

**Federal Highway Administration
&
Wisconsin Department of Transportation
Stewardship Agreement**



U.S. Department
of Transportation

**Federal Highway
Administration**



September 2010

Collaboration Agreement

The recently signed Stewardship and Oversight Agreement outlines a consistent risk-based approach for the Wisconsin Division of the Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) to effectively and efficiently manage public funds and to ensure that the Federal-aid Highway Program funds are delivered in accordance with the laws, regulations, and policies. As we look to the future and to the many challenges we will face in maintaining and improving Wisconsin's transportation infrastructure, it is important to reflect upon how we can collectively pool our limited resources to maximize our opportunities and jointly earn the public's confidence in delivering the programs and services that they all expect and deserve. It all starts with how our two agencies demonstrate and support a collaborative approach to joint respect, commitment, responsibility, integrity and openness to the unique perspectives and priorities that we each bring to the table. Our common goals and interests must override our differences for us to succeed in maximizing our service to each other as well as to the traveling public.

To demonstrate our mutual interest in building and maintaining a collaborative working relationship, our two agencies agree to the following principles:

- 1) The Department will support open dialogue and collaboration between WisDOT staff and the FHWA Division Office. The WisDOT will engage the FHWA Division Office at the earliest possible moment, especially when the issues of concern center on the eligibility of Federal-aid funds. This will allow the FHWA to assist the Department in exploring options, opportunities and best practices that will preserve the integrity of the funds by meeting the intent of the Law and the State's need to the traveling public.
- 2) The FHWA Wisconsin Division Office will respect the decision authority delegated to the WisDOT to act on our behalf in accordance with our mutually agreed written processes.
- 3) The FHWA Division Office agrees to work closely with the WisDOT in a collaborative "Leaning Forward" approach to explore the "grey" areas of the laws, policies and regulations, and to assist the State to the best that our abilities and resources allow. The FHWA Wisconsin Division Office will also strive to be fair in its role to protect the Federal Interest, by assisting the State in exploring creative solutions in the use of Federal-aid funds that still comply with the Federal rules, regulations policies and laws and with the WisDOT's role to meet their constituent's needs.

The key component of these collaborative efforts is to reduce surprises between our agencies that arise periodically. This requires that all lines of communication are kept open by all personnel.

Wisconsin DOT Secretary

Date

FHWA Wisconsin Division Administrator

**FHWA
&
Wisconsin Department of Transportation
Stewardship Agreement**

September 2010

FHWA, Wisconsin Division Administrator

WisDOT, Secretary of Transportation

Date

Date

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Stewardship and Oversight Agreement
Between
Federal Highway Administration and Wisconsin Department of Transportation

Purpose

The purpose of this Stewardship and Oversight Agreement is to formalize the roles and responsibilities of the Federal Highway Administration (FHWA), Wisconsin Division and the Wisconsin Department of Transportation (WisDOT) in administering the Federal-Aid Highway Program (FAHP). This Stewardship and Oversight Agreement outlines a consistent risk-based approach for the FHWA, Wisconsin Division and WisDOT to effectively and efficiently manage the public funds and to ensure the FAHP is delivered in accordance with laws, regulations, policies, and good business practices. The FHWA and WisDOT administer the FAHP through program and project management, and utilize a number of management tools to monitor the health of the FAHP including, but not limited to:

- Performance Indicators
- Program Assessments (*such as the Risk Management Framework and the Program Delivery Improvement Tool (PDIT)*)
- Program/Process Reviews (*including the Financial Integrity Review and Evaluation (FIRE) Program, and other tools*)
- Project Oversight
- Program Approvals
- Program Technical Assistance
- Participation on Joint Committees

WisDOT accepts responsibility as the project approval authority for delegated activities in accordance with Section 106 of Title 23, United States Code (USC). The FHWA retains overall responsibility for the FAHP and this Agreement does not preclude the FHWA from accessing or reviewing any Federal-aid program and/or project.

Background and Introduction

Section 106 of Title 23, United States Code, requires the FHWA and WisDOT to enter into an agreement that documents the delegation of responsibilities. The FHWA Stewardship /Oversight Guidance issued May 8, 2006, encouraged all division offices to implement a comprehensive approach in developing their Stewardship and Oversight Agreements. 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 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. The FHWA, in administering the FAHP under Title 23 of the Code of Federal Regulations and associated laws, allows WisDOT to accept certain delegated responsibilities for the FHWA including approvals related to the National Environmental Policy Act (NEPA), design, award, and construction of Federal-aid projects. This Agreement outlines the framework by which the FHWA and WisDOT will administer the FAHP 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 FHAP through stewardship and delegated roles and responsibilities.

Division and State Roles and Responsibilities

The FAHP roles and responsibilities are jointly administered by both agencies. This Agreement describes State versus Federal roles and responsibilities for each of the following program areas:

1. Civil Rights
2. Construction and Contract Administration
3. Design (Roadway & Roadside Safety)
4. Environment
5. Financial Management
6. Traffic Operations / ITS
7. Planning

8. Small Programs
9. Right of Way
10. Safety
11. Pavement and Materials
12. Federal Major Projects (>\$100)
13. Local Programs
14. Bridge / Structures

Roles and responsibilities are discussed in detail in the Oversight Agreement contained in Appendix A. The means and methods by which the implementation and execution of these responsibilities are carried out are described in the Program and Project Responsibilities section and in the individual program stewardship appendices.

Federal Highway Administration, Wisconsin Division

The FHWA monitors the FAHP and maintains review and/or approval authority (as defined in Appendix A) of non-delegated activities. In addition, the FHWA and WisDOT are responsible for ensuring financial integrity and compliance with applicable laws and regulations. The FHWA is accountable for the FAHP and ensuring that it is delivered in an efficient and effective manner. The FHWA can review any program or project including those that have unique features, high-risk elements, unusual circumstances, or projects included in program and/or process reviews.

Wisconsin Department of Transportation

WisDOT is empowered through delegation as provided under Federal law to monitor, review and/or approve activities related to the use of Federal-aid funds. WisDOT, in conformance with Title 23, USC accepts responsibilities for delegated duties in this Agreement. WisDOT is responsible for administering the FAHP in a manner that ensures efficient and effective use of the Federal-aid funds and compliance with all federal laws and regulations.

Methods of Stewardship

The FHWA and WisDOT will jointly administer the FAHP through methods of stewardship that include, but are not limited to: Performance Indicators, Program Assessments, Program/Process Reviews, Project Oversight and Program Management. Each of the methods of stewardship will contribute knowledge and insight towards the development of an annual Risk-Based Action Plan. The Risked Based Action Plan will serve as the basis for FHWA's involvement in or review of various program areas or elements in the following years. A brief description of each technique used in providing stewardship of the FAHP is provided below:

Performance Indicators – Performance indicators are incorporated and used in this agreement to help assess performance in administering the FAHP requirements and to aid in determining whether federal funds are being effectively utilized to improve the transportation system. They will enable the FHWA and WisDOT to monitor program performance and proactively implement corrective actions when needed. The indicators will serve as one of the tools in conducting program risk assessments and may trigger program/process reviews or other program management actions such as project inspections and/or project document reviews. Performance indicators will be updated monthly, quarterly, or annually depending on the measure.

The performance indicators contained in this Stewardship Agreement were developed as a joint effort between the FHWA and WisDOT and involved program managers in all of the previously identified program areas. Maintaining, updating, and improving the performance indicators shall be the responsibility of both FHWA and WisDOT. These performance indicators are subject to modification or change as business needs change. Measures can be evaluated at any time by FHWA and WisDOT.

Program Assessments – Program assessments provide another avenue to determine the performance of the FAHP. Assessments include joint risk assessments utilizing the Risk Management Framework, self-assessments, the Program Delivery Improvement Tool (PDIT), or may utilize other tools as appropriate. These tools are based on the common concepts of identifying strengths, weaknesses, threats and opportunities and the sharing of “best” practices to continually

improve the programs. Program assessments may be triggered by national requirements/initiatives or the desire to strive for continual improvement.

Program/Process Reviews – The FHWA and WisDOT will manage the program through analysis of program components and processes. Individuals or teams from the FHWA and/or WisDOT and/or other stakeholder groups or organizations may conduct reviews. The reviews will:

- a. Ensure compliance with Federal requirements
- b. Identify opportunities for greater efficiencies and improvements to the program/process
- c. Identify exemplary practices
- d. Identify areas that need attention and make recommendations for improvement

These reviews may be referred to as program improvement reviews, process reviews, program/product evaluations, or continuous process improvement initiatives. Program reviews are often triggered by risk assessments or performance indicators that suggest a need for improvement. Additional performance indicators may be developed as a part of program reviews to help highlight and quantify successes and problem areas.

Examples of program/process reviews are those conducted through the Financial Integrity Review and Evaluation (FIRE) program, which is a review and oversight program in support of the FHWA's annual certification of internal and external financial controls. The annual certification satisfies the financial, accounting and reporting requirements of the Federal Managers' Financial Integrity Act (FMFIA) of 1982. Required reviews include a Financial Management Review (selected from the risk assessment), Improper Payments Review, Inactive Federal-aid Project Review, Administrative Reviews, a review of WisDOT's Single Audit Review, and a Federal Audit. Reviews are conducted to ensure financial integrity.

Program Management – Program management refers to the FHWA's daily stewardship of the FAHP including project and program oversight, and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value by:

- a. Promoting new initiatives and concepts

- b. Continually assessing the program through routine involvement in program and project level activities including inspections
- c. Conducting routine program and project approval actions
- d. Participating on joint task forces, joint committees, and joint quality improvement teams
- e. Assisting transportation stakeholders by answering questions related to program and project issues

Risk-Based Action Plan

The Risk-Based Action Plan delineates the focus of limited resources and time. Each spring the FHWA and WISDOT will jointly and collaboratively evaluate the performance indicators/measures and assess the current health of the FAHP. The findings will be incorporated into the formalized Risk Management Framework (risk assessment) to establish focus areas and implement methods of action to be taken.

The FHWA and WisDOT will schedule formal meetings to conduct the risk assessment in March/April. The final plan will include a list of action items, responsible parties, and due dates. It will be drafted by June 30, and finalized by September 30. Coordination will continuously occur between these dates. This will allow the FHWA and WisDOT to balance risk, efficiently allocate staffing resources, provide for adequate funding, and effectively and efficiently deliver the FAHP.

The plan may be adjusted from time to time to accommodate changing conditions.

Control Documents

Control documents include standards, policies, and specifications that are acceptable to the FHWA and WisDOT for application in Federal-aid projects. The control documents listed in the Oversight Agreement contained in Appendix A form the basis for WISDOT compliance with specific control standards. In assuming program/project-level responsibilities under Title 23, USC and SAFETEA-LU, WISDOT agrees to comply with the FHWA approved standards in accordance with 23 CFR and related Federal regulations and policies. FHWA and WisDOT agree on the responsibilities and delegated authority of the control documents in the Oversight Agreement (Appendix A). Changes will require the agreement of both parties including those amended by addendum.

Program and Project Responsibilities

FHWA and WisDOT will monitor program performance and compliance for each program area as outlined in the program operating agreements contained in Appendices C-P. The agreements set forth general responsibilities, program specific performance indicators and business standards.

The delegation of projects to WisDOT does not preclude the FHWA from conducting project level activities as deemed necessary, because of perceived risk based upon identification through the PDIT, Risk Management Framework and/or performance indicators. These activities may include project inspections, document reviews, and other day-to-day program management activities.

Projects with approval authority delegated to WisDOT are not subject to further approvals by the FHWA unless selected for federal oversight as part of FHWA's ongoing Program Management. This agreement allows the FHWA to review any programs and/or projects that have unique features, high-risk elements, unusual circumstances, or if the project is included in a program or process review.

Title 23, USC and 23 CFR requirements apply to all Federal-aid projects. WisDOT approval and oversight responsibilities, on all delegated elements of the program, include the following:

- a. WisDOT complies with Title 23, USC and certain non-Title 23, USC Federal-aid program requirements, such as metropolitan and statewide planning, environment, procurement of engineering and design related service contracts, Title VI of the Civil Rights Act, participation by disadvantaged business enterprises (DBE), prevailing wage rates, and acquisition of right-of-way.
- b. WisDOT assures that approval for right-of-way; utility; environmental; railroad; design; Plans, Specifications, and Estimates (PS&E); design exceptions; concurrence in award; and construction-related activities are performed in accordance with State policies, practices, and standards and in accordance with all requirements of Title 23, USC.

c. WisDOT provides the necessary review and approval to assure compliance with Federal requirements for delegated projects or programs that are developed and administered by local agencies. WisDOT is responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting control. WisDOT is ultimately accountable to the FHWA for ensuring compliance with the FAHP requirements on such projects.

This Stewardship and Oversight Agreement between the FHWA, Wisconsin Division and WisDOT lists responsibilities and procedures required to administer the FAHP. The techniques used to determine what Program Reviews and/or Program Management activities will be focused on shall be accomplished through the use of the Performance Indicators, Compliance Indicators and Business Standards contained in this agreement. Additional tools such as risk evaluations and program assessments may also be utilized.

