team | Not applicable as of 2012   |
| Real-Time System Management Information Program  | 23 CFR 511                                     | Until fully integrated                           | Research and Technology        | Program Delivery Team | Not applicable as of 2012 Federal Compliance Date's November 8, 2014          |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

| <b>These are program, not project action responsibilities.</b>            |   |                                |                                       |                                   |   |
|---|---|--------------------------------|---------------------------------------|-----------------------------------|---|
| <b>ACTIVITY</b>   | <b>Authority</b>                                    | <b>Frequency / Due</b>         | <b>Iowa DOT Contact</b>               | <b>FHWA Contact</b>               | <b>Remarks</b>  |
| Vehicle Size & Weight enforcement certification                           | 23 CFR 657.13                                       | Annually by Jan 1              | Motor Vehicle Enforcement             | Planning and Development Manager  |   |
| Vehicle Size & Weight enforcement plan                                    | 23 CFR 657.11                                       | Annually by Oct 1              | Motor Vehicle Enforcement             | Planning and Development Manager  |   |
| <b>Research, Development and Technology</b>                               |   |                                |                                       |                                   |   |
| Local Technical Assistance Program (LTAP) Centers Work Plan and Budget    | FHWA LTAP Field Manual                              | Annually by December 30        | Local Systems                         | Program Delivery Team             |   |
| SPR (Part 2) Work Program   | 23 CFR 420.111                                      | Annually by June 30            | Research and Technology               | Program Delivery Team and Planner |   |
| Technology Transfer Program   | 23 CFR 420.207                                      | 10 <sup>th</sup> of each month | Research and Technology               | Program Delivery Team             |   |
| <b>Safety</b>   |   |                                |                                       |                                   |   |
| 402 Highway Safety Plan   | 12/22/99 guidelines, TEA-21, 2001                   | Annual                         | Iowa Governor's Traffic Safety Bureau | Program Delivery Team             | The Iowa Governors Traffic Safety Bureau (GTSB) coordinates with the National Highway Traffic Safety Administration (NHTSA) for review and approval; no Iowa DOT or FHWA involvement required |
| 5% Report   | 23 USC 148(c)(1)(D)                                 | Annually by August 31          | Traffic and Safety                    | Program Delivery Team             |   |
| Drug offender driver's license suspension law & enforcement certification | 23 USC 159, 23 CFR 192.5                            | Annually by Jan 1              | Motor Vehicle Division                | Program Delivery Team             | The Motor Vehicle Division coordinates with Governor's office for certification.  |
| High Risk Rural Road Safety   | SAFETEA-LU 1401, 23 USC 148                         | Annually by August 31          | Local Systems                         | Program Delivery Team             |   |
| Highway Safety Improvement Program  | SAFETEA-LU, 23 USC 148                              | Annually by August 31          | Traffic and Safety                    | Program Delivery Team             |   |
| Pedestrian and Bicycle Safety Program                                     | 23 CFR 652  | As needed                      | Traffic and Safety/Systems Planning   | Program Delivery Team             | Includes the non-motorized transportation pilot program   |
| Project Crash Data  | 23 CFR 630.1010                                     | Continuous                     | Traffic and Safety                    | Program Delivery Team             |   |
| Repeat Offender   | 23 CFR 1275; 23 USC 164                             | Annually by October 1          | Motor Vehicle Division                | Program Delivery Team             | The GTSB coordinates with Iowa DOT on annual transfer.  |
| Roadside Hardware   | FHWA July 25, 1997 Policy Memo re: NCHRP Report 350 | As needed                      | Design Methods                        | Program Delivery Team             |   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

| <b>These are program, not project action responsibilities.</b> |                        |   |   |                       |   |
|--|------------------------|---|---|-----------------------|---|
| <b>ACTIVITY</b>  | <b>Authority</b>       | <b>Frequency / Due</b>                        | <b>Iowa DOT Contact</b>                                       | <b>FHWA Contact</b>   | <b>Remarks</b>  |
| Strategic Highway Safety Plan (SHSP)                           | SAFETEA-LU, 23 USC 148 | As needed                                     | Traffic and Safety  | Program Delivery Team |   |
| Work Zone Safety and Mobility Final Rule compliance            | 23 CFR 630             | Continuous                                    | Traffic and Safety/Construction/District Offices              | Program Delivery Team | Provisions of the Final Rule.   |
| Temporary Traffic Control Devices Final Rule Compliance        | 23 CFR 630             | Continuous                                    | Traffic and Safety/Construction/District Offices              | Program Delivery Team |   |
| Worker Visibility Final Rule Compliance                        | 23 CFR 634             | Continuous                                    | Construction/District Offices                                 | Program Delivery Team |   |
| <b>Bridges, Structures, Hydraulics and Geotechnical</b>        |                        |   |   |                       |   |
| Bridge Construction, Geotechnical, Hydraulics Review           | 23 CFR 650             | As needed                                     | Bridges and Structures  | Program Delivery Team |   |
| Bridge Management System (BMS)                                 | 23 CFR 500.107         | As needed                                     | Bridges and Structures  | Program Delivery Team |   |
| Bridge/Structural Design Review                                | 23 CFR 650             | As needed                                     | Bridges and Structures  | Program Delivery Team |   |
| HBP Unit Cost submittal  | 23 CFR 650 Subpart D   | Annually by April 1                           | Program Management/Bridges and Structures                     | Program Delivery Team | Division Office reviews and approves unit costs and submits to FHWA HQ. |
| NBIS Review Statewide report                                   | 23 CFR 650 Subpart C   | Annually (date determined by Division Office) | Bridges and Structures  | Program Delivery Team | Division Office performs review and prepares annual report              |
| <b>Design, Construction, &amp; Maintenance</b>                 |                        |   |   |                       |   |
| 3R Program   | 23 CFR 625             | As needed                                     | Design  | Program Delivery Team | Design responsible for 3R Guidelines                                    |
| Construction Inspections                                       | 23 USC 114             | As Needed                                     | Construction/District Offices/ Local Systems/Systems Planning | Program Delivery Team |   |
| Contracting Procedures Consultant Selection                    | 23 CFR 172.5 & 172.9   | As updated                                    | Design/ Local Systems   | Program Delivery Team |   |
| Convict Produced Materials                                     | 23 CFR 635.417         | As needed                                     | Traffic and Safety  | Program Delivery Team |   |
| Defense Access Roads /STRAHNET                                 | 23 CFR 660 Part E      | As needed                                     | Systems Planning  | Program Delivery Team |   |
| Design Exception Policy  | 23 CFR 625.3           | As needed                                     | Design/ Local Systems   | Program Delivery Team |   |
| Design Standards   | 23 CFR 625             | When changes occur                            | Design  | Program Delivery Team |   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|---|--------------------------------------|--|--------------------------|--|
| <b>ACTIVITY</b>  | <b>Authority</b>                                    | <b>Frequency / Due</b>               | <b>Iowa DOT Contact</b>  | <b>FHWA Contact</b>      | <b>Remarks</b>   |
| ER Process   | 23 CFR 635.204                                      | As requested                         | Maintenance/<br>Statewide<br>Emergency<br>Operations                                   | Program Delivery<br>Team |  |
| Experimental Project Work Plans                                      | FHWA LTAP Field<br>Manual                           | Project by project                   | Research and<br>Technology   | Program Delivery<br>Team | This includes items such as pilot<br>and demonstration programs. |
| Highway Facility Relinquishment                                      | 23 CFR 620.203                                      | As needed                            | Design/ROW   | Realty Manager           |  |
| Interstate Access Policy   | FHWA Policy<br>"Access to the<br>Interstate System" | As needed                            | Location and<br>Environment/<br>Design/ District<br>Offices/ Traffic and<br>Safety     | Program Delivery<br>Team |  |
| Labor Compliance Policy  | 23 CFR 635.118,<br>Davis-Bacon Act                  | As needed                            | Contracts/<br>Construction/ District<br>Offices/ Local<br>Systems /Systems<br>Planning | Program<br>Delivery Team |  |
| Liquidated Damages   | 23 CFR 635.127                                      | Every 2 years                        | Contracts  | Program<br>Delivery Team |  |
| Local Public Agency Oversight Policies &<br>procedures               | 23 CFR 635.105<br>and 23 USC 106(g)                 | As updated                           | Local Systems/<br>Systems Planning   | Program<br>Delivery Team |  |
| Public Agency Furnished Material                                     | 23 CFR 635.407                                      | As needed                            | Construction/District<br>Offices/ Contracts/<br>Local Systems/<br>Systems Planning     | Program<br>Delivery Team |  |
| Warranties   | 23 CFR 635.413                                      | As needed                            | Contracts/Office of<br>Local<br>Systems/Constructio<br>n/District Offices              | Program<br>Delivery Team |  |
| Year-end Value Engineering Report                                    | FHWA Order<br>1311.1A                               | Annually                             | Design/ Location<br>and Environment, /<br>Construction/District<br>Offices             | Program Delivery<br>Team | FHWA HQ publishes national<br>report                             |
| <b>Transportation System Preservation</b>                            |   |                                      |  |                          |  |
| Independent Assurance Annual Report                                  | 23 CFR 637.207                                      | Annually by March 1                  | Materials  | Program Delivery<br>Team |  |
| Materials Acceptance – Quality Control/Quality<br>Acceptance Program | 23 CFR 637B   | As updated                           | Construction/District<br>Offices/Materials   | Program Delivery<br>Team |  |
| Materials Certifications   | 23 CFR 637<br>Appendix A                            | As needed on<br>Federal-aid projects | Construction/District<br>Offices/Materials   | Program Delivery<br>Team |  |
| Pavement Condition Surveys   | 23 U.S.C. 116                                       | Every two years                      | Materials  | Program Delivery<br>Team | Surveys are completed on the<br>entire system.                   |
| Pavement Design Policy   | 23 CFR 626.3  | As needed                            | Design   | Program Delivery<br>Team |  |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|---|--|------------------------|---|-----------------------|---|
| <b>ACTIVITY</b>   | <b>Authority</b>   | <b>Frequency / Due</b> | <b>Iowa DOT Contact</b>                                   | <b>FHWA Contact</b>   | <b>Remarks</b>  |
| Pavement Management System  | 23 CFR 500.106   | As needed              | Design  | Program Delivery Team | Design responsible for pavement management  |
| <b>Financial Management</b>   |  |                        |   |                       |   |
| Project Authorizations, Modification & Voucher                                | 23 U.S.C. 106<br>23 CFR 630  | As needed              | Contracts/ Finance/<br>Systems Planning/<br>Research      | Financial Team        | <p>Iowa DOT will submit electronic authorizations, modifications, and final vouchers via FMIS and provide all required supporting documentation to FHWA for review and approval.</p> <p>To comply with the Federal Funding Accountability and Transparency Act (FFATA) the following language must be included in the State remarks section of each new award, or modification of existing award, first authorized after October 1, 2010:</p> <p>"This agreement is subject to the following award terms:<br/> <a href="http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf">http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf</a> and<br/> <a href="http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf">http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf</a>."</p> |
| Transfer of Funds between agencies and between programs as requested by State | 23 U.S.C.<br>104,119(b) and 126  | As needed              | Program Management/<br>Research                           | Financial Team        | Iowa DOT will submit requests for transfer and FHWA approves processes the funding transfers to Federal Transit Administration, other states, and FHWA HQ   |
| Appropriations, Allotments, Obligations                                       | 31 USC<br>1341(a)(1)(A) & (B);<br>31 USC 1517(a);<br>23 USC Chapter<br>6188(b) | As needed              | Program Management/ Policy<br>and Legislative<br>Services | Financial Team        | Iowa DOT will monitor appropriations, allotments, and obligations to ensure that all funding is used efficiently and all Obligation Authority (OA) is obligated by the end of the year. FHWA will forward all funding notices, review, monitor, and provide technical advice as needed.   |