WisDOT agrees to comply with the responsibilities and requirements in Title 23, USC, SAFETEA-LU, 23 CFR, and related Federal laws, regulations, and policies for successful delegation of Stewardship and Oversight responsibilities.

The FHWA and WisDOT enter into this Stewardship Agreement to carry out respective responsibilities with mutual cooperation and collaboration. This agreement does not relieve either party from accountability for compliance with Federal laws and regulations of the FAHP. Signatures on this Stewardship and Oversight Agreement by the FHWA and WisDOT acknowledge delegation of responsibilities for stewardship and oversight under the provisions of SAFETEA-LU.

Appendix A
Oversight Agreement

FEDERAL-AID OVERSIGHT AGREEMENT

This Agreement between the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Division of the Federal Highway Administration (FHWA), is executed pursuant to United States Code (USC) 106(c) and implements the program efficiencies of section 1016 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, section 1305 of the Transportation Equity Act for the 21st Century (TEA-21) of 1998, and additional sections of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. These laws allow States to assume certain delegated responsibilities on behalf of FHWA for certain National Environmental Policy Act (NEPA) approvals and in the design, construction, award, and inspection of certain Federal-aid projects. This Agreement sets forth the roles and responsibilities of each party in the administration and oversight of federal-aid projects in the State of Wisconsin.

FHWA retains overall responsibility for all aspects of the Federal-aid Highway Program. By signing this agreement, WisDOT certifies that it will effectively manage Federal-aid programs and carry out designated project responsibilities. WisDOT and FHWA agree to their respective roles in ensuring that the Federal-aid Highway Program is delivered consistent with applicable laws, regulations, policies, standards, procedures, and business practices. Additionally, WisDOT certifies that it will comply with all provisions of 23 USC Section 133-Surface Transportation Program for non-National Highway System (NHS) projects. WisDOT and the FHWA further agree to carry out their respective responsibilities in a true spirit of cooperation, ensuring effective, efficient program management and oversight.

This agreement shall be fully effective in accordance with the April 1, 2008 Implementation Plan. The agreement may be modified at any time by mutual agreement of WisDOT and the FHWA. Either party has the right to cancel this agreement with a 60 day written notice to the other party.

**AGREEMENT BETWEEN
THE WISCONSIN DEPARTMENT OF TRANSPORTATION (WisDOT)
AND THE FEDERAL HIGHWAY ADMINISTRATION (FHWA)
FOR ADMINISTRATION AND OVERSIGHT OF FEDERAL-AID PROJECTS**

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**AGREEMENT BETWEEN
THE WISCONSIN DEPARTMENT OF TRANSPORTATION (WisDOT)
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FOR ADMINISTRATION AND OVERSIGHT
OF FEDERAL-AID PROJECTS**

I. PURPOSE

The purpose of this agreement is to set forth the roles, responsibilities and procedures for the administration and oversight of federal-aid projects, both on and off the National Highway System (NHS), in the State of Wisconsin. It is not intended to finally layout all stewardship responsibilities of the FHW A and WisDOT. This agreement supercedes the October I, 1999 Oversight Agreement between the State of Wisconsin Department of Transportation and the Federal Highway Administration.

Through this Agreement, the FHW A Wisconsin Division Office is delegating, and the WisDOT is accepting responsibility for, identified project oversight and approval actions. Authority for this delegation is provided through Section 1016 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Section 1305 of the Transportation Equity Act for the 21st Century (TEA-21) of 1998, and additional sections of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. This delegation will result in a streamlined project development process that ensures efficient and effective management of public funds.

Notwithstanding the Agreement, FHW A retains overall responsibility for all aspects of Federal-aid programs and this Agreement does not preclude FHWA's access to, and review of, any Federal-aid project at any time and does not replace the provisions of Title 23, United States Code (USC).

Designation as "non-Federal oversight" does not alter the applicability of Federal laws and regulations for NHS projects or Federal laws for non-NHS projects. By exempting projects from FHWA oversight responsibility, the WisDOT Secretary accepts responsibility for those FHW A review and approval actions, including those on local agency projects, to the extent such review and approval is required by Federal law and regulation. For every delegated action, WisDOT will have a designated action that takes the place of the required FHW A actions. These actions may not be further delegated to nonWisDOT personnel without fomlal agreement by FHW A.

II. STATE AND DIVISION ROLES AND RESPONSIBILITIES

Both the WisDOT and the FHWA have responsibility for ensuring effective oversight of the Federal-aid program in Wisconsin. As a condition to accepting Federal-aid highway funds, WisDOT agrees to follow all applicable project and program requirements.

This Oversight Agreement outlines specific oversight responsibilities of WisDOT and FHW A. It is not meant to be a complete and comprehensive stewardship agreement that outlines all program level responsibilities. Both FHW A and WisDOT have key responsibilities, within various programs, that have a direct impact on the project level actions described in this Agreement. These program-level responsibilities have been included in both WisDOT and FHW A's roles and responsibilities.

WISDOT Roles and Responsibilities:

- 1) Per 23 United States Code (USC) 23 §302, WisDOT will retain adequate powers and be suitably equipped and organized to meet the requirements of Title 23 in effectively administering the Federal-aid program,
- 2) Per 23 CFR § 630.112(a), WisDOT will ensure all Federal requirements are met on Federal-aid projects,
- 3) Per 23 USC § 1 06(c), WisDOT will provide and document appropriate project approvals, on behalf of FHW A, as described in Section VI of this agreement. WisDOT cannot further delegate this responsibility without formalized agreement by FHW A.

Consistent with both WisDOT and FHW A goals, WisDOT should ensure safety, environment, and congestion are appropriately addressed on all projects with appropriate consideration of cost-effectiveness, durability and economy of maintenance. WisDOT will carry out the following program level actions to ensure projects meet these goals:

- 1) PLANNING - WisDOT will maintain a comprehensive planning process that employs effective asset management principles, includes the public, and considers land use, development, safety, and security.
- 2) SAFETY - Within WisDOT's Strategic Highway Safety Plan (SHSP), safety emphasis areas will be established based on safety data. WisDOT will develop action plans and strategies for each emphasis area to identify and implement projects that will significantly reduce the number of fatal and serious injury highway crashes.
- 3) ENVIRONMENT – WisDOT will ensure implementation of procedures that result in effective and streamlined processes for compliance with the National Environmental Policy Act (NEP A) and other applicable laws.
- 4) CONGESTION MITIGATION - WisDOT will implement, maintain, and update policies that ensure full consideration for mitigating delays due to routine congestion, incidents, special events, and work zones.
- 5) MAINTENANCE - WisDOT will ensure an adequate program for the maintenance and preservation of the National Highway System and projects constructed with Federal-aid funds.

FHW A Roles and Responsibilities:

On the broader program level, FHW A will continue to provide stewardship and oversight of the Federal-aid Highway Program (F AHP) through a rigorous risk management process and through general actions and concurrences in its day-to-day activities, including:

- 1) Provide and document appropriate project approvals on Federal oversight projects, as described in Section VI of this agreement,
- 2) Provide other program and project approvals, as required,
- 3) Complete regular program and process reviews to ensure routine compliance and continuously identify and implement improvements to program procedures.
- 4) Participate in State initiatives to ensure regular involvement in the program and to provide assistance to continuous program improvements.
- 5) Provide appropriate training and technical assistance, and
- 6) Develop and deploy new technologies

Each of these activities contributes to the intent that the FAHP operates with integrity and for the public's maximum benefit. FHWA, and, by extension, WisDOT (including sub-recipients), are responsible for the effective and efficient use of Federal funds.

FHWA acceptance of the Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP) indicates that the projects listed qualify for Federal funds. The WisDOT Bureau of State Highway Programs will make specific project funding eligibility determinations prior to FHW A project authorization, in accordance with Title 23 USC, 23 Code of Federal Regulation (CFR), and applicable FHW A policy guidance for both oversight and non-Federal oversight projects. The FHW A authorization of a project will constitute final FHW A concurrence with the WisDOT Secretary's determination of eligibility. The WisDOT will consult with FHW A at any time prior to authorization if it is not clear whether a project is eligible for the category of funds proposed. WisDOT will ensure all conditions of authorization have been met prior to requesting FHWA authorization of any Federal-aid projects. For non-Federal oversight projects, WisDOT will serve in both a quality control and quality assurance role when ensuring authorization requirements are met and ensuring that appropriate and accurate information is provided in WisDOT and FHWA electronic information systems. For Federal oversight projects, FHWA will provide a direct quality assurance role, with WisDOT still providing a quality assurance role when ensuring authorization requirements are met and ensuring that appropriate and accurate information is provided in WisDOT and FHWA electronic information systems.

This agreement does not preclude FHW A from observing or reviewing a Federal-aid highway project under State responsibility. Additional detail on delegated program and project responsibilities is included in Section VI of this Agreement.

III. METHODS OF OVERSIGHT

The FHW A Wisconsin Division Office will utilize, at their discretion, various methods of program and project oversight. In addition to the project oversight specified in Section II, the Division will also use the following techniques for overseeing the Federal-aid program in Wisconsin:

- a. Program/Risk Assessments - This technique may take many forms including joint risk assessments, self-assessments and comprehensive program assessments. All of these tools are based on the common concepts of identifying strengths, weaknesses and opportunities and the identification and sharing of "best" practices to continually improve the program.
- b. Program Reviews - These reviews are a thorough analysis of key program components and the processes employed by WisDOT in managing the program. The reviews are conducted

to 1) ensure compliance with Federal requirements; 2) identify opportunities for greater efficiencies and improvements to the program; and/or 3) identify exemplary practices. They can be referred to, or known as, program improvement reviews, program assessments, process reviews, program/product evaluations, or continuous process improvement initiatives.

- c. Program Management - This includes the daily stewardship of Federal-aid programs, including project and program oversight and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value in the course of routine program approval actions, participating on joint task forces, joint committees and joint quality improvement teams, and aiding and assisting the State and other transportation stakeholders in answering questions on program issues. FHW A division offices manage programs by completing required program level activities, promoting new program initiatives and concepts and continually assessing the program through routine involvement in program activities.

The Division Office will work with WisDOT on a regular basis to define a regular process for initiating process/program reviews and evaluations. A general outline of the current process is attached as Appendix E.

IV. LAWS, REGULATIONS & CONTROL STANDARDS

By signing this Agreement the WisDOT agrees to comply with all applicable laws, regulations and control standards outlined below. In assuming certain program/project-level responsibilities under 23 USC 106, SAFETEA-LU - Sections 1904,6001,6002,6003, and 6004, the State agrees to comply with FHWA-approved standards in accordance with 23 CFR 625.4,655.603 and related federal regulations and policies. All WisDOT policies or standards that include, amplify, or amend these standards must be timely submitted to FHW A for review and approval. (See Appendix A.)

APPLICABILITY OF LAWS AND REGULATIONS

A project is defined as the complete improvement necessary to meet a defined need within a specified area or logical territory. The environmental document establishes the scope of the overall project. Individual phases or contracts must have independent utility. Federal rules and requirements are applicable to any project which is funded with Federal dollars, even if only certain phases, segments or contracts are Federally-funded. The applicability of Federal requirements for any project (or any phase, segment, or contract) are based upon 1) the use of Federal funds, 2) whether the project is located on the NHS, 3) whether the requirements are outside of Title 23 USC or based on a law founded outside of Title 23 USC.

Table I summarizes the laws and regulations applicable to Federal-aid projects in Wisconsin.

Federal-Aid Project Classification	All Federal Laws & Regs	All Federal Non-Title 23 Laws & Regs	Selected Federal Non-Title 23 Laws & Regs	State Statutes & Admin Rules
All NHS projects regardless of work type	X	X	X	X
All non-NHS projects regardless of work type		X	X	X
All State or locally-funded projects phases, segments, or construction contracts that are part of a project that has other phases, segments or construction contracts that are Federally funded			X	X

Footnotes:

(1) All Federal laws and regulations include those in Title 23 USC and 23 CFR, as well as applicable laws and regulations referenced within Title 23 USC and 23 CFR, and applicable laws and regulations in Title 49 USC and 49 CFR.

(2) An Federal non-Title 23 laws and regulations include those that are established within other titles, as well Title 23 requirements that are based on laws founded outside of Title 23. Specific examples include:

NOII- Title 23 USC requirements:

- The Clean Air Act Amendments of 1990,
- The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
- The Statewide and Metropolitan planning provisions of Title 49,
- The Uniform Acquisition and Relocation Assistance Act,
- The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program,
- The Davis Bacon Act and other labor laws/requirements,
- The Common Rule (49 CFR IS) with respect to procurement
- The Brooks Act (Consultant contracts)
- Required Federal contract provisions (FHWA 1273)

Title 23 requirements based on laws {guided outside of Title 23:

- Competitive bidding
- Buy America
- Statewide and Metropolitan planning (USC 134 & 135),
- Manual on Uniform Traffic Control Devices (MUTCD)
- Proprietary products
- Outdoor Advertising Control
- Federal Land Transfers
- Sale of Excess Land
- Publicly furnished materials

(3) Selected Federal non-Title 23 laws and regulations are those that must be applied to all phases, segments or contracts of a Federal aid project, regardless of funding source, in order to meet the full intent and extent of the law or regulation. Specific examples include:

- The Clean Air Act Amendments of 1990,
- The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
- The Statewide and Metropolitan planning provisions of Title 49,
- The Uniform Acquisition and Relocation Assistance Act,
- The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program

(4) State statutes and administrative rules apply to the extent that they do not conflict with Federal laws and regulations.

GENERAL PROJECT REQUIREMENTS

Project Eligibility:

Per current law, Federal-aid funds, other than those designated specifically for the Interstate and NHS, can be used on any street or highway, including the NHS, which is open to public travel,

except those functionally classified as local streets and rural minor collectors. Exceptions to this rule are that eligible highway bridge and safety projects may be funded on any roadway regardless of functional classification.

(Note: TEA-21 did provide for limited Federal-aid funding all roads functionally classified as local and rural minor collector. SAFETEA-LU did not extend this provision.)

Capacity:

In accordance with 23 CFR §62S.2(a)(1), all projects on the NHS are required to adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance. As such, all proposed improvements on the NHS must appropriately address capacity, although WisDOT may employ strategic program or corridor level plans for meeting this requirement.

Preventive Maintenance:

Projects which meet the definition of "preventive maintenance", in accordance with 23 USC § 116(d), will be considered eligible for Federal-aid funding, provided they fully meet the terms, conditions and criteria specified in the most current FHWA/WisDOT Preventive Maintenance Agreement(s).

PROJECT STANDARDS

Interstate Standards:

Title 23 USC § I 09(b) states: "The geometric and construction standards to be adopted for the Interstate system shall be those approved by the Secretary in cooperation with the State transportation departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under Section 106 of this title, of the plans, specifications, and estimates for actual construction of such project. Such standards shall in all cases provide for at least four lanes of traffic. The right-of-way width of the Interstate system shall be adequate to permit construction of projects on the Interstate system to such standards. The Secretary shall apply such standards uniformly throughout all States."

The "standards" referred to as "approved by the Secretary" are American Association of State Highway Transportation Officials (AASHTO) standards. The AASHTO standards in turn are those applicable standards, policies and standard specifications listed in 23 CFR§ 625.4, including the latest edition of the AASHTO "A Policy on Design Standards Interstate System". WisDOT shall ensure that the design standards contained in Chapter II of the Facilities Development Manual (FDM) are consistent with AASHTO standards. Any modifications to specified design standards require FHWA review and approval.

NHS Standards:

Title 23 § I 09(c) states: "A design for new construction, reconstruction, resurfacing (except maintenance resurfacing), restoration, or rehabilitation of a highway system on the National Highway System (other than a highway also on the Interstate system) may take into account, in

addition to the criteria described in [the section above on Interstates]-

- (A) the constructed and natural environment of the area
- (B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and
- (C) access for other modes of transportation."

The "standards" referred to as "approved by the Secretary" are also the AASHTO standards and include those applicable standards, policies and standard specifications listed in 23 CFR § 625.4. WisDOT shall ensure that the design standards contained in Chapter II of the Facilities Development Manual (FDM) are consistent with AASHTO standards.

WisDOT must coordinate with FHWA and secure appropriate approval of all modifications to Chapter II to ensure full consistency with applicable design standards, including those standards for new construction and reconstruction, as well as those standards applicable to Resurfacing, Restoration, Rehabilitation (3R) projects. WisDOT requires the use of FDM standards for all projects on the NHS, including those under local jurisdiction (connecting highways). By executing this agreement, the FHWA reaffirms its approval of the WisDOT Design standards for use on all NHS projects.

As indicated in Title 23, standards for non-Interstate NHS standards may give greater consideration to the human and natural environment and other modes of transportation; however, considerations for safety should take top priority and all reasonable efforts should be made to ensure projects meet full design criteria.

Non-NHS Standards:

23 Code of Federal Regulations (CFR) §625.3(a)(2) states "Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards."

Standards for routes off the NHS do not require FHWA approval. WisDOT agrees to keep the FHWA advised of changes in all standards applicable to non-NHS Federal-aid projects.

Design Exceptions:

Regardless of which standards apply, case-by-case exceptions to design standards will continue to be allowed where justified and documented for all types of projects. WisDOT's procedures for processing design exceptions is contained in FDM Section 11-1-2. In addition, FHWA has approved a programmatic exception to standards finding (FDM Section 11-1-4) which may be used in conjunction with an accelerated design process that includes a simplified safety screening analysis.

Projects on the NHS must conform to the FHWA prescribed standards regardless of funding source. For most improvement projects, the location and degree of deficiency relative to the 13 controlling criteria are reported in the Design Study Report (DSR). All design exceptions should be analyzed, justified, reviewed and approved by the appropriate State or local agency for every highway improvement project, with FHWA providing final review and approval of all exceptions on the NHS.

V. PERFORMANCE INDICATORS

The Division Office will work with WisDOT on a regular basis to define appropriate performance indicators. The indicators will include measures used by FHWA, those used by WisDOT, and those agreed to by both parties. A general outline of the current process is attached as Appendix F.

VI. DELEGATED PROGRAM AND PROJECT RESPONSIBILITY

Responsibility for program and project actions are outlined in detail in Appendices A and B. By signing this Agreement WisDOT has agreed to take full responsibility for actions delegated to them. These actions cannot be assigned to any party outside of WisDOT, without documented agreement between FHWA and WisDOT.

Program Actions:

Program actions are those actions necessary to establish goals, policies, procedures and standards within specified functional or program areas. The functional or program areas include:

- a. Planning
- b. Programming
- c. Financial Management
- d. Environment
- e. Preliminary Design
- f. Detailed Design
- g. Right-of-Way (ROW)
- h. Safety
- i. System Operations and Preservation
- J. PS&E and Advellising (See process described in Appendix G)
- k. Construction
- l. Civil Rights

FHWA has responsibility for approving all standards for projects on the NHS. Projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards. Federally funded projects off the NHS are still subject to non-Title 23 requirements related to environment, right-of-way, civil rights, procurement, etc. As such, FHWA will work with WisDOT to ensure these requirements are met and that State policies and procedures do not conflict with these non-Title 23 requirements.

Project Actions:

Project actions are those actions necessary to develop, review, or approve a specific component or piece of a defined improvement. Specific roles and responsibilities for project actions, categorized by program area, have been specifically designated in Appendix B.

Appendix C summarizes all those projects that will be designated for Federal oversight. All other projects will be considered "non-Federal oversight", with WisDOT assuming responsibility for all project administration, oversight and approval actions.

FHWA will classify certain types of projects to always be designated as Federal oversight. Other projects will be determined based on a risk approach, which will consider various factors including,

project location, route type, scope of work, unique and experimental features, etc. The FHWA Wisconsin Division Office has determined that new and reconstruction projects on the Interstate System with costs lower than \$25 million can be classified as "inherently low risk" for the purposes of determining oversight. Appendix D includes a programmatic agreement documenting this determination.

Non-Federal oversight projects, for which defined approval authority is delegated to WisDOT, are not subject to further approvals by FHWA, except for those defined approval actions explicitly maintained by FHWA, or unless it is jointly agreed with WisDOT that FHWA should be involved. However, nothing in the Agreement shall prohibit FHWA from reviewing any projects that have unique features; high-risk elements; unusual circumstances; or any project that is included in a program or process review. (See Appendix B, which illustrates delegation of project level approvals and responsibility.)

WisDOT Responsibilities

WisDOT's approval and oversight responsibilities on all delegated elements of the program are as follows:

- a. For all delegated programs, WisDOT shall ensure programs fully comply with Title 23 and certain non-Title 23, USC Federal-aid program requirements relating to metropolitan and statewide planning, environment, procurement of engineering and design related service contracts, Title VI of the Civil Rights Act, participation by disadvantaged business enterprises, prevailing wage rates, acquisition of right-of-way, etc.
- b. For all delegated projects, WisDOT shall ensure projects are in full compliance with the above listed requirements.
- c. For all delegated projects, WisDOT shall establish, execute, and document project approval actions, on behalf of FHWA, in accordance with appropriate policies, practices and standards, and in accordance with all requirements of Title 23, USC and 23 CFR. (See Appendix B for a full list of delegated project approval actions.)
- d. For projects or programs that are developed and administered by local agencies, WisDOT shall provide the necessary review and approval to assure compliance with Federal requirements. WisDOT is responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting controls. WisDOT is ultimately accountable to FHWA for ensuring compliance with Federal-aid requirements on such projects.

Division Office Responsibilities

For all projects off the National Highway System, WisDOT will have full responsibility for all project actions with the exception of the following, for which FHWA will maintain approval responsibility:

- a. All Federal responsibilities for planning and programming oversight specified in 23 USC § 134 (Metropolitan Planning) and § 135 (Statewide Planning).
- b. Federal air quality conformity determinations required by the *Clean Air Act*.
- c. Obligation of funds.
- d. Waivers to Buy America requirements (FHWA Washington Headquarters (HQ) approval required as noted in Mr.Horne's March 13, 2008 memorandum).
- e. *SEP-14/SEP-15* methods (FHWA HQ approval required for experimental contracting/project delivery methods).
- f. Civil Rights program approvals.
- g. Environmental approvals (except those specifically delegated under Sections 6004 and

60050fSAFETEA-LU).

- h. Addition of access points on the Interstate System.
- i. Use of Interstate airspace for non-highway-related purposes.
- J. Hardship acquisition and protective buying.
- k. Modifications to project agreements.
- l. Project withdrawals and final vouchers.

Should FHWA designate a project off the NHS, as an "oversight" project, FHWA will assume all approval responsibilities associated with any full oversight project. However, applicable State standards will still apply.

FHWA approval actions for oversight projects are detailed in Appendix B.

APPENDIX A

**WISDOT CONTROLLING POLICY AND PROCEDURES
FOR IMPLEMENTING OVERSIGHT AGREEMENT**

For all control items listed below, WisDOT will timely submit changes in listed chapters/sections to FHJVA for approval, and will not proceed with execution or publication until FHWA has provided formal approval of changes. Changes to sections or chapters not listed, should be sent to FHWA for review' to confirm there are no conflicts with Federal rules or regulations. For those items that are sent for review purposes only, WisDOT should submit changes fit least 2 weeks prior to execution. If comments are not received within 2 weeks, WisDOT may proceed with execution or publication. FHWA input and comment may be provided through participation and involvement in WisDOT Technical Committees.

Control Item	SUBMIT CHANGES TO FHWA FOR APPROVAL
Program Management Manual *	Chapter 15: BBS Charging Policy Chapter 4: Sections I and 5
Facilities Development Manual *	Chapter 3: Facilities Development Process (all changes) Chapter 6: Public Involvement Procedures (all changes) Chapter 7: <i>Access Control, Interstate Access Points. Addition or Revised Access to the Interstate Highway System</i> (7-45-1) Only Chapter 8: Consultant Contracting Process (all changes) Chapter II: Geometric Design Elements (all changes) Chapter 16: Standard Detail Drawings (all changes) Chapter 17: Railroad (policy, standard agreement forms & provisions, and administration/process procedure changes only) Chapter 19: <i>Determination of Contract Time</i> (19-10~30) and Statewide Proprietary Products 19-1-5 Chapter 20: Environmental Laws, Regulations & Agreements (all changes) Chapter 21: Environmental Docs, Reports & Permits (all changes) Chapter 26: Historic Preservation (all changes)
Real Estate Program Manual	All changes
LPA ROW Acquisition Manual	All changes
Outdoor Advertising Control Policy/Manual All changes	All changes
Bridge Manual	All standard detail drawings
Developmental Specifications	Submit for review only
Standard/ Additional Special Provisions	All changes
Geotechnical Bulletins	Submit for review only
Standard Specifications	All changes
Materials Quality Assurance Manual	All changes

Construction & Materials Manual	All changes
Independent Sampling and Testing Assurance Program	All changes
Wisconsin MUTCD	All changes
Local Program Sponsor's Guide	Submit for review 'Only
Wisconsin Utility Accommodation Policy	All changes
Work Zone Safety and Mobility policies and guidance (23 CFR part 630)	All changes - FDM II-50's
Certifications Program "Materials"	All changes
Traffic Guidelines Manual	Submit for review only
Regional ITS Architecture (CFR § 940.9)	All changes

* Note: Approval requirements based on current organization of manuals. If the manual chapters are removed or reorganized, the specified sections will still require FHWA review and approval and Appendix A chapter reference will need to be updated.