*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|--|--|---------------------------------|--|--|
| <b>ACTIVITY</b>  | <b>Authority</b>   | <b>Frequency / Due</b>                             | <b>Iowa DOT Contact</b>         | <b>FHWA Contact</b>  | <b>Remarks</b>   |
| Indirect Cost Allocation Plans (ICAPs)                         | 49 CFR Part 18; 2 CFR Parts 220, 225, and 230; ASMB-1049 CFR Part 18; 2 CFR Part 225 (OMB A-87); ASMB-10 | As needed  | External Audits                 | Financial Team   | Iowa DOT will review, monitor, negotiate, and approve Local Public Agency, University, and non-profit Indirect Cost Allocation Plans/Indirect Cost Rates as appropriate. FHWA will review, approve, and file as appropriate  |
| Major Projects Financial Plan Reviews                          | 23 U.S.C. 106(h)   | Annually   | District Offices                | Financial Team/Program Delivery Team   | Iowa DOT will approve and submit the Financial Plan to FHWA for approval.  |
| Audit Coordination   | FMFIA, OMB A-123, 127, 133, GAAP, CFO Act of 1990; DOT Order 8000 1C, 2 CFR 225 48 CFR 31 23 CFR 172     | As Needed  | Finance/ External Audits        | Financial Team   | Iowa DOT will continue to provide oversight and conduct external audit services to ensure federal-aid compliance and FHWA will review and monitor these services.  |
| FIRE Program   | FHWA Order 4560.1B, 23 USC 106   | Ongoing FHWA – Annual Certification and Validation | Iowa DOT Operations and Finance | Financial Team   | Iowa DOT will continue to provide oversight and conduct reviews to ensure federal-aid compliance. Iowa DOT responsibilities include multiple tasks in support of risk assessments, conducting reviews and implementation of recommendations. FHWA will annually certify and validate the results of the FIRE Program in Iowa by the established deadlines. |
| Financial Management Reviews                                   | FHWA Order 4560.1B   | As needed  | Various Iowa DOT offices        | Financial Team, and Program Delivery and/or Planning and Project Development teams as applicable | Iowa DOT will provide all supporting documentation to assure that federal funding has been administered according to all Federal and State eligibility and funding requirements. FHWA will conduct comprehensive reviews of key processes or systems employed by the Iowa DOT in managing Federal-aid funds.   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|---|------------------------|--|---------------------|---|
| <b>ACTIVITY</b>  | <b>Authority</b>  | <b>Frequency / Due</b> | <b>Iowa DOT Contact</b>                          | <b>FHWA Contact</b> | <b>Remarks</b>  |
| Inactive Projects (including ARRA)                             | 23 CFR 630.106  | Quarterly              | Local Systems, Finance                           | Financial Team      | Iowa DOT will notify FHWA the results of its quarterly inactive projects review and FHWA will concur with Iowa DOT's review or take appropriate action to effect current and valid project obligations and expenditures as well as to meet FHWA's performance measures for inactive obligations. .  |
| Fed-aid Billing Reimbursement of Eligible Expenditures         | 23 CFR 140 and 635.122  | Weekly                 | Finance  | Financial Team      | Iowa DOT will submit accurate, eligible, and timely billings for approval through RASPS. FHWA will approve reimbursements in a timely manner to avoid any interest charges.   |
| Billing Reviews  | 23 CFR 140 and 635.122  | Annually               | Finance, Contracts                               | Financial Team      | Iowa DOT will provide all supporting documentation to include cost estimates, contracts, invoices, payroll, etc. FHWA will conduct a review to ensure costs reimbursed are eligible and accurate.   |
| Improper Payments Review                                       | Improper Payments Information Act of 2002, PL No: 107-300                               | Yearly                 | Finance & Various Iowa DOT offices as applicable | Financial Team      | Iowa DOT will provide all required data collection form information to meet required deadlines. FHWA will conduct a review of HQ selected payments made by the Iowa DOT on Federal-aid projects and reimbursed by FHWA.   |
| Single Audit Review (Statewide)                                | 49 CFR 18.26<br>OMB-Circular A-133<br>Single Audit Act Amendments of 1996 P.L. 104-156. | Annually               | Finance  | Financial Team      | Iowa DOT will submit its annual audit report and corrective action plan for all DOT findings within specified timeframes. FHWA will assure that the Iowa DOT's audit report is provided to the Federal Audit Clearinghouse within the specified timeframe and will issue a management decision to the Iowa DOT. FHWA will follow up on Iowa DOT's corrective action plan to ensure findings have been resolved. |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|--|------------------------|--|--------------------------------|---|
| <b>ACTIVITY</b>  | <b>Authority</b>   | <b>Frequency / Due</b> | <b>Iowa DOT Contact</b>                            | <b>FHWA Contact</b>            | <b>Remarks</b>  |
| Single Audit Reviews (Subrecipient)                            | 49 CFR 18.26<br>OMB Circular A-133<br>Single Audit Act Amendments of 1996 P.L. 104-56  | Annually               | Finance & External Audits                          | Financial Team                 | Iowa DOT will identify, advise, and monitor federal funding it awards to subrecipient and assure that subrecipient submit annual audit reports within specified timeframes. Iowa DOT will issue management decisions and follow up on audit findings. FHWA will review subrecipient single audit reports for findings to FHWA-funded programs and concur with Iowa DOT executed management decisions. |
| Federal Audit Findings Review                                  | DOT Order 8000.1C  | As Needed              | Finance  | Financial Team                 | Iowa DOT will provide all supporting documentation and FHWA will conduct a review and work with the FHWA Audit Liaison to address the findings.   |
| Innovative Financing   | GARVEE 23 CFR 122; TIFIA 23 USC 181-189; SIB Guidance 9/97; AC NHS Act Section 308; Flexible Match 23 USC 323; Tapered Match TEA-21 Section 1302 | As needed              | Program Management and Policy Legislative Services | Financial Team                 | Iowa DOT will submit requests for Innovative Financing to FHWA for review and approval prior to project authorization   |
| Recovery Act Reporting   | America Recovery And Reinvestment Act of 2009  | Continuous             | Various Offices                                    | Program Delivery Team          | Iowa DOT will meet all reporting requirements including RADS and other continuous and ad-hoc requests   |
| <b>Discretionary and Other Funding Programs</b>                |  |                        |  |                                |   |
| CMAQ   | SAFETEA-LU Sections 1101(a)(5), 1103(d), & 1808  | As needed              | Systems Planning/ Local Systems                    | Planner/ Program Delivery Team |   |
| Ferry Boats and Ferry Terminal Facilities                      | SAFETEA-LU Sections 1101(a)(13) & 1801   | As needed              | Planning, Programming, and Modal Division          | Program Delivery Team          |   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|--|---------------------------|--|--|---|
| <b>ACTIVITY</b>  | <b>Authority</b>   | <b>Frequency / Due</b>    | <b>Iowa DOT Contact</b>  | <b>FHWA Contact</b>  | <b>Remarks</b>  |
| High Priority Projects Program                                 | SAFETEA-LU<br>1701-1702  | As needed                 | Planning,<br>Programming, and<br>Modal Division/<br>Highway Division | Program Delivery<br>Team                                     |   |
| Highway Bridge Program   | 23 CFR 650<br>Subpart D  | As needed                 | Local Systems/<br>Bridges and<br>Structures                          | Program Delivery<br>Team                                     | Division Office makes eligibility<br>determinations                         |
| Highways For Life  | SAFETEA-LU<br>Section 1502   | As needed                 | Research and<br>Technology   | Program Delivery<br>Team                                     | FHWA HQ approval  |
| Innovative Bridge Research and Deployment<br>Program           | 23 USC 503(b)  | Annually (date<br>varies) | Local Systems/<br>Bridges and<br>Structures                          | Program Delivery<br>Team                                     | Division Office makes eligibility<br>determinations                         |
| Interstate Maintenance Discretionary                           | 23 USC 118;<br>SAFETEA-LU<br>Section 1111(a)   | Annually (date<br>varies) | Program<br>Management  | Program Delivery<br>Team                                     |   |
| National Corridor Infrastructure Improvement<br>Program        | SAFETEA-LU<br>Section 1302   | As needed                 | Program<br>Management  | Program Delivery   |   |
| Projects of National and Regional Significance                 | SAFETEA-LU<br>Section 1301   | As needed                 | Program<br>Management  | Program Delivery<br>Team                                     |   |
| Public Lands Highway Discretionary                             | SAFETEA-LU<br>Section<br>1101(a)(9)(D)   | As needed                 | Program<br>Management  | State<br>Programs/Planni<br>ng and<br>Development<br>Manager | Division Office recommends<br>action to FHWA HQ                             |
| Recreational Trails Program                                    | SAFETEA-LU<br>Sections 1101(a)(8)<br>& 1109  | As submitted by<br>State  | Systems Planning   | Civil Rights   | FHWA provides program<br>guidance and technical<br>assistance               |
| Safe Routes to School  | SAFETEA-LU<br>Sections 1101 &<br>1404  | Varies                    | Systems Planning   | National<br>Programs   | FHWA provides program<br>guidance and technical<br>assistance               |
| Scenic Byways Discretionary Program                            | SAFETEA-LU<br>Sections 1101 &<br>1605  | As needed                 | Systems Planning   | Civil Rights   | Division Office reviews<br>applications and recommends<br>action to FHWA HQ |
| Transportation Enhancements Program                            | SAFETEA-LU<br>Sections 1113,<br>1122, & 6003; TE<br>Guidance dated<br>January 19, 2006 | As needed                 | Systems Planning   | Civil Rights   | FHWA provides program<br>guidance and technical<br>assistance               |
| Transportation, Community, and System<br>Preservation Program  | SAFETEA-LU<br>Section 1117   | As needed                 | Program<br>Management  | Planner  |   |
| <b><u>Emergency Preparedness</u></b>                           |  |                           |  |  |   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|--|---|--------------------------------|-----------------------|---|
| <b>ACTIVITY</b>  | <b>Authority</b>   | <b>Frequency / Due</b>                            | <b>Iowa DOT Contact</b>        | <b>FHWA Contact</b>   | <b>Remarks</b>  |
| FHWA Emergency Preparedness Program  | Executive Order 12656 and FHWA Order 1910.2C and 5181.1A | Continuously                                      | Statewide Emergency Operations | Leadership            |   |
| <b>State Manuals Approved by FHWA for Use on Federal-Aid Projects</b>                                |  |   |                                |                       |   |
| ADA/Section 504 Program Plan   | 49 CFR 27.11(c), 28 CFR 25                               | As Needed   | Design                         | Civil Rights          |   |
| Annual Overall DBE Goal  | 49 CFR 26.25 (f)(1)                                      | Due by Aug. 1 every three years beginning in 2011 | OES-Civil Rights               | Civil Rights          |   |
| Bridge Design Manual   | N/A  | As Needed   | Bridges and Structures         | Program Delivery Team |   |
| State Manual of Uniform Traffic Control Devices (MUTCD)  | 23 CFR 655.603 (b)                                       | Within 2 years of update to MUTCD                 | Traffic and Safety             | Program Delivery Team |   |
| Construction Manual  | N/A  | Yearly  | Construction                   | Program Delivery Team |   |
| DBE Program Plan   | 49 CFR 26.21 (b)(2)                                      | As Needed by Oct 1                                | OES-Civil Rights               | Civil Rights          |   |
| EEO Contractor Compliance Program Plan   | 23 CFR 230 Subpart C, Appendix A, Part I                 | Annually by March 30                              | OES-Civil Rights               | Civil Rights          |   |
| Highway Design Manual  | N/A  | As Needed   | Design                         | Program Delivery Team |   |
| Internal EEO Program Plan  | 23 CFR 230 Subpart C, Appendix A, Part II                | Annually by March 30                              | OES-Civil Rights               | Civil Rights          |   |
| Local Systems Procedures Manual - Federal-aid Project Development Guide for LPA Federal-aid Projects | N/A  | As Needed   | Local Systems                  | Program Delivery Team |   |
| Local Systems Program Guidelines - Instructional Memorandums for Local Public Agencies               | N/A  | As Needed   | Local Systems                  | Program Delivery Team | Local Agency Program Manager may be FHWA contact in the future. |
| ROW Manual   | N/A  | As Needed   | ROW                            | Realty Manager        |   |