PROJECT ACTION RESPONSIBILITY

Approval Action	Agency Response	Agency Response	Agency Response	Agency Response
	Projects on the NHS	Projects on the NHS	Projects off the NHS	Projects off the NHS
	Federal Oversight	Non-Federal Oversight	Federal Oversight	Non-Federal Oversight
Programming (All Phases)				
Ensure project in STIP / TIP	WisDOT	WisDOT	WisDOT	WisDOT
Ensure eligibility for proposed funding category	WisDOT ¹	WisDOT	WisDOT ¹	WisDOT
Financial Management (All Phases)				
Obligate funds/approve Federal-aid project agreement (project authorizations)	FHWA	FHWA	FHWA	FHWA
Authorize current bill	FHWA	FHWA	FHWA	FHWA
Review and Accept Financial Plan for Federal Major Projects [EA 21, Section 106(h)]	FHWA	N/A	N/A	N/A
Environment (All Phases)				
All 2 nd ER, EA/FONSI, EIS/ROD, 4(1), 106.6(1) and other approval actions required by Federal laws and regulations	FHWA	FHWA	FHWA	FHWA
Programmatic Environmental Reports (pER)	WisDOT	WisDOT	WisDOT	WisDOT
Preliminary Design (Design Phase)				
Concept Definition Report [FDM 3-5-1]	WisDOT ⁽²⁾	WisDOT ⁽²⁾	WisDOT ⁽²⁾	WisDOT ⁽²⁾
Consultant Contract Selection [FDM 8-5-1]⁽³⁾	WisDOT	WisDOT	WisDOT	WisDOT
Sole Source Consultant Contract Selection [FDM 8-5-19]⁽³⁾	FHWA	FHWA	FHWA	WisDOT
Approve hiring of consultant agreements	FHWA	FHWA	FHWA	FHWA
Approve consultant agreements (Federal non-Major projects) [23 CFR	WisDOT	WisDOT	WisDOT	WisDOT

Construction & Materials Manual	All changes
Independent Sampling and Testing Assurance Program	All changes
Wisconsin MUTCD	All changes
Local Program Sponsor's Guide	Submit for review 'Only
Wisconsin Utility Accommodation Policy	All changes
Work Zone Safety and Mobility policies and guidance (23 CFR part 630)	All changes - FDM II-50's
Certifications Program "Materials"	All changes
Traffic Guidelines Manual	Submit for review only
Regional ITS Architecture (CFR § 940.9)	All changes

* Note: Approval requirements based on current organization of manuals. If the manual chapters are removed or reorganized, the specified sections will still require FHWA review and approval and Appendix A chapter reference will need to be updated.

PROJECT ACTION RESPONSIBILITY

Approval Action	Agency Response	Agency Response	Agency Response	Agency Response
	Projects on the NHS	Projects on the NHS	Projects off the NHS	Projects off the NHS
	Federal Oversight	Non-Federal Oversight	Federal Oversight	Non-Federal Oversight
Programming (All Phases)				
Ensure project in STIP / TIP	WisDOT	WisDOT	WisDOT	WisDOT
Ensure eligibility for proposed funding category	WisDOT ¹	WisDOT	WisDOT ¹	WisDOT
Financial Management (All Phases)				
Obligate funds/approve Federal-aid project agreement (project authorizations)	FHWA	FHWA	FHWA	FHWA
Authorize current bill	FHWA	FHWA	FHWA	FHWA
Review and Accept Financial Plan for Federal Major Projects [EA 21, Section 106(h)]	FHWA	N/A	N/A	N/A
Environment (All Phases)				
All 2 nd ER, EA/FONSI, EIS/ROD, 4(1), 106.6(1) and other approval actions required by Federal laws and regulations	FHWA	FHWA	FHWA	FHWA
Programmatic Environmental Reports (pER)	WisDOT	WisDOT	WisDOT	WisDOT
Preliminary Design (Design Phase)				
Concept Definition Report [FDM 3-5-1]	WisDOT ⁽²⁾	WisDOT ⁽²⁾	WisDOT ⁽²⁾	WisDOT ⁽²⁾
Consultant Contract Selection [FDM 8-5-1]⁽³⁾	WisDOT	WisDOT	WisDOT	WisDOT
Sole Source Consultant Contract Selection [FDM 8-5-19]⁽³⁾	FHWA	FHWA	FHWA	WisDOT
Approve hiring of consultant agreements	FHWA	FHWA	FHWA	FHWA
Approve consultant agreements (Federal non-Major projects) [23 CFR	WisDOT	WisDOT	WisDOT	WisDOT

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172.9, FDM 8-20-5]				
Approve consultant agreements and agreement revisions on Federal Major projects [23 CFR 172.9, FDM 8-20-5]	FHWA	N/A	N/A	N/A
Approve exceptions to design standards [23 CFR 625.3(1), FDM 11-1-2]	FHWA	FHWA	WisDOT ⁴	WisDOT
Interstate System Access Change [23 USC 111, FDM 7-45-1]	FHWA	FHWA	N/A	N/A
Design Study Report [FDM 3-15-25]	WisDOT(2)	WisDOT	WisDOT(2)	WisDOT
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104, FDM 5-5-15]	FHWA	WisDOT(5)	N/A(5)	N/A(5)
Approve Project Management Plan for Federal Major Projects	FHWA	N/A	N/A	N/A
Approve innovative and Public-Private Partnership (PPP) projects in accordance with SEP-14 and SEP-IS (except those Design-Build projects that conform with 23 CFR 636).	FHWA	FHWA	FHWA	FHWA
Provide pre-approval for preventive maintenance project (Division Policy until FHWA concurs with WisDot procedures)	FHWA	FHWA	FHWA	FHWA
Detailed/Final Design (Design Phase)				
Approve preliminary plans for unusual structures [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	WisDOT(4)	WisDOT
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c), FDM 12-1-20]	WisDOT(6)	WisDOT(6)	WisDOT	WisDOT
Approve use of local force account agreements [23 CFR 63S.104 & 204, FDM 3-20-11,12]	FHWA	WisDOT	FHWA	WisDOT
Approve list of publicly owned equipment [23 CFR 635.106]	FHWA	WisDOT	WisDOT	WisDOT
Approve the use of proprietary products, processes [23 CFR 63SA//, FDMI9-1-S]	FHWA	WisDOT	WisDOT	WisDOT
Concur in use of publicly furnished materials [23 CFR 63SA07].	FHWA	WisDOT	WisDOT	WisDOT
Right- Of- Way (Design Phase)				
Authorize Right- Of- Way activity [23 CFR 710.307] (If a federal-aid project)				
Accept Right-of-Way certificate as a condition of PS&E approval [23 CFR 63S.309(b)(c)].	FHWA	WisDOT	FHWA	WisDOT
Approve Hardship and Protective Buying [23 CFR 710.S03, FDM 3-20-1S] (If a federal-aid project)	FHWA	FHWA	FHWA	FHWA
Approve air space agreements [23 CFR 71 OAOS]	FHWA(7)	WisDOT	NA(5)	NA(5)
Approve non-highway use and occupancy [23 CFR 710A07]	FHWA(7)	WisDOT	NA(5)	NA(5)
Approve disposal of federally funded right-of-way, including disposals of access control [23 CFR 710A09]	FHWA(7)	FHWA(7)(8)	N/A(5)	N/A(5X ₈) (8)
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	FHWA
Federal land transfers [23 CFR 710, Subpart F]	FHWA	FHWA	FHWA	FHWA
Functional replacement of property [23 CFR 71 0.S09]	FHWA(9)	FHWA(9)	FHWA(9)	FHWA(9)

Safety (Design Phase)				
Assurance that projects meet appropriate design safety criteria, as related to the AASHTO Roadside Design Guide and NCHRP 350	WisDOT	WisDOT	WisDOT	WisDOT
System Operations and Preservation (Design Phase)				
Accept Transportation Management Plans	FHWA	WisDOT	FHWA	WisDOT
Approval of System Engineering Analysis (ITS) [CFR 940.11]	FHWA	WisDOT	FHWA	WisDOT
PS&E and Advertising (Design Phase)				
Approve plans, specifications and estimates [23 CFR 630.20, FDM 19-1-1]	FHWA	WisDOT(10)	FHWA	WisDOT(10)
Authorize advance construction and conversions [23 CFR 630.703 & 709J]	FHWA	FHWA	FHWA	FHWA
Authorize utility or railroad force account work [23 CFR 64S. 1 13 & 646.2 I 6, FDM IS-S- IS]	WisDOT	WisDOT	WisDOT	WisDOT
Approve utility and railroad agreements [23 CFR 64S.1 13 & 646.216, FDM 17-20-10, IS-20-1]	WisDOT	WisDOT	WisDOT	WisDOT
Approve use of consultants by utility companies [23 CFR 645.109(b)]	WisDOT	WisDOT	WisDOT	WisDOT
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	WisDOT	WisDOT	WisDOT	WisDOT
Determine need for Coast Guard Permit [23 CFR 6S0.S0S, FDM S-S-IS, 20-IS-I]	FHWA	FHWA	FHWA	FHWA
Authorize advertising for bids (FHWA authorization done via construction authorization) [23 CFR 63S.1 12, 309, FDM 19-1-1]	FHWA	WisDOT	FHWA	WisDOT
Contract Advertisement & Award (Design Phase)				
Approve cost effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 63S.104 & .204, FDM 3-20-11,12(12)]	FHWA(11)	WisDOT(11)	FHWA(11)	WisDOT(11)
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 63S.104 & .204, FDM 3-20-1 1 ,12] (12)	FHWA	WisDOT	FHWA	WisDOT
Approve construction engineering by local agency [23 CFR 635.105)	WisDOT(4)	WisDOT	WisDOT	WisDOT
Approve advertising period less than three, weeks [23 CFR63S.1 12)	FHWA	WisDOT	FHWA	WisDOT
Approve addenda during advertising period [23 CFR63S.112]	FHWA	WisDOT(10)	FHWA	WisDOT(10)
Concur in award of contract [23 CFR 325.114]	FHWA	WisDOT(4)	FHWA	WisDOT
Concur in rejection of all bids [23 CFR 635.114]	FHWA	WisDOT(4)	FHWA	WisDOT
Construction (Construction Phase)				
Approve changes and extra work [23 CFR 635.120, CMM 2-20-100)	FHWA	WisDOT	FHWA	WisDOT
Approve contract time extensions [23 CFR 635.120, CMM 2-20-100)	FHWA	WisDOT	FHWA	WisDOT
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407J]	FHWA	WisDOT	FHWA	WisDOT
Accept materials certification [23 CFR 637.207, CMM 2-20-100]	FHWA	WisDOT	FHWA	WisDOT
Concur in settlement of contract claims [23 CFR 635.124, CMM 2-20-100)	FHWA	WisDOT	FHWA	WisDOT
Concur in termination of construction contracts	FHWA	WisDOT(4)	FHWA	WisDOT

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[23 CFR 635.125)				
Waive Buy America provisions [23 CFR 635.410)	FHWA	FHWA	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a»)	FHWA	WisDOT	FHWA	WisDOT
Civil Rights (All Phases)				
All approval actions required by Federal laws and regulations	FHWA	FHWA	FHWA	FHWA
<p>Footnotes:</p> <p>(1) FHWA will verify WisDOT’s determination of eligibility on Federal oversight projects.</p> <p>(2) FHWA should receive, or have electronic access to, all CDRs to have general awareness of upcoming projects, and to determine potential oversight projects. FHW A should receive, or have electronic access to, DSRs for all Federal oversight projects.</p> <p>(3) Process approval and modifications to, or variation in process, require FHWA approval.</p> <p>(4) Infonnational copy to FHWA required. (Record keeping and reporting)</p> <p>(5) Approvals, if any, will be those required by State laws, regulations, policies, and procedures. However, this does not relieve the WisDOT from responsibility for these areas, nor from compliance with non~ Title 23 Federal requirements which may remain applicable.</p> <p>(6) FHWA approval is required for revocable occupancy permits of non-con fanning outdoor advertising signs.</p> <p>(7) Interstate Only</p> <p>(8) FHVA approval required for disposal of any excess right-of-way at less than fair market value where the original right-of-way was acquired with Federal funds.</p> <p>(9) Only if Federal funds are used for right-of-way acquisition.</p> <p>(10) FHW A accepts WisDOT process, as described in Appendix G, for PS&E and addenda approvals.</p> <p>(J I) A programmatic approval for projects with total costs below \$25,000 has been approved by FH\ V A.</p> <p>(12) An construction work is to be performed by contract awarded by competitive bidding, unless a determination is made that some other method is cost-effective or that an emergency exists, and all other related requirements have been met. Work to be completed under Federal Emergency Relief (ER) should follow ER rules and guidelines.</p> <p>Note: The phases listed with each program category define which approval actions fall under each phase of a project for oversight purposes. For example, an NHS project designated as oversight in only the design phase would follow the "Projects on the NHS - Federal Oversight" column for those program categories marked "all phases" or "design phase" and would follow the "Projects on the NHS - Non-Federal Oversight" column for the program categories marked “construction.”</p>				

APPENDIX C

Oversight Project Selection Process

Table 1 summarizes all those projects that will be designated for Federal oversight. All other projects will be considered "non-Federal oversight", with WisDOT assuming responsibility for all project administration, oversight and approval actions.