*Federal-aid Highway Program Stewardship and Oversight Agreement – Iowa*

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|--|------------------|------------------------|-------------------------|-----------------------|----------------|
| <b>ACTIVITY</b>  | <b>Authority</b> | <b>Frequency / Due</b> | <b>Iowa DOT Contact</b> | <b>FHWA Contact</b>   | <b>Remarks</b> |
| Standard Plans   | N/A              | As Needed              | Design                  | Program Delivery Team |                |
| Standard Special Provisions                                    | N/A              | As Needed              | Specifications          | Program Delivery Team |                |
| Standard Specifications  | N/A              | As Needed              | Specifications          | Program Delivery Team |                |
| Title VI Program Plan  | 23 CFR 200.9     | As Needed by Oct 1     | OES-Civil Rights        | Civil Rights          |                |
| Unified Certification Program MOU                              | N/A              | As Needed              | OES-Civil Rights        | Civil Rights          |                |

**APPENDIX H**

**IOWA DOT**  
**OVERSIGHT**  
**DOCUMENTATION**

**Appendix H: Iowa DOT Oversight Documentation**

**Office of Contracts Oversight Agreement Appendix**

March 27, 2012

**1. Required Contract Provisions (Form FHWA-1273)**

The Form FHWA-1273 is incorporated in every federal aid contract let by the Iowa DOT. The Form FHWA-1273 is physically attached to every federal aid contract that is sent out for execution. The Form FHWA-1273 is to be attached to all subcontracts between the prime contractor and subcontractors. The Iowa DOT verifies that the Form FHWA-1273 is attached to subcontractors during contract compliance on-site reviews.

**2. Nonsegregated Facilities**

Article 1102.09 E (6) of the Department's Standard Specification prohibits the segregated facilities. This is confirmed by reviews completed by the project engineer.

**3. Payment of Predetermined Minimum Wage**

The Office of Contracts applies the applicable predetermined wage rate to all Federal-aid construction contracts within the Right-of-Way of a Federal-aid highway exceeding \$2,000.

**4. Statements and Payrolls**

Certified payrolls are collected and checked by project engineer on contracts where a predetermined wage rate has been applied to the contract.

**5. Subletting or Assigning the Contract**

Article 1108.01 of the Department's Standard Specifications requires the contractor to submit their Request to Subcontract to the Office of Contracts with the signed contract. A list of approved subcontractors including DBEs and their commitments is sent to the administering office by the Office of Contracts.

**6. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion**

The bidder must provide an unsworn declaration concerning suspension and debarment with their bid. By submitting an electronic bid or signing bidding documents, the contractor has provided this certification.

**7. Certification Regarding the Use of Contract Funds for Lobbying**

The bidder must certify the limitations of lobbying activities with their bid. By submitting an electronic bid or signing bidding documents, the contractor is providing this certification



## **8. Employment Preference for Appalachian Development Highway Contracts (Attachment A)**

Not applicable to projects in Iowa.

## **9. Buy America**

Article 1107.06 of the Department's Standard Specifications prohibits the use of foreign steel on projects involving federal aid. The project engineer is responsible for enforcement of this provision for construction projects.

## **10. Disadvantaged Business Enterprise**

DBE contract goals are considered for all projects let with federal funds. DBE contract goals are set to ensure the annual DBE goal is achieved. Contractors are encouraged to solicit quotes from and use DBE firms on all projects. Details of the process followed by the Office of Contracts are contained in the approved DBE Program.

## **11. Noncollusion Statement**

The submission of a noncollusion statement is included with the contractors bid on all projects. By submitting an electronic bid or signing bidding documents, the contractor is providing this certification.

## **12. Standardized Changed Conditions Contract Clauses**

The standardized changed condition clause required by STURAA of 1987 is included in Article 1109.06 of the Department's Standard Specifications.

## **13. Public Agencies in Competition with the Private Sector**

In accordance with Iowa DOT PPM 500.11 IV.E, a public agency is not allowed to compete for contracts let by the Department.

## **14. Convict Produced Materials**

Materials produced by convict labor may only be incorporated in a Federal-aid highway construction project only in a quantity that doesn't exceed the amount produced, for such use, during the 12-month period ending July 1, 1987.

## **15. State Preference**

While the State of Iowa does have a preference law there is an exception for projects with federal funds. The Department does not have a bidding or labor preference on federal aid contracts.

## **16. Salvage Credits**

Iowa DOT's policy does not require credit to a project for salvaged materials; therefore credit to a Federal-aid project is also not required.

## **17. Foreign Contractor and Supplier Restriction**

The Department does not have any restrictions on foreign contractors or suppliers, other the Buy America provisions of the Department's Standard Specifications.

## **18. Standard Specifications and Standard Plans**

All contracts let by the Department use the Department's Standard Specifications.

## **19. Engineer's Estimate**

The Department prepares an engineer's estimate for projects where the Department will be the contacting authority. An engineer's estimate prepared by the LPA is used for the estimate where a local agency will be the contracting authority. The Department's policy is that the engineer's estimate be kept confidential.

## **20. Basis for Contract Award**

Competitive bidding is the principal means to award Federal-aid contracts where the contract is awarded to the lowest responsible bidder; established by PPM 500.11.

## **21. Contract Time**

Contract time is computed based on historic production rates. However the amount of time allowed the contractor to complete the work is often shortened to get the work done in one construction season.

## **22. Time-Related Incentive/Disincentive (I/D) Provisions**

Incentive/disincentive (I/D) provisions, A+B bidding, and No Excuse Bonuses are included in critical contracts to help ensure timely completions or limit the amount of traffic interference. Requests for contract acceleration clauses are initiated by the district staff. I/D amounts eligible for federal funds will be reviewed by the Office of Contracts and must be approved prior to obligation and justified based on user costs in accordance with FHWA guidelines.

## **23. Liquidated Damages**

A liquidated damages rate schedule based on a range of contract amounts is computed bi-annually and submitted to FHWA for approval. However a road user daily rate that is calculated specifically for the particular project is used on some contracts if requested by the District and approved by the Office of Contracts. Road user daily rate is calculated in the same manner discussed above for I/D.

## **24. Commodity Price Adjustment Clauses**

The Department currently uses only one price adjustment clause that is for fuel used on grading projects.

## **25. Prequalification**

The Department prequalification requirements are found in Article 1102.01 of the Standard Specifications.

## **26. Suspension and Debarment**

The Department checks the US DOT website to verify that no contractor suspended or debarred is allowed to bid for contracts.

## **27. Performance Bond**

The Department requires bidders to submit a Performance Bond for 100% of the contract amount. A Performance Bond can be waived on the Small Business Development contractors or if the contractor provides a TSB Bond waiver. The Performance Bond is verified for each contract prior to being signed by Iowa DOT.

## **28. Advertising for Bids**

The Department typically advertises projects on the third Tuesday of each month for projects in the regular monthly letting<sup>9</sup>, the third Tuesday of the following month. Our official advertisement of our letting dates is in the Des Moines Register, the first Monday of each month, and on the Iowa DOT website.

## **29. Bid Opening and Tabulation**

The bid opening is held at 10:30 AM on the third Tuesday of each month. The “as read” bid results are immediately posted on the Internet.

## **30. Bid Analysis and Award of Contract**

Bid analysis is performed based on PPM 500.11.

## **31. Concurrence in Award Policy**

FHWA concurrence in contract award is requested on projects where FHWA has retained project oversight. The signing of the contract by the Iowa DOT is considered the concurrence in award for projects where the Department has oversight responsibility.

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<sup>9</sup> At the time of the 2012 revision Iowa DOT is considering twice monthly lettings.

# **APPENDIX I**

# **IOWA DOT OVERSIGHT OF** **LPA FEDERAL-AID** **PROJECTS**

## **Appendix I: Iowa DOT Oversight of LPA Federal-aid Projects**

This Appendix describes how the Iowa Department of Transportation (Iowa DOT) communicates, educates, and validates Local Public Agency (LPA) compliance with Federal requirements, and how the results of these activities are shared with the FHWA Iowa Division Office (Iowa Division).

### **Communication**

The Iowa DOT regularly communicates Federal requirements to LPAs through written guidance, an e-mail distribution list, and presentations at conferences and workshops. Each method is further described below.

#### Written Guidance

The Federal-aid project development procedures are documented in a number of different manuals, guides, and other resources published by the Iowa DOT. Some of the primary resources are listed below, with hyperlinks, for each:

- [Federal-aid Project Development Guide \(the Guide\)](#) – This document provides an executive summary of the entire Federal-aid process. It also provides references and links to other guidance documents and manuals, as described below.
- [Instructional Memorandums to Local Public Agencies \(I.M.s\)](#) – These documents provide more specific, step-by-step guidance and instructions to LPAs for particular parts of the Federal-aid process.
- [LPA Right of Way Manual](#) – This document is a comprehensive guide to LPAs for compliance with the Uniform Act and other State laws pertaining to Right-of-Way acquisition.
- [Construction Manual](#) – This document provides comprehensive guidance on construction administration procedures. While it is written primarily for Iowa DOT construction inspection staff, LPA inspection staffs are required to follow the inspection and documentation procedures, as they apply to local Federal-aid projects. .
- [Materials I.M.s](#) – These documents provide details for various material testing and certification requirements as required by the Iowa DOT Standard Specifications.
- [Iowa DOT Standard Specifications](#) - All LPA Federal-aid projects let through the Iowa DOT must use these specifications. They include all of the required Federal-aid contract provisions and other contract requirements.
- In addition to these documents, some “in-house” guidance is provided to Iowa DOT staff involved in administering LPA Federal-aid projects as part of the Local Projects Guidance Manual, which is maintained on the Iowa DOT’s intranet (DOTNET).

All of the above documents are either reviewed or approved by Iowa Division staff prior to publication. The Office of Local Systems and the Iowa Division jointly maintain an FHWA Review / Approval Matrix for the [Guide](#) and I.M.s. This matrix is updated annually and is included in the Iowa Division’s Standard Operating Procedure (SOP) for LPA Programs.

### Local Systems Mailings

The Office of Local Systems maintains an e-mail distribution list for LPAs and their consultants. This list includes all 99 counties, about 80 cities over 5,000 population, about 70 consultant firms, many smaller cities, and several other agencies. Local Systems uses this list to regularly update LPAs on changes to relevant laws, regulations, policies, and procedures, including changes to its written guidance such as the [Guide](#) or I.M.s.

### Conferences and Workshops

The Iowa DOT also informs LPAs through presentations given by Iowa DOT staff at the regular conferences, seminars and workshops held by LPA organizations and associations. For example, the Iowa County Engineers Association (ICEA) and the American Public Works Association (APWA), Iowa Chapter, hold two statewide conferences per year, and the Iowa DOT staff presentations are a regular part of these conferences. Iowa DOT staff often present at various other conferences held by industry, consultant and professional organizations.