For purposes of oversight project selection, projects are defined by the limits described in the Concept Definition Report and evaluated in the environmental document. Estimated project costs include all costs associated with the project including preliminary engineering, right of way, utilities, railroad, construction, construction engineering, etc. (i.e., estimated total "build-out" costs).

**TABLE 1
OVERSIGHT SELECTIONS**

Type Of Projects
<p><i>Federal "Major"</i> - Projects with an estimated total cost greater than \$500 million, or projects approaching \$500 million with a high level of interest by the public, Congress, or the Administration.</p>
<p><i>Applicability</i> - Oversight designation will apply to all phases of the project (design and construction). Unless FHWA specifically determines otherwise, all individual project IDs that comprise the overall project will be considered Federal oversight projects. FHWA may elect to waive oversight, on a project-by-project basis, of those projects and/or contracts that consist of work that is considered low risk such as pavement marking, signing, signals, guardrail, ramp metering and landscaping. State Or locally funded phases, segments or contracts (that are components of a larger project that has other phases, segments or contracts that are Federally-funded), will not be subject to Federal oversight, but will require compliance with selected Federal laws and regulations</p>
<p>High-Cost Interstate - New construction, reconstruction, 3R, and expansion projects on the Interstate system with total estimated costs greater than \$25 million.</p> <p><i>Applicability</i> - Oversight designation will apply to all phases of the project (design and construction). Unless FHWA specifically determines otherwise, all individual project IDs that comprise the overall project will be considered Federal oversight projects. FHWA may elect to waive oversight, on a project-by-project basis, of those projects and/or contracts that consist of work that is considered low risk such as pavement marking, signing, signals, guardrail, ramp metering and landscaping. State or locally funded phases, segments or contracts (that are components of a larger project that has other phases, segments or contracts that are Federally-funded), will not be subject to Federal oversight, but will require compliance with selected Federal laws and regulations (see Table 1 on Page 5 of this Agreement).</p>
<p>High-Cost NHS - New construction, reconstruction, 3R, and expansion projects on the NHS (non-interstate) total costs greater than \$100 million.</p> <p><i>Applicability</i> - Oversight designation will apply to all phases of the project (design and construction). Unless FHWA specifically determines otherwise, all individual project IDs that comprise the overall project will be considered Federal oversight projects. FHWA may elect to waive oversight, on a project-by-project basis, of those projects and/or contracts that consist of work that is considered low risk such as pavement marking, signing, signals, guardrail, ramp metering and landscaping. State Or locally funded phases, segments or contracts (that are components of a larger project that has other phases, segments or contracts that are Federally-funded), will not be subject to Federal oversight, but will require compliance with selected Federal laws and regulations (see Table 1 on Page 5 of this Agreement).</p>
<p>Other Designated "Oversight Projects" – Additional NHS or non-NHS projects selected by FHWA as Federal "oversight" due to unique complexities related to such items as contracting methods, innovative financing methods, innovative or experimental materials or construction methods, complex traffic issues, route type, geographical location, or high political interest.</p> <p><i>Applicability</i>- Project may be designated "oversight" for one or both of the following phases: design and construction. FHWA will determine these "other" oversight project, in consultation with WisDot. The applicability will be defined as part of that identification process.</p>
<p>Special Funded (Earmark) Stand-Alone ITS Projects - All special funded stand-alone ITS projects will have full FHWA oversight regardless of dollar amount.</p>
<p>Right-of-Way Projects - Federal oversight of ROW acquisition projects will follow the guidance above. See Appendix H for detailed agreement outlining Right-of-Way Program Administration project and program requirements. These specific requirements have also been incorporated into Appendices A and B.</p>

Federal "Major" projects, High-Cost Interstate and High-Cost NHS projects will have full FHWA oversight in all project phases (design, contract, and construction). Other annually designated oversight projects may be selected for oversight for only certain phases. The design phase is

considered to be Concept Definition Report (CDR) development through concurrence in award. The construction phase is considered to be award of contract through final acceptance.

It is FHWA's goal to maintain contact with each of the WisDOT Region Offices. In cases where the above criteria do not provide projects in all Regions, additional projects may be mutually selected to assure distribution of FHWA oversight projects in each Region.

FHWA's process for determining "other" designated oversight projects is as follows:

Each year, FHWA staff will review information for all projects scheduled to initiate design or scheduled for construction the coming Federal fiscal year. FHWA will consider the factors indicated above when selecting proposed oversight projects. FHWA staff will meet with appropriate WisDOT staff to discuss FHWA's desired selections. WisDOT staff may provide additional program or project information that will lead FHWA to modify the proposed list. WisDOT will formally designate the selected projects as oversight to ensure appropriate FHWA involvement. Throughout the year, WisDOT will also keep FHWA informed of any newly initiated projects to be sure that those projects are given appropriate consideration for oversight designation.

APPENDIX D

Programmatic Agreement for Inherently Low-Risk Oversight Projects on the Interstate System between the Federal Highway Administration Wisconsin Division Office (FHWA) and the Wisconsin Department of Transportation (WisDOT)

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 noncontroversial 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 WisDOT 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 WisDOT 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, would not traditionally involve major changes in scope or cost, satisfy design standards, and would not jeopardize the safety or operation of the Interstate System. Complex projects that are classified as "major projects," or involve new partners (public/private partnerships), or involve new, innovative contracting methods, or are viewed as high risk, are not considered inherently low risk oversight projects. For purposes of this agreement, inherently low risk oversight projects include all Interstate projects under \$25 million in total cost, except as individually selected for Federal oversight, per the current FHWA/WisDOT Oversight Agreement. In addition, the following classes of new/reconstruction Interstate projects are considered to be inherently low risk oversight projects: pavement marking, signing, guardrail replacement, and ramp-metering.**
2. For the projects listed in paragraph 1, FHWA is delegating its approval to the WisDOT for these projects' designs, **plans, specifications, estimates, contract awards, contract administration, and inspections. These approvals will be completed on behalf of FHWA with appropriate assurances that all necessary requirements have been met. The approvals should not 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 projects listed 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 an acceptance of WisDOT's 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.**

APPENDIX E

Section 1904 of SAFETEA-LU revises Section 106 of Title 23 of the United States Code (USC) to require FHWA to focus on stewardship and oversight from a broader perspective. One aspect of this broader, program-level oversight is a required risk management process. This process requires the Federal Highway Administration (FHWA) offices to systematically assess risks associated with identified programs in order to 1) identify and prioritize program area risk events, 2) identify strategy for inclusion in their business or performance plans, 3) identify low risk events that may require less direct oversight and involvement, and 4) more effectively communicate and manage risks. In essence, this process allows FHWA to better focus its limited resources.

The Wisconsin Division has adopted an approach that includes a detailed risk analysis of its identified programs. The risk analysis includes an assessment of both the "likelihood" and "impact" of different program elements. The results of the risk assessments are incorporated into broader program assessments.

As part of each program assessment, the FHWA Wisconsin Division looks at where each program is, identifies where it should be, and detailed strategies for closing the gap. The result is the identification of program initiatives, including program and process reviews.

The Division uses the results of the program assessments, initiatives in response to the national plan, required reviews and activities, and follow-up initiatives from previous efforts to establish a list of potential major Division initiatives. The results of the risk assessment are then used by management to select the final major Division initiatives for the coming fiscal year. All FHWA-identified program/process reviews are initiated through this process.

The Wisconsin Department of Transportation (WisDOT) also has the opportunity to use an identified process to develop suggested program/process reviews. While program/process reviews should normally be joint FHWA/WisDOT efforts, there may be reasons for having FHWA-only or WisDOT only program/process reviews.

Before finalization of detailed program/process reviews, FHWA Wisconsin Division management and WisDOT management will meet to discuss and reach general agreement on the proposed reviews. The reviews will be appropriately incorporated into each agency's business or performance plan.

All reviews will have identified champions and review team leaders. A team charter will be developed that clearly states the purpose and objectives of the review and details the roles and responsibilities of the team members. Both the FHWA Wisconsin Division and WisDOT will have established methods. For ensuring appropriate follow-up and implementation of review recommendations.

APPENDIX F

Determination and Selection of Performance Indicators

It is highly desirable for our mutual success that we first agree on what is important to both WisDOT and the FHWA Wisconsin Division Offices. Shared performance indicators with mutual goals can assist us in aligning activities that support and facilitate improvements to attain our goals.

The process for determining and selecting meaningful performance indicators and/or measures will be more fully developed and documented as part of the forthcoming FHWA/WisDOT Stewardship Agreement. The updated Oversight Agreement will be fully incorporated into the FHWA WisDOT Stewardship Agreement.

APPENDIX G

WisDOT Processes for PS&E and Addenda Approvals

FEDERAL-AID STEWARDSHIP/OVERSIGHT AGREEMENT (REVISED 2008)

APPENDIX G: WisDOT Processes for PS&E and Addenda Approvals
(From Development of PS&Es Through Award of Contracts)

1) PS&Es for WisDOT Initiated Projects

(In WisDOT's Approved STP Program & Scheduled to be Let for Construction by Contractors)

1.1) WisDOT Regional Office Development, Review, Approval, & Submittal Process

- PS&E** - Developed by WisDOT Region's design or consultant staff
(Note: Structure plans are developed by consultant staff or WisDOT's Central Office Bureau of Structures staff.
The plans are reviewed and approved by the Bureau of Structures, & are added to the PS&E by the Project Services Section)
- WisDOT Region's Proj Mgrs manage development activities, and review/recommend approval of PS&Es and related documents
- Reviewed and approved by WisDOT Region's PDS Supervisors
- Plans signed & dated for Region's approval of PS&E
- R/W Cert** - If no RIW required, report is prepared by design or consultant staff and issued by WisDOT Proj Mgrs
- If R/W is needed, report is signed by WisDOT Region's Real Estate Supervisors
- Utility Cert** - If no Utility adjustments, parcels reqd, report is prepared by design or consultant staff and issued by WisDOT Proj Mgrs
- If Utility adjustments, parcels are needed, report is signed by WisDOT Region's Utility Coordinator
Railroad Cert- If no Railroad is involved, info is documented in Plan Letter
- If RR Agreement or coord is reqd, report is issued by WisDOT Region's Railroad Coordinator
- Plan Letter** - Plan letter is used to transmit PS&E to WisDOT's Central Office Project Services Section for processing, etc. It includes a summary of key project development coordination-concurrence-approval actions; resolution of environmental commitments; & copies of R/W-Utility Railroad Certs
- Prepared by WisDOT design or consultant Staff
- Funding**
- Reviewed, signed, & dated by WisDOT Proj Mgrs
- Approved by WisDOT PDS Supervisors
- Electronic copies of Plan Letter & attachments sent to:
* Region Programming Unit (FIPPS Coordinators)
* CO Project Services Sec (PS&E Processing)
* CO Acquisition & Services Sec (R/W)
* CO Utility & Access Unit (Utilities)
* CO Rail Eng & Safety Unit (Railroads)
* CO Proposal Mgmt Sec (Letting Develop Oversight)
- Auth of funding is requested by WisDOT Region's Programming Unit (FIPPS Coordinators) in WisDOT's electronic Financial Integrated Improvement Program System (FIPPS) program based on WisDOT Region's PDS Supervisors request & information in the PS&E Plan Letter (#02)
(#02) = 2006 Auth PR Recommendation; Needs to be implemented

1.2) WisDOT Central Office Review, Approval, Authorization, Advertisement, & Letting Process

- PS&E**
- Plan Letter & PS&E Reviewed by Project Services Sec staff
 - Structure plans are added to the PS&E, and special provisions are incorporated into the Contract Proposal
 - Plans signed & dated by Region for WisDOT's approval of PS&E
 - For Federal Oversight Projects, PS&E, Contract Proposal, and Plan Letter information and attachments submitted to FHWA by Proposal Management Section for Review & Approval of PS&E
- RIW Cert**
- Reviewed by Acquisition & Services Section
 - Updated Certs provided by Regional Real Estate Supervisor when needed
 - Acquisition & Services Sec makes final R/W recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction
- Utility Cert**
- Reviewed by Acquisition & Services Section, Utility & Access Unit
 - Updated Certs provided by Regional Utility Coordinators when needed
 - Utility & Access Unit makes final Utility recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction
- Railroad Cert**
- Reviewed by Rails & Harbor Section, Rail Eng & Safety Unit
 - Updated Certs provided by Regional Railroad Coordinators when needed
 - Rail Eng & Safety Unit makes final Utility recommendation on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction.
- Funding**
- Request for authorization of funding is reviewed by Program Finance Section (eligibility, fund category, Federal-aid project number, etc). Submitted to Finance Services Section
 - Request is processed by Financial Services Section in WisDOT's electronic FIPPS program.
 - For Federal-aid Projects, WisDOT's FIPPS interface conversion to FHWA's FMIS completed, and request for authorization to use Federal-aid funds submitted to FHWA for Review & Approval on Federal Oversight & Non-Federal Oversight Projects
 - Financial Services Section notifies Program Finance Section and Regions' Programming Units when Authorization Process is completed
 - Program Finance Section makes final funding recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction
- Ad Mtg**
- WisDOT's final coordination meeting to approve proposed construction projects for inclusion in Advertisement for Receipt of Bids
 - Meeting conducted by Proposal Management Sec.
 - Final recommendation on "Go/No Go" or "Go w/ Opening of Bid Conditions" for Advertisement for Receipt of Bids issued by:
 - Project Services Sec for PS&E proposal requirements
 - Acquisition & Services Section for status of R/W requirements

- Utility & Access Unit for status of Utility requirements
- Rail Eng & Safety Unit for status of Railroad requirements
- Program Finance Section for Funding requirements
- Final approval of proposed construction project to be included in Advertisement for Receipt of Bids is made by Proposal Management Section.
- Recommendations, conditions for opening of bids, & Approval actions are documented in "AD Meeting Rep011" issued by Proposal Management Section. Report serves as WisDOT's Final Approval of Projects to be Advertised for Receipt of Bids.