### **Education**

While the Iowa DOT does not have a formal certification program for LPAs to qualify for using Federal funds, there are a variety of educational and training opportunities available to LPA employees involved with Federal-aid projects. These include:

- Federal-aid Overview Seminars – This training is designed for LPA officials, but also serves as an additional training opportunity for Iowa DOT staff that are new to Federal-aid procedures. These seminars are a single day training that covers the entire process, beginning with planning and programming and continuing through design, construction, and project close-out. These Seminars are held annually and are delivered in-person and via webinar. Webinar recordings and a PDF copy of the training manual are available on-line at the [Federal-aid Overview Seminars web site](#).
- District Spring Meetings – In addition to the Federal-aid Overview Seminars, each of the six District offices conducts an annual District Spring Meeting. These are held for the local agencies in each district and are more focused on particular topics, as identified by the District offices. The Office of Local Systems and other central offices may assist in these training sessions as requested.
- Contract Administration – This training is targeted for LPA and consultant staffs that perform construction inspection on LPA Federal-aid projects. The training consists of a two-day basic course and a one-day advanced course. The basic course covers roles and responsibilities, contract documents, record keeping, progress vouchers and basic materials inspection. The advanced course is for those who have completed the beginner course and focuses on recent specification updates or changes, materials audits, utility coordination, and project close-out procedures.

- ADA Training – The Iowa DOT, in cooperation with the Iowa Local Technical Assistance Program (LTAP) and the Statewide Urban Design and Specifications (SUDAS) Corporation, has developed a day-long session focused on ADA design and construction. This training focuses on understanding the legal basis for the accessibility requirements, correctly applying the various design standards, and constructing sidewalks and curb ramps in compliance with the most current guidelines and standards available.
- Technical Training and Certification Program (TTCP) – All Iowa DOT, LPA, and consultant staff that perform materials inspection, sampling and testing for Federal-aid projects must be trained and certified through this program. The program is administered by the Iowa DOT Office of Materials. More information is available on the [TTCP web site](#).
- Other Classes or Seminars – From time to time, various other training sessions related to the Federal-aid process are offered or arranged by the Iowa DOT or FHWA Iowa Division. Recent examples include: FHWA’s Consultant Selection and Administration webinars, National Highway Institute (NHI) and other similar courses such as Contract Administration, Context Sensitive Design, Fundamentals of Title VI / Environmental Justice, Integrating Section 106 and the National Environmental Policy Act, and Designing Pedestrian Facilities for Accessibility.

## **Validating Federal Requirements**

### Iowa DOT Organizational Structure for LPA Oversight

The Iowa DOT devotes a significant amount of staff effort toward the oversight of LPA Federal-aid projects. The Office of Local Systems has overall responsibility for carrying out LPA oversight, but the day-to-day oversight and project reviews are administered by a combination of many different offices within the Iowa DOT.

### Administering Offices

The Administering Offices are the primary point of contact for the LPAs on almost all project-related issues. They provide most of the direct, day-to-day oversight and administration of Federal funds that are passed through the Iowa DOT to the LPAs.

There are several Iowa DOT offices that serve in this capacity. The Office of Systems Planning provides oversight for most projects funded by the Transportation Enhancement, Federal Recreational Trails, National Scenic Byways, Iowa’s Clean Air Attainment Program (ICAAP), and Safe Routes to Schools programs. The six District offices provide oversight for most projects funded by the core Federal highway programs, including earmarks for highway and bridge projects. In addition, the Offices of Rail Transportation, Public Transit, Systems Planning, and the Research and Technology Bureau provide oversight for a limited number of the non-traditional Federal earmark projects, such as rail improvement projects, transit projects, trail, and research projects, respectively.

## Office of Local Systems

The Office of Local Systems provides guidance and support for the Administering Offices and other Iowa DOT offices involved with LPA Federal-aid projects. Some of Local Systems' responsibilities include:

- Developing, publishing, and maintaining the written guidance to LPAs for Federal-aid processes and procedures. This guidance includes the [Guide](#), I.M.s, and other notices sent to LPAs through the Office of Local Systems e-mail list for counties, cities, and consultants. All of these documents are available on the Office of Local Systems [website](#).
- Developing, publishing, and maintaining the internal written guidance for the Administering Offices. This is contained in the Guidance Manual which is made available to the Administering Offices via the Iowa DOT's intranet (DOTNET).
- Providing formal training to LPAs on Federal-aid procedures, such as the Federal-aid Overview Seminars, District Spring Meetings, Contract Administration for LPAs, ADA Training, Work Zone Safety, and others.
- Providing advice and assistance to both the Administering Offices and LPAs with project-specific policy or procedure questions.
- Coordinating with LPAs and other Iowa DOT offices to resolve procedural issues or problems and improve project development processes.
- Serving as a liaison to the LPA professional organizations, such as the Iowa County Engineers Association (ICEA) and the Iowa Chapter of the American Public Works Association (APWA).
- Serving as a liaison between the Administering Offices and the FHWA and as the FHWA's primary point of contact for issues or questions pertaining to LPA Federal-aid projects.
- Coordinating with railroads, utilities, and various other Federal and State agencies in developing new policies and procedures for LPA Federal-aid projects.

There are numerous other Iowa DOT offices that also play supporting roles in the development and construction of LPA projects. The specific involvement and functions of each office is further described below.

### General Approach to LPA Oversight

The Iowa DOT does not employ a certification program to assure that LPAs have adequate project delivery systems, accounting controls and staffing to comply with Federal requirements. Instead, LPA Federal-aid project compliance is reliably achieved through procedures and processes that LPAs must follow, coupled with extensive step-by-step reviews and audits of LPA Federal-aid projects by Iowa DOT staff, beginning with the project concept and continuing through construction and final project close-out.



## Project Delivery Systems

LPAs are not free to develop their own policies or procedure manuals for Federal-aid projects. Instead, they must follow the Federal-aid project delivery system specified by the Iowa DOT. This project delivery system consists of the procedures and Iowa DOT oversight activities outlined in the [Guide](#), I.M.s., and other Iowa DOT manuals and guidelines. The specific procedures that apply to each part of the Iowa DOT's project delivery system are described in the "Specific Approval and Oversight Activities" section below.

## Accounting Controls

LPA accounting systems and controls are regularly reviewed by the Auditor of State. If the State audit of an LPA reveals significant shortcomings, the Auditor of State notifies the Iowa DOT and other State agencies. Sometimes these shortcomings will make an LPA ineligible for State financial assistance until the deficiencies are resolved, in which case the LPA would also be ineligible for Federal financial assistance. Such notifications are distributed by the Iowa DOT Office of Finance to Local Systems and other affected offices.

In addition to the State audits, sufficient accounting controls are also assured by the Iowa DOT review of LPA reimbursement requests. For county Federal-aid projects processed through the Iowa DOT Contractor Pay System (CPS), the county engineer prepares a pay voucher based on quantities completed and documented by the contractor. The pay voucher is then submitted to the Iowa DOT for review and processing. Payment is then issued directly to the contractor and the corresponding Federal share of costs is included on the next current bill to the Iowa Division.

For projects where the LPA pays the project costs directly, the LPA prepares and submits a reimbursement request to the Administering Office. The reimbursement request is accompanied by supporting documentation to show the work has been completed and the costs have been paid by the LPA. The request and supporting documentation is then reviewed by the Administering Office. If approved, the Administering Office generates a pay voucher which is transmitted to the Office of Finance for review and processing. If approved, the LPA is reimbursed for the Federal share of properly documented costs.

Documentation of reimbursement requests is maintained in the Administering Office files and / or the Iowa DOT's accounting systems. These accounting controls are regularly reviewed as part of the Iowa Division's billing reviews, State of Iowa annual audit (Comprehensive Annual Financial Report and Single Audit) and other program reviews.

## Staffing and Supervision

The Iowa DOT currently does not have specific staffing or mandatory training requirements for LPAs in order to administer Federal funds. Instead, the Iowa DOT measures the sufficiency of LPA staffing by their performance – that is, whether or not

the LPA's Federal-aid projects are reliably delivered in accordance with Federal requirements.

If an LPA demonstrates a pattern of non-compliance with Federal requirements, the Office of Local Systems will review its training records for LPA Federal-aid training events. If the LPA staff has not participated in any Federal-aid training events, the Administering Office will notify the LPA staff of upcoming training opportunities and encourage them to attend. If appropriate, the Administering Office may also provide one-on-one assistance to help LPA staff better understand and comply with the Federal requirements. If compliance problems persist, the Iowa DOT will take additional steps as necessary to achieve compliance. These steps include actions ranging from making LPA project costs ineligible in whole or in part, up to denial of Federal funding on future projects.

These corrective actions are documented in written correspondence with the LPA and kept in the Administering Office project files. When substantial parts of projects or whole projects are made ineligible, this is documented using FHWA's Notification of Ineligibility form. Copies of such documentation are also provided to the Iowa Division.

#### Specific Approval and Oversight Activities

The procedures employed for each of the specific approval and oversight activities required for LPA Federal-aid project development are described below.

#### Project Authorization

Requests for LPA Federal-aid project authorizations are prepared by the Administering Office. The Administering Office is responsible for verifying the Federal funding eligibility and project information, such as description, programming, work types, funding sources, and amounts.