Advertisement for Receipt of Bids

- Advertisement issued by Proposal Management Section
- Contractor requests for contract proposals issued by Proposal Management Section.
- Process for managing Receipt of Bids from contractors is managed by Proposal Management Section

Addendums

- Addendums may be recommended by WisDOT Regional or Central 24 Office staff, FHWA, potential contractors, etc.
- Addendums may be warranted due to errors, omissions, or confusing information identified in the PS&E and proposal, changed conditions, etc.
- Addendums are developed by WisDOT Regional design or consultant staff, or Bureau of Structures staff. Transmitted to Proposal Management Section for processing
- Addendums are reviewed, approved, and issued by the Proposal Management Section
- For Federal Oversight Projects, Addendums are submitted to FHWA for Review & Approval prior to being issued

Bid Letting

- Final review & decision on "Go w/ Opening of Bid Conditions" determined by Proposal Management Section
- Process for Opening of Bids received and for Award of Contract managed by Proposal Management Section
- For Federal Oversight Projects, opening of bids w/ conditions and concurrence in Award requested from FHWA

2) PS&Es for Project Initiated by Local Governments & Included in WisDOT's Approved Local Road Program

(In WisDOT's Approved *STPITIP* Programs & Scheduled to be Let to Contractors for Construction)

2.1) WisDOT Local Program Management Office's Development, Review, Approval, & Submittal Process

PS&E - Developed by local government project *design&/or* consultant staff (i.e.- LRP design team (Note: Structure plans are developed by LRP design team. The plans are reviewed and approved by WisDOT's Central Office Bureau of Structures staff, & are added to the PS&E by the Project Services Section)

- Reviewed and recommended for approved by Local Program Regional Management Consultants (LPRMgmt Consultants)
- Submitted to WisDOT's Local Program Management Section's Local Regional Managers (LPR Mgrs) for concurrence in approval
- Plans signed & dated by LPRMgmt Consultants for Local Program Management Office's approval

- PS&E transmittal by LPRMgmt Consultants to WisDOT's Central Office Project Services Section for processing

R/W Cert - Report issued by LRP design team
- Reviewed & Recommend for approval by LPRMgmt Consultants
- Submitted to WisDOT's Statewide Local Public Agency (LPA) Real Estate Coordinators for concurrence and signature
(Note: Statewide LP A Real Estate Coordinators are currently housed in WisDOT's SW and SE Region offices' Real Estate Sections)
- Report transmitted by the Statewide LP A Real Estate Coordinators to WisDOT's Central Office Acquisition & Services Section

Utility Cert - Report issued by LRP design team
- Reviewed & Recommend for approval by LPRMgmt Consultants
- Submitted by the LPRMgmt Consultants to WisDOT's Central Office Acquisition & Services Section, Utility & Access Unit

Railroad Cert - Report issued by LRP design team
- Reviewed & Recommend for approval by LPRMgmt Consultants
- Submitted by the LPRMgmt Consultants to WisDOT's Central Office Rails & Harbor Section, Rail Eng & Safety Unit
(Note: all Railroad agreements are developed and executed by WisDOT's Rails & Harbor Section, Rail Eng & Safety Unit)

Plan Letter - Plan letter is used to transmit PS&E to WisDOT's Central Office Project Services Section for processing, etc. It includes a summary of key project development coordination-conculTence-approval actions; resolution of environmental commitments; & copies of R/W-UtilityRailroad Certs
- Plan Letter is prepared by LRP design team
- Reviewed, Signed, & dated by LPR.Mgmt Consultants
- Submitted to WisDOT's LPR Mgrs for approval (Includes infoT11ational copies of RIW, Utility, & Railroad status reports)
- Transmitted by LPRMgmt Consultants with PS&E to WisDOT's Central Office Project Services Section
- Electronic copies of Plan Letter & attachments sent to:
* Region Programming Unit (FIPPS Coordinators)
* CO Project Services Sec (PS&E Processing)
* CO Acquisition & Services Sec (*RIW*)
* CO Utility & Access Unit (Utilities)
* CO Rail Eng & Safety Unit (Railroads)
* CO Proposal Mgmt Sec (Letting Develop Oversight)

Funding - Auth of funding is requested by WisDOT Region's Programming Unit (FIPPS Coordinators) in WisDOT's electronic FIPPS program based on WisDOT's Local Program Management Section's request & information in the PS&E Plan Letter (#02) (#02) = 2006 Auth PR Recommendation; Needs to be implemented

2.2) WisDOT Central Office Review, Approval, Authorization, Advertisement, & Letting

Process for Local Road Program Projects

PS&E - Plan Letter & PS&E Reviewed by Project Services Sec staff.

Structure plans are added to the PS&E, and special provisions are incorporated into the Contract Proposal

- Plans signed & dated for WisDOT's approval of PS&E
- For Federal Oversight Projects PS&E, Contract Proposal, and Plan Letter information and attachments submitted to FHWA for Review & Approval of PS&E

RIWCert - Reviewed by Acquisition & Services Section

- Updated Certs provided by LRP design team, LPR.Mgmt Consultants, and Statewide LP A Real Estate Coordinators when needed

- Acquisition & Services Sec makes final RIW recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction

Utility Cert - Reviewed by Acquisition & Services Section, Utility & Access Unit

- Updated Certs provided by LRP design team, LPR.Mgmt Consultants, and Statewide LP A Real Estate Coordinators when needed

- Utility & Access Unit makes final Utility recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction

Railroad Cert - Reviewed by Rails & Harbor Section, Rail Eng & Safety Unit

- Updated Certs provided by LRP design team, LPR.Mgmt Consultants, and Statewide LPA Real Estate Coordinators when needed

- Rail Eng & Safety Unit makes final Utility recommendation on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction.

Funding - Request for authorization of funding is reviewed by Program Finance Section (eligibility, fund category, Federal-aid project number, etc).

Submitted to Finance Services Section

- Request is processed by Financial Services Section in WisDOT's electronic FIPPS program.

- For Federal-aid Projects, WisDOT's FIPPS interface conversion to FHWA's FMIS completed, and request for authorization to use Federal-aid funds submitted to FHWA for Review & Approval on Federal Oversight & Non-Federal Oversight Projects

- Financial Services Section notifies Program Finance Section, Regions' Programming Units, & Local Program Management Section when Authorization Process is completed

- Program Finance Section makes final funding recommendations on "Go/No Go" or "Go w/ Opening of Bid Conditions" for letting of projects to construction

AdMtg - WisDOT's final coordination meeting to approve proposed construction projects for inclusion in Advertisement for Receipt of Bids

- Meeting conducted by Proposal Management Sec.

- Final recommendation on "Go/No Go" or "Go w/ Opening of Bid Conditions" for Advertisement for Receipt of Bids issued by:

- Project Services Sec for PS&E proposal requirements

- Acquisition & Services Section for status of *R/W* requirements

- Utility & Access Unit for status of Utility requirements

- Rail Eng & Safety Unit for status of Railroad requirements
- Program Finance Section for Funding requirements
- Final approval of proposed construction project to be included in Advertisement for Receipt of Bids is made by Proposal Management Section.
- Recommendations, conditions for opening of bids, & Approval actions are documented in "AD Meeting Report" issued by Proposal Management Section. Report serves as WisDOT's Final Approval of Projects to be Advertised for Receipt of Bids.

Advertisement

- for Receipt of Bids**
- Advertisement issued by Proposal Management Section
 - Contractor requests for contract proposals issued by Proposal Management Section.
 - Process for managing Receipt of Bids from contractors is managed by Proposal Management Section

Addendums

- Addendums may be recommended by LRP design team, LPR.Mgmt Consultants, WisDOT Local Program Management Section, other Central Office sections, FHWA, potential contractors, etc.
- Addendums may be warranted due to errors, omissions, or confusing information identified in the PS&E and proposal, changed conditions, etc.
- Addendums are developed by Project LRP design team
- Addendums are reviewed & recommended for approval by LPR.Mgmt Consultants
- Submitted to WisDOT's Local Program Management Section's LPR Mgrs for review and transmittal to Proposal Management Section for processing.
- Addendums are reviewed, approved, and issued by the Proposal Management Section
- For Federal Oversight Projects, Addendums are submitted to FHWA for Review & Approval prior to being issued

Bid Letting

- Final review & decision on "Go w/ Opening of Bid Conditions" determined by Proposal Management Section
- Process for Opening of Bids received and for Award of Contract managed by Proposal Management Section
- For Federal Oversight Projects, opening of bids w/ conditions and Concurrence in Award requested from FHWA

3) WisDOT Organization Units Responsible for Projects From Development of PS&Es Through Award of Contracts)

(NOTE: XX = Unit/Staff is involved in one or more elements of projects from development of the PS&E through Award of Contracts, as presented above)

3.1) Regional Operations

Div Trans System Develop, Regional Operations

SW, SE, NE, NC, NW Regions

Project Development Section

- XX PDS Chiefs
- XX PDS Supervisors
- XX PDS Project Mgrs
- XX PDS design staff

(Also Includes Consultant Designed Projects)

- XX Technical Services Section
- XX Real Estate Supervisors
(& Statewide LPA Real Estate Coordinators)
- XX Utility Coordinators
- XX Railroad Coordinators
- XX Systems, Planning & Operations Section
Programming Unit (FIPPS Coordinators)

3.2) Central Office Operations

- Div Trans System Develop, Statewide Bureaus of Operations
 - Bureau of Project Development
 - XX Proposal Management Section
 - XX Project Services Section
 - XX Local Program Management Section
 - XX (Includes: Regional Program Managers (i.e.- LPR Mgrs)
Statewide LP A Real Estate Coordinators, &
Local Program Regional Mgmt Consultants
(i.e.- LPR.Mgmt Consultants)
 - XX (Also Includes: Consultant designed Local Rd Projects, &
 - XX Local Unit of Government designed Local
Rd Projects (i.e.- LRP Design Team)
 - XX Bureau of Structures
 - Bureau of Technical Services
 - XX Acquisition & Services Section
 - XX Utility & Access Unit
 - Div Trans Investment Mgmt
 - Bureau of Planning & Economic Development
 - XX Program Finance Section
 - Bureau of Transit, Local Roads, Rails, & Harbors
 - XX Local Transportation Program, & Finance Section
 - Railroad & Harbors Section
 - XX Railroad Engineering & Safety Unit
 - Div Business Mgmt
 - Bureau of Business Services
 - XX Fiscal Services Section

4) WisDOT Facilities Development Manual (FDM), etc & FHWA Code of Federal Regulation (CFR), etc Policy & Guidance References

- PS&E
 - Plans: FDM 15-1
 - Sp Provisions: FDM 19-15
 - Estimates: FDM 19-5
 - PS&E Processing: FDM 19-1-1

23 CFR 630.20

R/W Cert

FDM 19-10-35
23 CFR 635.309 (b) (c)

Utility Cert

FDM 18-10-40 (i.e.- Utility Status Report)
FDM 19-10-40 (i.e.- PS&E Transmittal)

Railroad Cert

FDM 19-10-15 (i.e.- Plan Letter)
FDM 17-20-1, Etc (i.e.- Agreements Etc)

Plan Letter

FDM 19-10-15

Funding

Prog Mgmt Manual 5-10-40
FHW A FMIS Users Guide, March 2003
FDM 19-1-1
23 CFR 635.112

AdMtg

FDM 19-1-1

Advertisement
for Receipt
of Bids

FDM 3-25-5

Addendums

FDM 19-22-1
23 CFR635.112

APPENDIX H

**Right-of-Way Program Administration
Project and Program Oversight Agreement Between
The Wisconsin Department of Transportation (WisDOT) and
The Federal Highway Administration (FHWA)
Wisconsin Division**

The right-of-way project and program oversight agreement is in accordance with Section 106 of Title 23 United States Code (USC), project approval and oversight. The Wisconsin Department of Transportation (WisDOT) would like to continue to take advantage of the opportunities afforded state highway agencies under Section 106. These opportunities are ill regards to the Federal Highway Administration's (FHW A) approval and oversight on and off the National Highway System (NIIS). WisDOT will take advantage of these opportunities by utilizing the oversight management options described as follows and as shown in Appendices A and B of the Federal-aid Oversight Agreement.

A. OVERSIGHT:

Interstate System: The following approval actions or authorization actions will be required by the FHWA Division Office:

- o All disposals of excess right-of-way including disposals of access control
- o All airspace/rental space agreements
- o **Prior to advertising for construction, the right-of-way statement and certification when the project right of-way has not been *secured (and/or vacated)*. Refer to attached "WisDOT's Right-of-Way Conditions for Advertising for Construction Bids"**
- o **Requests for authorization of federal funds in right-of-way acquisition including requests for advance acquisitions for hardship and protective buying and including requests for functional replacement of public owned facilities**
- o **Requests for credits toward the non-federal share of the project construction costs for early acquisitions, donations, or other contributions applied to the project**
- o Requests for federal land transfers under 23 CFR 710.601
- o **Requests for direct federal acquisitions (applicable for Interstate and defense access roads only) under 23 CFR 710.603**

National Highway System (excluding the Interstate): The following approval actions or authorizations will be required by the FHWA Division Office:

- o All airspace/rental space agreements (WisDOT's option)
- o **Requests for authorization of federal funds in right-of-way acquisition including requests for advance acquisitions for hardship and protective buying and including requests for functional replacement of public owned facilities.**
- o **Requests for credits toward the non-federal share of the project construction costs for early acquisitions, donations, or other contributions applied to the project**
- o **Any disposal of excess right-of-way at less than fair market value where the original right-of-way was acquired with federal funds**
- o **Prior to advertising for construction, the right-of-way statement and certification when the project right-of-way has not been *secured and/or vacated*. Refer to attached "WisDOT's Right-of-Way Conditions for Advertising for Construction Bids". (WisDOT's option)**
- o Requests for federal land transfers under 23 CFR 710.601

Non NHS Projects: The following approval actions or authorizations will be required by the FHWA Division

Office:

- o **Requests for authorization of federal funds in right-of-way acquisition including requests for advance acquisitions for hardship and protective buying and including requests for functional replacement of public owned facilities.**
- o **Requests for credits toward the non-federal share of the project construction costs for early acquisitions, donations, or other contributions applied to the project**
- o **Any disposal of excess right-of-way at less than fair market value where the original right-of-way was acquired with federal funds**
- o Requests for federal land transfers under 23 CFR 710.601

B. RIGHT-OF-WAY MANUALS AND OTHER CONTROL DOCUMENTS: The requirements to develop and maintain a Right-of-Way Manual are contained in 23 CFR 710.201(c). The manual sets out WisDOT's basic operating policy statements, and it specifies the manner in which the State will apply the right-of-way requirements of Title 23 and 49 CFR Part 24 in accordance with specific State law. The manual must address both NHS and non-NHS projects and will continue to be approved by the FHWA. Specifically, the following approval actions will be required by the FHWA Division Office:

- o **WisDOT shall update the manual periodically to reflect changes in operations and make the updated changes available to FHWA for review and comment and/or approval as appropriate.**
- o Every fifth year after January 1, 2001, the Director of the Bureau of Technical Services shall certify to the FHWA that the current Right-of-Way operations manual conforms to the existing practices and contains necessary procedures to ensure compliance with Federal and State real estate law and regulations.

C. OTHER CONTROL DOCUMENTS: The WisDOT control documents, in addition to the Right-of-Way Manual, that are considered to be key documents that establish project development or project implementation procedures are listed below. These documents, in addition to the Right-of-Way Manual, will be adhered to in the development and administration of federal-aid projects:

- o WisDOT Facilities Development Manual
- o WisDOT Local Public Agency Right-of-Way Acquisition Guide

D. METHODOLOGY OF OVERSIGHT AND STEWARDSHIP OF PROGRAM

The FHWA Division Office will monitor the right-of-way program in cooperation and coordination with the WisDOT Office of Real Estate. Monitoring will be primarily through the use of independent FHWA process reviews and WisDOT-led joint Quality Assurance Reviews (QAR) with FHWA that will be scheduled on a year to-year basis. **Selection of joint reviews will be a coordinated effort with both offices emphasizing the use of risk management methods.** These reviews will address 49 CFR 24 requirements including NBS and non-NHS projects.

The FHW A Division Realty Officer and the WisDOT Office of Real Estate will maintain close communications **to ensure timely technology transfer, discussions of new and evolving policies and good business practices, and maintain involvement in early project activities.** The FHW A Division Office will be available for technical assistance and to participate in training activities.

E. FEDERAL LAWS AND REGULATIONS

WisDOT will follow all applicable federal-aid laws and regulations including:

- o The 1970 Uniform Relocation and Real Property Policies Act as amended
- o The 1964 Civil Rights Act
- o Title 23 U.S.C. Highways
- o 49 CFR, Part 24 (Government-wide Uniform Act Regulations)
- o 23 CFR, Part 710 (Right-of-Way Administration Regulations)

F. CERTIFICATION

It is hereby certified that WisDOT will follow all control documents, federal and state laws, regulations, and **directives for the acquisition a fright-of-way and any applicable relocation assistance and payments to displaced families and businesses all federal-aid projects.**

G. EFFECTIVE DATE

This agreement affirms that WisDOT and the FHWA Wisconsin Division Office will operate in the aforementioned manner beginning on the date that the Federal-aid Oversight Agreement is signed. Officials signing the Federal-aid Oversight Agreement approve the agreement terms as specified in this Right-of-Way Program Administration Project and Program Oversight Agreement (Appendix H).

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Appendix B
Performance and Compliance
Indicators

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Civil Rights Program				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Percentage of minorities and women working on WisDOT projects, as measured by CRCS projects.			Annually
Performance	Number of hours TRANS graduates work on WisDOT projects.			Annually
Performance	Dollar amount of commitments to DBE firms reported on the DBE Uniform Awards and Commitment Report.			Annually
Performance	Number of DBE firms receiving \$10,000 or more in WisDOT work.			Annually
Performance	Number of student participation days in WisDOT outreach programs.			
Compliance	Percentage of required reports submitted.			
Compliance	Percentage of timely reports submitted			

Construction and Contract Administration				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Number of bidders per contract (i.e. single bids/2-3 bidders/4 or more bidders.			
Performance	Percent of projects with final construction costs > 10% of the award amount.			
Performance	Number of change orders required to correct plan errors on projects (Reason code PI)			
Performance	Early Finals, percent of projects finalized meeting WisDOT objective of closing projects within 6 months of final acceptance.			
Performance	Cost Reduction Incentives, total number of viable submissions vs. number adopted.			
Performance	Statewide average construction engineering costs as percentage of total contract costs.			
Compliance	% of projects advertised without ROW clear.			
Compliance	% of projects advertised without Utility or RR clear.			

Design - Roadway				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Number of Addendums to PS&E packages			
Performance	% of projects advertised within the advertisement schedule (monthly letting schedule) (target>70%)			
Performance	Number of PS&E's Authorized with FHWA conditions of Approval.			
Performance	Percent of projects where the Engineer's estimate is within 10% of low bid (target >50%) all projects. Baseline: SFY 2008 – 45%	50%		
Compliance	None			

Environment				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Median time (months) to complete EISs per FHWA’s Environmental Document Tracking System (EDTS)			
Performance	Median time (months) to complete EAs.per FHWA’s Environmental Document Tracking System (EDTS)			
Performance	Number of EAs and EISs active in Division per year			
Performance	Number of NHPA Section 106 MOAs			
Compliance	Environmental Protection Agency (EPA) EIS Ratings			
Compliance	Environmental Protection Agency (EPA) EIS Ratings			
Compliance	Percent of Section 106 MOA’s with outstanding commitments.			

Financial Management				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Percentage of FIRE Order components completed.			
Performance	Percentage of Annual Financial Statements certified.			
Performance	Percentage of inactive obligations of current fiscal year's appropriation.			
Performance	Percentage of unused obligation authority.			
Compliance	Number of single audit non-compliance items identified.			
Traffic Operations and ITS				
Performance	Increase the Traffic Incident Management Self-Assessment scores in suburban Milwaukee, (2008 baseline ?)			
Performance	511 Customer Satisfaction Index. <i>(Data Source not identified -Work in progress).</i>			
Performance	Workzone Self Assessment Score			
Performance	Incident Clearance Time (Minutes)			
Performance	Mobility data for Milwaukee			

Planning				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Percentage of highway projects programmed in the first year of the STIP that were advanced for funding during the calendar year.			
Performance	Percentage of highway projects programmed in the first year of the TIPs that were advanced for funding during the calendar year.			
Performance	Monitored Violating Criteria Pollutant Levels in Non-Attainment Areas and Marginal Areas			
Performance	Cost Effectiveness of Approved CMAQ Program (kg emissions benefit/\$)			
Performance	Percent of Annual SPR Planning Apportionment Obligated			
Performance	Percent of Annual PL Apportionment Obligated			
Performance	Number of functional classification maps greater than 10 years old.			
Compliance	Number of significant findings in metropolitan planning certification reviews and planning findings.			
Compliance	Numbers of days MPO areas lapse a transportation planning update deadline or transportation conformity deadline.			
Compliance	Number of significant findings on HPMS data submittals.			

Right of Way				
Type Measure	Measure	Target or Goal	Compiled By	Reported
Performance	Number of appeals (from awards of damage or a deed)			
Performance	Number of appraisals accepted within 10 days of desk or field review, whichever is later			
Performance	Number of Relocation assistance appeals			
Performance	Number of conditional R/W Certifications			
Performance	Percentage increase of settlement over initial offering price			
Performance	Number of illegal signs			
Performance	Number of nonconforming signs			
Performance	Number of sign appeals			
Compliance	None			
Safety				
Performance	Wisconsin Fatalities Statewide			
Performance	Wisconsin Fatality Rate			
Performance	Fatal Crashes by Road System			
Performance	Wisconsin Incapacitating Injuries			
Performance	Number of Fatalities Trend over last 5 years Statewide.			
Performance	Number of Serious Injuries (Type A Incapacitating Injuries) Trend over last 5 years Statewide.			
Performance	Wisconsin Fatality Rate per 100 MVM Trend over last 5 years.			
Performance	Wisconsin Fatality and Serious Injury Rate per 100 MVM Trend over last 5 years.			

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Performance	Number of Fatalities Trend over last 5 years Statewide.			
Performance	Number of Serious Injuries (Type A Incapacitating Injuries) Trend over last 5 years Statewide.			
Performance	Wisconsin Fatality Rate per 100 MVM Trend over last 5 years.			
Performance	Wisconsin Fatality and Serious Injury Rate per 100 MVM Trend over last 5 years.			
Performance	Number of Road Departure Fatalities Trend over last 5 years.			
Performance	Number of Intersection Related Fatalities Trend over last 5 years.			
Performance	Number of Pedestrian Fatalities Trend over last 5 years.			
Performance	Number of Bicycle Fatalities Trend over last 5 years.			
Performance	Number of Railroad Grade Crossing Motor Vehicle Fatalities Trend over last 5 years.			
Performance	% Seat Belt Use Trend over last 5 years.			
Performance	% of Fatalities Related to Alcohol Trend over last 5 years.			
Performance	Number of work zone fatalities and serious injuries			
Compliance	An evaluation of the SHSP implementation progress is conducted following FHWA guidance document (FHWA guidance is currently being developed and will be available later in 2009).			
Compliance	Highway Safety Improvement Program Annual Reports are submitted by August 31.			

Pavements and Materials				
Type Measure	Measure	Target or Goal	Compiled By	Reported
Performance	Maintain existing NHS IRI ride levels of 1.56 or lower			
Performance	Maintain existing NHS PDI condition levels of 22 or lower			
Performance	Percentage of required tests and certifications that are documented in WISDOT's Materials Tracking System. Goal is 95%			
Performance	Improve score on FHWA National Quality Assurance Initiative. 2008 score was 64.7%.			
Compliance	None			

Major Projects				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Adherence to baseline schedule (Schedule established after completion of NEPA document)			
Performance	Project at or under cost estimate determined in NEPA document (Assuming no mandated scope changes)			
Performance	Project Risks successfully dealt with per project risk registry			
Compliance	Initial project financial plans submitted and approved prior to construction authorization.			
Compliance	Annual financial plan updates submitted and approved within 90 days of the end of the state fiscal year.			
Compliance	Project management plans approved within 90 days of completion of the project's ROD or FONSI.			

Structures				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Number of Deficient Bridges			
Performance	Average Bridge Replacement Cost			
Compliance	Compliance with any and all NBIS requirements as determined through annual QA/QC reviews.			
Compliance	Fair and equitable distribution of HBP funds. No, Excluding USFS and other federal agencies from the program.			

Local Program				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Percentage of action plan items unresolved.			
Performance	Average annual evaluation scores for MCs.			
Compliance	Number of major issues/required actions identified as a result of program reviews.			
Compliance	Number of projects requiring corrective action due to eligibility or compliance issues.			