For construction projects let through the Iowa DOT, the Administering Office conveys the project information to the Office of Contracts by submitting a Plan Turn-in Checklist with the plans and specifications. Based on this information, Office of Contracts staff prepares the authorization request in the Fiscal Management Information System (FMIS) and submits it to FHWA for review and approval.

For other types of authorization requests, the process varies depending on whether the Administering Office is a District Office or the Office of Systems Planning. Some authorization requests for projects overseen by Systems Planning are entered directly in FMIS by Systems Planning staff. Authorization requests for projects overseen by a District Office are sent to the Office of Contracts with an FHWA Authorization Checklist, which contains the necessary project information. The Office of Contracts then enters the project information into FMIS and submits the request to FHWA for approval.

After FHWA authorization is received, the Administering Office notifies the LPA that the authorized project activities may proceed.

## Civil Rights

Monitoring of LPA compliance with Title VI and related non-discrimination requirements is performed by the Civil Rights Section in the Iowa DOT Office of Employee Services. This monitoring includes both pre-grant and post-grant reviews. Procedures and requirements for LPAs are provided in [I.M. 1.070](#), Title VI and Nondiscrimination Requirements, and [I.M. 1.080](#), ADA Requirements.

## Consultant Selection and Management

### Consultant Selection

If LPAs will use Federal funds for consultant services, they must follow the procedures in [I.M. 3.305](#), Federal-aid Participation in Consultant Costs. These procedures require compliance with a qualifications-based selection process for contracts subject to the Brooks Act. This I.M. also specifies the steps required for procuring consultant contracts using the simplified acquisition procedures allowed by 23 CFR 172.

### Responsible Charge

When an LPA uses a consultant to perform construction engineering services, they are required to have a full-time employee in responsible charge of the project. For counties, the County Engineer serves as the person in responsible charge. For larger cities, usually the Public Works Director, City Engineer, or their designee serves in this capacity. For smaller cities that do not have any full-time employees, the responsible charge requirement is met by a combination of the mayor or city clerk and the Iowa DOT District Local Systems Engineer or Grant Project Manager in the Office of Systems Planning, as applicable. In providing this assistance to LPA staff, the District Local Systems Engineer or Grant Project Manager receives support as needed from staff in other Iowa DOT offices, such as Design, Construction, Right of Way, Location and Environment, etc.

Some consultants also serve as the city engineer for smaller cities. In these cases, the same consultant is not allowed to serve on the selection committee or participate in the selection of a consultant firm for a Federal-aid project. Consultants performing construction engineering services are also not allowed to serve as a subcontractor for construction staking services on the same project.

Potential conflicts of interest are monitored via the Iowa DOT Administering Office's review and approval of all change orders on LPA Federal-aid projects. Contract modifications due to design errors are made non-participating for Federal funds.

The responsible charge requirements and conflict of interest provisions are documented in [I.M. 3.805](#), Construction Inspection, and [I.M. 3.305](#), Federal-aid Participation in Consultant Costs.

## Environmental Requirements

The LPAs are required to prepare all environmental documents to comply with the National Environmental Policy Act (NEPA) and associated laws and regulations. However, all environmental documents are reviewed by the Iowa DOT Office of Location and Environment before being approved (in the case of Programmatic Categorical Exclusions) or being sent to FHWA for approval (in the case of other environmental documents). For projects that require an Environmental Assessment or Environmental Impact Statement, Office of Location and Environment staff work closely with the LPA and / or its consultants responsible for preparation of the environmental document to ensure the required coordination with resource agencies, associated public involvement activities, and other Federal requirements are met.

The environmental procedures LPAs must follow are contained in the following documents:

- [I.M. 3.105](#), Concept Statement Instructions
- [I.M. 3.110](#), Environmental Data Sheet Instructions
- [I.M. 3.112](#), FHWA Environmental Concurrence Process
- [I.M. 3.114](#), Cultural Resource Regulations
- Office of Location and Environment website, [NEPA Documents, Local Projects](#)

Documentation showing the appropriate procedures have been followed is contained in the Iowa DOT Office of Location and Environment, Administering Office, or LPA project files.

LPAs are also responsible for obtaining all required permits, such as Corps of Engineers 404 permits, National Pollutant Discharge Elimination System (NPDES) storm water permits, etc. Guidance to local agencies on these subjects is included in the following documents:

- [I.M. 3.120](#), Farmland Protection Policy Act Guidelines
- [I.M. 3.130](#), 404 Permit Process
- [I.M. 3.140](#), Storm Water Permits
- [I.M. 3.150](#), Highway Improvements in the Vicinity of Airports or Heliports
- [I.M. 3.160](#), Asbestos Inspection, Removal, and Notifications Requirements
- [I.M. 3.410](#), Preliminary Bridge or Culvert Plans

Documentation of compliance with these various permits is shown either on the project plans or in the LPA's project files.

## Design

LPAs must use the design guidelines provided by the Iowa DOT. If the minimum design guidelines cannot be met, LPAs must prepare a design exception which is reviewed and approved by the Iowa DOT Administering Office. Plans and specifications must be prepared in accordance with the Iowa DOT guidelines and are reviewed and approved for letting by the Iowa DOT Administering Office. Additional details and the applicable I.M.s and design guidelines are referenced in Section 5 of the [Guide](#).

## Right-of-Way

The Iowa DOT procedures and guidance provided to LPAs to assure compliance with the Uniform Act and related laws and regulations are documented in [I.M. 3.605](#), Right-of-Way Acquisition, and the Office of Right of Way's [LPA Manual](#). The Iowa DOT Office of Right of Way Local Public Agency Coordinators (LPAC) provides oversight and technical assistance to LPAs. The steps included in this oversight are summarized below:

- Concept Statement – After receipt of a Concept Statement that indicates Right-of-Way will need to be acquired, the appropriate LPAC in the Office of Right of Way sends the LPA a notice. The purpose of the LPAC's notice is to introduce themselves and invite the LPA to contact them for assistance in acquiring Right-of-Way. The notice is followed up with a phone call by the LPAC to verify receipt and answer any questions the LPA may have.
- Early acquisitions – If the LPA requests approval to acquire Right-of-Way before environmental concurrence, the Administering Office and the Office of Right of Way LPAC review the request to verify it meets the criteria for early acquisitions. After these reviews, the Administering Office also requests FHWA's review and approval.
- Requests for Federal participation – When Federal participation is requested in Right-of-Way costs the Right-of-Way plans, cost estimate, and eligibility of costs are reviewed. This review involves both the Administering Office and the Office of Right of Way.
- FHWA Environmental Concurrence follow-up – After the LPA is notified by the Office of Location and Environment that Environmental Concurrence has been obtained, the LPAC contacts the LPA again to remind them that they are available to provide assistance, and that Right-of-Way activities for which the LPA will request Federal participation should not proceed until approval is received from the Administering Office.
- Project Development Certification (PDC) – Before the project is authorized for letting, the LPA must prepare and sign a PDC. Among other things, the PDC includes a statement that the Right-of-Way was acquired in accordance with Federal and State requirements. The Administering Office and the LPAC review and approve the PDC in accordance with the procedures in [I.M. 3.750](#), Project Development Certification Instructions.

- Project reviews – Each of the LPACs in the Office of Right of Way perform on-site reviews of a sample of LPA projects each year. Projects are reviewed in accordance with the procedures contained in the Office of Right of Way’s [LPA Manual](#). In summary, these reviews verify compliance with the applicable State and Federal laws and regulations pertaining to Right-of-Way acquisition by examining the LPA’s project files and documentation. If problems are identified by the review, the LPA is required to take corrective action to return the project to compliance. Areas for improvement are identified and shared with the LPA, thereby providing a training mechanism for the LPA and Iowa DOT.
- Other assistance – The Office of Right of Way staff is available to assist local agencies in any aspect of the process upon request. In addition, the Office of ROW staff regularly provides information and training to LPAs as a part of training classes or seminars conducted by other Iowa DOT Offices.

### Contract Procurement

Most LPA Federal-aid construction projects must be let for competitive bids through the Iowa DOT in accordance with the procedures provided in Section 7.1 of the [Guide](#) and [I.M. 3.730](#), Iowa DOT Letting Process. By conducting the letting process for LPAs, the Iowa DOT ensures that all applicable Federal requirements are met.

Certain LPA Federal-aid construction projects may be procured locally using either competitive bids or quotes, as described in Section 7.2 of the [Guide](#) and [I.M. 3.720](#), Local Letting Process – Federal-aid. In these cases, compliance with Federal requirements is ensured through several reviews and checks by Iowa DOT Administering Office staff. These steps are documented on a pre-award and post-award checklist which is completed by the LPA and reviewed by the Iowa DOT Administering Office.

### Construction Inspection

LPA construction inspection staff must follow the procedures outlined in [I.M. 3.805](#), Construction Inspection, and the Iowa DOT [Construction Manual](#), as applicable. The Iowa DOT monitors LPA construction projects as outlined below:

#### Field Reviews by the Office of Local Systems

The Office of Local Systems Field Review Technician maintains a list of all current fiscal year LPA contracts involving highway or bridge construction. The status of these contracts is tracked by information on the Weekly Report of Working Days (Form 830238) submitted by the LPAs and from information obtained from the District Offices. This list allows the Field Review Technician to track the status of these contracts to determine when a construction field review can be accomplished.

LPA contracts are selected for a field review based on a list of LPAs for which field reviews have been conducted in the past. LPAs which have not recently been reviewed are given first priority for a field review. The goal is to conduct a field review of at least one of the LPA's Federal-aid projects every three or four years. However, since some LPAs do Federal-aid projects very infrequently, it may not be possible to review a project for each LPA on this cycle.

After an LPA project has been selected for a field review, the Field Review Technician visits the project site, usually accompanied by a representative from the District Office. The visit may be scheduled or unannounced, depending on the preference of the District Office. The Field Review Technician uses several checklists to document items that are examined on the field reviews. Since not all the items on these checklists apply for all field reviews, only those that are applicable are used for each individual review. In summary, the field review consists of a site visit to observe the work in progress, including traffic control devices, erosion control measures, other safety measures, and poster boards. The field review also involves an office visit to the LPA or consultant responsible for construction inspection to review their project files and documentation.

After the field review has been completed, the Field Review Technician prepares a written report and submits it to the District Office for their review. Any additional comments or corrections are brought to the attention of the Field Review Technician.

After any necessary changes have been made, the final Field Review Report is sent to the LPA by the District Office, and a copy of the report is provided to the Office of Contracts for information. This provides the Office of Contracts with an indication of which contractors are not complying with EEO and Predetermined Wage Rate requirements. A copy of the District Office's cover letter is also provided to the Office of Local Systems.

If the Field Review Report contains any findings, the LPA is provided sufficient time to address the findings or correct any deficiencies found. Afterward, the Field Review Technician and the District Office representative may follow up with another site visit. If such follow up visit is conducted, a follow up report is also prepared to document whether or not the original findings or deficiencies have been corrected. If the findings or deficiencies have not been corrected, the District Office contacts the LPA and takes appropriate action until all issues have successfully been resolved. Usually this occurs before construction is complete, but in all cases before the project is accepted as complete and final reimbursement to the LPA is made. If a follow up visit is not possible, deficiencies will be reviewed at the time of final review to ensure corrections were made.

## Field Reviews by the Office of Systems Planning

The Office of Systems Planning also performs site visits and field reviews for the Federal-aid projects it is responsible for. The status of projects under construction is tracked by the Weekly Report of Working Days (Form 830238) received by the LPAs. Systems Planning performs at least one Field Review for all projects under construction.

The Construction Technician makes a scheduled visit to the project site and uses a checklist to document items that are examined. In summary, the field review consists of reviewing the work in progress, including traffic control devices and other safety measures, pedestrian and auto access, erosion control measures, quality of work, materials staging, and poster boards. The field review also involves an office visit to the LPA or consultant responsible for construction inspection to review their project files and documentation and verify they are consistent with the requirements of [I.M. 3.910](#), Final Review, Audit, and Close-out Procedures for Federal-aid Projects. Additional unscheduled site visits are also conducted as time allows.

After the field review has been completed, the Construction Technician prepares a written report documenting deficiencies and observations. The written report is provided to the LPA or consultant responsible for construction inspection, the appropriate Systems Planning Project Manager, and in some cases the Office of Contracts. If deficiencies are noted, the Construction Technician may conduct a follow-up site visit to ensure deficiencies are corrected. If a follow-up visit is not possible, deficiencies will be reviewed at the time of final review to ensure corrections were made.

## District Office Site Visits

The District Offices also visit LPA projects under construction. The frequency, level of review, and documentation varies, depending on the District Office. For some, site visits are made while in the project area on other business, but for others, a special trip is made for this purpose. If deficiencies are observed, the District Offices notify the LPA accordingly. The District Offices also follow up on any deficiencies found as part of the final project review or audit. District Office site visits are documented and a copy is provided to the Office of Local Systems.

## District Materials

District Materials staff may also visit the project site during construction in order to conduct material tests or inspections. This includes independent assurance inspections of the LPA's certified technicians, verification testing, and source monitoring of material suppliers.



## Work Zone Safety Reviews

As per 23 CFR 630.1010(e), the Iowa DOT performs annual Work Zone Safety reviews. While the scope of these reviews is limited to traffic control devices and work zone safety, LPA projects are usually included among those reviewed. The results of these reviews are documented in a report. The report is often used to emphasize the importance of proper work zone safety in the Iowa DOT's Work Zone Safety classes, and occasionally as part of other conferences or presentations to LPAs.

## Project Close-out and Record Retention

The procedures for closing out a Federal-aid project, including final reviews, audits, and record retention are described in Section 9 of the [Guide](#) and [I.M. 3.910](#), Final Review and Close-out Procedures for Federal-aid Projects.

## Financial Management and Reporting

### Single Audit Requirements

Guidance to LPAs is provided in Section 10.2 of the [Guide](#). All LPAs are notified of the Single Audit requirement in the funding agreement with the Iowa DOT. The Iowa DOT monitors the audits of all sub-recipients provided federal funding by the Iowa DOT. If the Iowa DOT has provided a significant amount of federal funding (equal to or greater than \$250,000) and no Single Audit has been filed with the Auditor of State, the LPA is contacted to ensure that a Single Audit was not necessary.

If an LPA's Single Audit contains findings related to Federal funds passed through the Iowa DOT, the Iowa DOT Office of Finance coordinates the preparation of a management decision. Depending on the nature of the finding, the Office of Finance may involve the Administering Office. If the finding is sustained and it is determined that additional action is required by the LPA, the Administering Office notifies the LPA of the required actions. Additionally, the Office of Finance (Audits) conducts follow up to verify that additional corrective actions are being implemented in the subsequent year.

### Indirect Cost Allocation Plans

If an LPA desires to claim indirect costs for Federal reimbursement, the administering office notifies the Iowa DOT Office of Finance (Audits) of the request. The Office of Finance then determines the LPA's Federal Cognizant/Oversight agency for indirect cost negotiation. If the LPA has been assigned a Cognizant Federal Agency or a federal agency has assumed indirect cost negotiation oversight responsibilities, then the Iowa DOT Office of Finance requests documentation of cognizant/oversight approval of the plan/rate from the LPA. If no approval has been provided, the federally cognizant agency is contacted to determine if appropriate documentation has been provided by the LPA and approval has been given. If no approval has been provided by the federally cognizant/oversight agency, the Office of Finance requests documentation and

certifications of the indirect cost allocation plan/rate for review and approves it for use on federal awards provided by the Iowa DOT. If however it is determined that the Iowa DOT provides the predominant amount of federal funding via pass thru funds, the Office of Finance requests documentation of the full plan and reviews and approves it for use on all federal awards provided by Iowa DOT. LPAs are notified of this requirement in I.M. 3.310, Federal-aid Participation in In-House Services, and I.M. 3.810, Federal-aid Construction by Local Agency Forces.

#### Inactive Obligations

The Iowa DOT monitors and manages LPA inactive obligations through a combined effort of the Office of Finance, Local Systems, the Administering Offices, and LPAs. This process includes two components: 1) a pre-inactive review designed to keep projects from becoming inactive; and 2) the review of projects that have become inactive, as per 23 CFR 630.106(a)(5). Both reviews are conducted by the Iowa DOT on a quarterly basis. This process is documented in the Iowa Division Office SOP for Inactive Obligations. Additional documentation and instructions for DOT staff is maintained by the Office of Local Systems. Results of the quarterly inactive reviews are documented in the Iowa Division's quarterly inactive reports and the corresponding Iowa DOT responses to these reports.

#### Financial Plans for Major Projects

LPA projects in Iowa rarely are large enough to be considered a Major Project. Instructions to LPAs are provided in Section 3.6 of the [Guide](#). If a financial plan is required, it will be reviewed by the Iowa DOT in consultation with the Iowa Division Office.

#### Federal Funding Accountability and Transparency Act (FFATA)

The Iowa DOT Office of Finance prepares reports for the LPA projects that must be reported as subawards in the FFATA Subaward Reporting System (FSRS). These reports are prepared using data gathered from the Fiscal Management Information System (FMIS) and the Iowa DOT's financial systems.

#### Stewardship / Oversight Indicators

The stewardship / oversight indicators used to measure the performance of the LPA Federal-aid program are listed in Appendix D.

# **APPENDIX J**

# **GLOSSARY**

**Appendix J: Glossary**

Assumed Projects (also known as State Administered, Non-Full Oversight or Delegated Projects) – See State Administered Program or Projects

Categorical Exclusion (CE) – An action that does not individually or cumulatively have a significant environmental effect. Specific list of actions normally considered as CEs are contained in 23 CFR 771.117(c), and 771.117(d).

Certification Reviews – A planning review which formalizes the continuing oversight and day-to-day evaluation of the planning process.

CFR – Code of Federal Regulations

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

Core Functions – Activities that make up the main elements of the Division's Federal-aid oversight responsibilities based on regulations and national policies. Core functions in the Division Office are Planning, Environment, Right-of-Way, Design, Construction, Finance, Operations, System Preservation, Safety, and Civil Rights.

Delegated Projects – See State Administered Program or Projects

Federal-aid construction projects – All construction projects funded under Title 23 U.S.C. This includes any construction project funded under 23 U.S.C. such as a highway, rail, transit, vertical building, offices, parking lots, bicycle paths, pedestrian trails, etc. (examples: Buy America, DBE program requirements, etc.)

Federal-aid contract – Any contract containing any Federal-aid funding.

Federal-aid highways – Highways on the Federal-aid highway systems and all other public roads not classified as local roads or rural minor collectors.

Federal-aid highway construction project – Any Federal-aid funded construction work physically located inside of or linked to the highway Right-of-Way. Includes all Federal-aid highway construction projects regardless of location, but does not include rail or trail projects located outside of highway Right-of-Way.

Federal-aid highway construction projects on the National Highway System – All Federal-aid highway construction projects located on the National Highway System. These requirements are not applicable to: a) Federal-aid highway construction projects on non-NHS routes or b) Federal-aid non-highway construction such as trail projects not located within the highway Right-of-Way examples: FHWA policies for claims, warranties, incentive /disincentives).

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Federal-aid highway systems – The National Highway System and the Dwight D. Eisenhower National System of Interstate and Defense Highways (the "Interstate System").

Federal-aid project – Any work funded with Federal-aid funds.

FHWA – Federal Highway Administration, Iowa Division, Ames, Iowa

FHWA Headquarters (HQ) – Federal Highway Administration, 1200 New Jersey Ave., SE Washington, DC 20590

FMIS – FHWA's Fiscal Management Information System that is used for project authorization and obligation and is FHWA's major financial information system.

FMIS Final Voucher – Joint project closure document that closes the FMIS record, also referred to as the project closure document for FHWA.

FMIS Project Closure – Joint, final FMIS action taken on a project that closes the FMIS record, also referred to as the final voucher for FHWA.

Full Oversight Projects – Projects that require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, Right-of-Way certification statements, contract awards, contract changes, inspections, and final acceptance of Federal-aid projects on a project by project basis.

Grant – An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee. The term does not include technical assistance, which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. In addition, the term does not include assistance, such as a fellowship or other lump sum award, which the grantee is not required to account for.

Grantee – The government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document.

Inherently Low Risk Projects on the Interstate System – New or reconstruction Interstate projects over \$1M that are routine and generally non-controversial in which the Iowa DOT has a high-level of experience and documented procedures and practices in place for ensuring compliance with Federal requirements.

Interstate Reconstruction – Additional mainline capacity, modification and/or creation of new access points, removal and replacement of the pavement structure or the overlay of an existing pavement structure more than 4" thick, modification or creation of rest areas/weigh stations, or removal and replacement of any significant part of the substructure or superstructure of an existing bridge.

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**Locally Administered Projects** – For the purpose of the Agreement, a Federal-aid project in which an entity other than Iowa DOT is a sub-recipient and this entity is administering the particular phase being authorized, i.e., preliminary engineering, Right-of-Way, or construction. These would include projects where the non-traditional entity will either perform the work itself or enter into a contract for services or construction.

**Local Public Agency (LPA)** – Any organization, other than Iowa DOT, with administrative or functional responsibilities which are directly or indirectly affiliated with a governmental body of any tribal nation, State, or local jurisdiction. LPAs would most often include cities or counties. However, a LPA, as defined here, could also include a State entity such as Iowa Department of Natural Resources.

**Major Projects** – Projects receiving Federal financial assistance 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.

**Non-Concurrent Construction** – For a Major Project, when the time period between the completion of one operationally independent project and the start of the next project exceeds 5 years.

**Non-Title 23 Requirements** – Requirements of the grantee and subgrantee of the Federal-aid program that are not contained with Title 23 of United States Code. Examples of these requirements include but are not limited to Environmental, Civil Rights, Davis-Bacon wage rates, procurement of engineering and design related services, and Disadvantaged Business Enterprises that apply to all projects and are subject to review regardless of oversight process.

**Operational Independence** – Describes a phase of work as a portion of the project detailed in the environmental document that can be built and function as a viable transportation facility even if the rest of the work described in the environmental document is never built.

**Oversight** – The act of ensuring that the Federal-aid Highway Program is delivered consistent with laws, regulations, and policies.

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

**Process Reviews/Program Evaluations (PR/PE)** – A review conducted whose primary purpose is to provide a monitoring and control technique that documents procedures and processes and further assures that Federal-aid funds are being spent in accordance with Federal laws, regulations, and policies. In addition, PR/PEs evaluate the effectiveness of the processes, procedures, and products developed by Iowa DOT in all phases of a project, as well as the internal operations of the FHWA Iowa Division.

**Program Assessments** – This evaluation tool may take many forms including joint risk assessments, and self-assessments. These tools are based on the common concepts of identifying

strengths, weaknesses, opportunities, and threats, and the identification and sharing of “best” practices to continually improve the program.

**Program Reviews** – A thorough analysis of key program components and the processes employed by the Iowa DOT in managing the program. The reviews are conducted to: 1) ensure compliance with Federal requirements; 2) identify areas in need of improvement; 3) identify opportunities for greater efficiencies and cost improvement to the program; and/or 4) identify exemplary practices.

**Programmatic Categorical Exclusions (PCE)** – PCEs are a subset of categorical exclusions (CEs). These are actions listed as CEs under 23 CFR 771.117(c), and under Section III(b) of the *Programmatic Agreement for Certain Categorical Exclusion Actions*, between Iowa DOT and FHWA. The agreement describes how the Iowa DOT will certify that certain actions are CEs and FHWA will approve the certification of the action through any subsequent federal approval action.

**RASPS** – Rapid Approval & State Payment System is a feeder system used by FHWA to electronically process grant payments against balances obligated in FMIS and DELPHI (USDOT’s internal accounting program). This payment process is often referred to as the “Current Bill.”

**Project Inspections** – Inspections in which projects are reviewed to ascertain compliance with applicable laws, regulations, agreements, and contain documented findings. They can also be used to document new or innovative practices or technologies.

**Recurring Reviews** – Reviews that FHWA conducts annually or on a regular periodic basis, examples of these reviews include National Bridge Inspection Standards (NBIS), Highway Performance Monitoring System (HPMS), and Heavy Vehicle Use Tax (HVUT).

**Responsible Charge** – For a federal-aid project, a person who administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality, and scope. This individual also makes or participates in decisions on change orders, contract modifications, etc.: maintains a current awareness of the project conditions: and is held accountable for completion of all aspects of the federal-aid project. The persons or persons in responsible charge must be a full time employee of the contracting agency. For Iowa DOT administered projects, this person must also be an engineer.

**Risk Assessment** – The evaluation of risk for likelihood and impact.

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

**Risk-based Approach** – Incorporating risk assessment and risk management into investment and strategic decision making (the means by which limited resources are focused).

**State Administered Program or Projects** – Programs or Projects where FHWA has delegated and Iowa DOT has assumed responsibility for all necessary approvals and activities are in

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accordance with State policies, practices and standards, and Title 23, U.S.C. These are projects that do not require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, Right-of-Way certification statements, contract awards, contract changes, inspections, and final acceptance of Federal-aid projects on a project by project basis. Iowa DOT acts on behalf of the Secretary and FHWA on these projects, and should exercise similar judgment.

Stewardship – The efficient and effective management of the public funds that have been entrusted to the FHWA and Iowa DOT.

Subgrant – An award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual legal agreement.

Subgrantee – The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

Tapered Match on Federal-aid Projects – allows flexibility in meeting the non-Federal share requirements, provided the overall Federal share is not exceeded at the close of the project. When a tapered match is authorized, the established Federal share is applied to the total project costs, instead of applying to each progress payment. The individual billing percentage applied to progress payments may be higher or lower than the designated Federal share or the lump sum established for the project.

Title 23 Requirements – Requirement of the grantee and subgrantee of the Federal-aid program that are contained within Title 23 of United States Code such as bidding requirements, planning, design standards, emergency relief, and so on.

U.S.C. – United States Code

Value Engineering – A systematic process of review and analysis of a project, during the concept and design phases, by a multidisciplinary team of persons not involved in the project. The recommendations from the review meet the purpose and need of the project; safely, reliably, efficiently, and at the lowest overall cost. The review also improves the overall value and quality of the project, and reduces the time to complete the project.