Research, Development & Technology				
Type Measure	Measure	Target or Goal	Compiled By (WisDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Number of research projects completed			
Performance	Number of research projects implemented – standard is changed or verified; program deployed; process adopted.			
Performance	Number of research projects not implemented – results are not implementable, further research required, results are pending action.			
Performance	Number of research reports and briefs produced.			
Performance	Number of technology transfer activities and events.			
Performance	Number of pooled fund projects involving WisDOT participation.			

Appendix C

Civil Rights

C. Civil Rights

1. Program Overview

As a condition for acceptance of federal highway funds WisDOT is obligated and committed to ensuring nondiscrimination in all WisDOT programs and activities. FHWA implements federal requirements through the seven Civil Rights programs listed below. Once established these become WisDOT programs and activities. FHWA and WisDOT are committed to working together to effectively and efficiently implement WisDOT civil rights programs. WisDOT management, delivery staff, and contractors have responsibility for ensuring that their programs and projects are conducted in accordance with federal and state civil rights requirements. WisDOT Civil Rights & Compliance Section (CRCS) staff and contractors provide leadership and technical guidance and handle certain State Transportation Agency (STA) reporting requirements. The FHWA Division Civil Rights Program Manager (CR PM) monitors the programs through routine participation in WisDOT meetings and activities; provides guidance upon request; and reviews and forwards required reports.

i. Title VI. - Title VI of the Civil Rights Act of 1964 states that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Thus recipients of Federal financial assistance are obligated to assure nondiscrimination in all their programs and activities through a comprehensive and proactive Title VI enforcement program, including oversight and review of subrecipients. As a condition for continued receipt of federal-aid highway funds, each STA must implement an Equal Opportunity program under the regulatory requirements of 23 CFR 230 – to include: Contractor Compliance and State Highway Agency Internal Equal Employment Opportunity program.

ii. Internal EEO - The purpose of the Internal EEO Program is to ensure fair and equal treatment of persons regardless of race, color, national origin, religion, sex, age, and disability in all State DOT internal employment practices. Each STA has a responsibility to develop and implement an Affirmative Action program plan to achieve parity of minorities and females in all major job categories.

iii. Contractor Compliance - Minorities, women and disadvantaged individuals continue to be under-represented in the highway construction industry. Therefore the purpose of the external EEO Program is to ensure fair and equal treatment of persons regardless of race, color, national origin, religion, sex, age, and disability in all contractor employment practices. Each applicable contractor has nondiscrimination and other requirements set forth in their contract through FHWA 1273.

iv. ADA/504 - Both FHWA and STAs have a responsibility to ensure that STA programs, services, activities and construction projects comply fully with the provisions of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. FHWA’s role extends beyond ensuring that pedestrian facilities are accessible for those with disabilities. FHWA also has a responsibility to ensure that

recipients of Federal-aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public.

v. DBE - Every STA is required to administer a DBE Program to offset the impact of past discrimination, provide a level playing field, increase the number of minority, women, and socially disadvantaged businesses in the highway construction industry, and to contribute to the growth and eventual self-sufficiency of these businesses.

vi. Native American Outreach - Affirmed in treaties, Supreme Court decisions, and executive orders, FHWA has a government-to-government relationship with Indian Tribal Governments and is required to consult with Tribes regarding policy and regulatory matters. Additionally, 23 USC 134 and 23 USC 135 establish consultation requirements with tribes through the Statewide and Metropolitan planning and programming processes. WisDOT has a similar requirement and relationship through EO 39. With the utmost respect for tribal sovereignty, FHWA and WisDOT are committed to building more effective day-to-day working relationships with and between Tribal Governments and communities and government agencies, Metropolitan Planning Organizations, and local governments,

vii. Special Outreach – Recognizing the need to help grow future workers and transportation leaders, US DOT, FHWA and WisDOT have several programs designed to introduce and assist students and individuals of various ages to careers in the transportation field. These include the Career Awareness Summer Program, AASHTO/Transportation and Civil Engineering (TRAC) Program, National Summer Transportation Institute (NSTI), Dwight David Eisenhower Transportation Fellowship Program (DDETFP), Summer Transportation Internship Program for Diverse Groups (STIPDG), Urban Youth Corps, Adopt-a-School Program, and Transpo Expo plus other Construction Career Day events.

2. Methods of Stewardship

i. WisDOT General Project and Program Monitoring. Civil Rights requirements impact every WisDOT program, project, and activity and therefore every WisDOT employee, contractor, and subrecipient is involved in implementing FHWA and WisDOT civil rights requirements and programs. Responsibility for ensuring compliance lies within the normal WisDOT chain of command applicable to each program or project. The WisDOT CRCS has responsibility for providing technical assistance and guidance, and for monitoring success, challenges, and opportunities. The information gathered is used to prepare the required reports listed later.

ii. Participation in Committee and Other Meetings and Activities. Upon request by WisDOT, and as illustrated below, the FHWA CR PM will attend WisDOT meetings and activities in order to provide timely review of WisDOT programs and issues and real time program guidance to WisDOT. However the FHWA CR PM will not interfere in WisDOT-contractor actions and will be respectful of WisDOT discretion in conducting WisDOT Civil Rights programs.

- | | |
|-----------------------|--|
| 1. EEO CC | Workshop Planning Meetings (4)
Workshops (2)
Contractor Reviews (5 of 18)
Show Cause Hearings (~4) |
| 2. State Internal EEO | AA Committees
Diversity Committees |
| 3. DBE | TRANS AC Meetings (8-10)
TRANS AC Subcom Mtgs (~4)
TRANS CAC Meetings (4-6) |
| 4. Title VI | Title VI Committee Meetings (~4)
Major Project oversight, business
and labor development, and
community outreach meetings (12) |
| 5. ADA | To Be Determined |
| 6. Tribal | Tribal Task Force (~8)
Annual Tribal Consultation Meeting
Annual Tribal Transportation Conf |
| 7. Special Outreach | STI and CASP Planning Mtgs (4)
STI and CASP event activities (3)
TRAC meetings or activities (1)
STIPDG mtgs and activities (4) |

iii. Program Reports and Approvals

FHWA Office of Civil Rights (OCR) has prepared a listing of CR Program Standard Reports. A Wisconsin modified version of this document is attached. As identified, WisDOT has responsibility for preparing certain reports. The FHWA CR PM will provide assistance and comment on draft reports. FHWA retains final responsibility for approving the core basic WisDOT Civil Rights Program documents and determining whether CRs programs are being implemented in compliance with federal laws and regulations.

3. Program Indicators

i. Performance

1. Percentage of minorities and women working on WisDOT projects, as measured by CRCS projects.
2. Number of hours TRANS graduates work on WisDOT projects.
3. Dollar amount of commitments to DBE firms reported on the DBE Uniform Awards and Commitment Report.
4. Number of DBE firms receiving \$10,000 or more in WisDOT work.
5. Number of student participation days in WisDOT outreach programs.

ii. Compliance

1. Percentage of required reports submitted.
2. Percentage of timely reports submitted.

4. Business Standards

Reports to be complete, accurate, and timely. To the extent possible, FHWA and WisDOT will work to establish annual reporting dates for each report. FHWA CR PM will promptly advise WisDOT of FHWA OCR requests for reports. WisDOT will provide reports that are complete and accurate based on the best available information. When provided FHWA will review and comment on draft. WisDOT should submit final reports at least three working days before the due date (for annual or requested reports).

Wisconsin Civil Rights Program Reports

Program Item	Authority	Due Date	WisDOT POC	Actions	FHWA OCR POC
January					
Report on OJT/SS Funds	23 CFR 230.121(e)	January 15		WisDOT will complete quarterly reports and send to Wisconsin Division Office (WI DO) for review to ensure compliance. WI DO will forward reports to HQ HCR	Zakiah Latif-Lynch (202) 366-1585
Report on DBE Supportive Services Funds	23 CFR 230.204(g)(6)	January 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Vickie Anderson (202) 366-1607
OJT Training goals and accomplishments	23 CFR 230.111(b)	January 30		WisDOT will develop and forward to WI DO for review and approval. Once approved, WI DO will forward to HQ HCR.	Zakiah Latif-Lynch (202) 366-1585
February					
No reports Due					
March					
No reports Due					
April					
Report on OJT/SS Funds	23 CFR 230.121(e)	April 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Zakiah Latif-Lynch (202) 366-1585
Report on DBE Supportive Services Funds	23 CFR 230.204(g)(6)	April 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Vickie Anderson (202) 366-1607
May					
No reports Due					

June					
DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	June 1		WisDOT will complete semi-annual report and send to WI DO for review. WI DO will review, verify information, concur and forward to HCR	Vickie Anderson (202) 366-1607
OJT/SS Funds Request and Annual Accomplishment Report	23 CFR 230.113	June 2		Upon notification from HQ HCR, Division will notify WisDOT to submit work WisDOT statement for approval in accordance with guidance in OJT/SS Handbook. WI DO will review/approve and forward to HCR for funding.	Zakiah Latif-Lynch (202) 366-1585
DBE Supportive Services Funds Request and Annual Accomplishment Report	23 CFR 230.204	June 2		Upon notification from HQ HCR, Division will notify WisDOT to submit work statement for approval in accordance with guidance in DBE/SS Handbook. WI DO will review/approve and forward to HCR for funding.	Vickie Anderson (202) 366-1607
July					
Report on OJT/SS Funds	23 CFR 230.121(e)	July 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Zakiah Latif-Lynch (202) 366-1585
Report on DBE Supportive Services Funds	23 CFR 230.204(g)(6)	July 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Vickie Anderson (202) 366-1607

August					
WisDOTte DBE Program Goals - WisDOTte Submission	49 CFR 26.45(f)(1)	Annually by August 1		WisDOT will develop a proposed annual DBE goal for the following year, with appropriate outreach, stakeholder involvement, and public notice. Goal submission document to be submitted to WI DO .	Vickie Anderson (202) 366-1607
State DBE Program Goals - WI DO Review	49 CFR 26.45(f)(1)	Annually by September 1	Analysis prepared by FHWA WI DO Civil Rights PM - Bill Stark, 608-829-7516	WI DO reviews goals and methodology, forward explanation of goals and methodology to Legal Counsel for legal sufficiency review. Copy of goal and methodology should be forwarded to HQ HCR for information.	Vickie Anderson (202) 366-1607
Return of any unused DBE Supportive Services Funds	23 CFR 230.117(2)	Annually by August 1		WisDOT will notify WI DO of confirmation that WisDOT will obligate all funding, or notice if funds are to be returned to HCR and WI DO will so notify HCR.	Vickie Anderson (202) 366-1607
Return of any unused OJT/SS Funds	23 CFR 230.117(2)	Annually by August 1		WisDOT will notify WI DO of confirmation that WisDOT will obligate all funding, or notice if funds are to be returned to HCR and WI DO will so notify HCR.	Zakiah Latif-Lynch (202) 366-1585
State Employment Data Report (EEO-4)	23 CFR 309 23 CFR 311(a)(1)	Annually by August 15		WisDOT will submit to WI DO for review of compliance and forwarding to HCR	Joyce Gottlieb (202) 366-6334

September					
Annual Federal-Aid Highway Construction Employment Data Report (PR-1392)	23 CFR 230.121(a)	Annually by September 15		WisDOT will submit to WI DO for review and verification of data. WI DO will submit to HCR when review is complete.	Janine Ashe (202) 366-9057
Annual Federal Planned Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes	Presidential Executive Orders: 13230, 13256, 13270	Annually by September 29	Report prepared by FHWA WI DO Civil Rights PM (Bill WisDOTrk, 608-829-7516)	Executive Orders: 13256 ,13230 & 13276 require that Federal departments and agencies submit an annual plan of awards report to the Secretary of Education containing data on its efforts to increase the participation of MIHEs in federally sponsored programs. HQ/WI DO s and Resource Center will collect data from appropriate personnel and WisDOTs to prepare the reports, which are forwarded to HQ HCR.	Ann D. Wicks (202) 366-2213
October					
Title VI Plans, Accomplishment Reports & Goals	23 CFR 200.9(b)(11)	Annually by October 1		WisDOT will submit any New Plans for Approval by WI DO ; Plan Updates; and/or Accomplishment Reports and Goals if plans have already been approved; Upon WI DO approval submit to HQ HCR for information.	
Report on OJT/SS Funds	23 CFR 230.121(e)	October 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Zakiah Latif-Lynch (202) 366-1585
Report on DBE Supportive Services Funds	23 CFR 230.204(g)(6)	October 15		WisDOT will complete quarterly reports and send to WI DO for review to ensure compliance. WI DO will forward reports to HQ HCR	Vickie Anderson (202) 366-1607

November					
Request for Summer Transportation Institute (STI) Host Site Proposals		Annually by November 1		WI DO will notify WisDOT to submit proposals to initiate host sites for STIs. WI DO will review/approve nominated host sites and forward to HCR for funding.	Ann D. Wicks (202) 366-2213
Annual Federal Performance Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes	Presidential Executive Orders: 13230, 13256, 13270	Annually by November 9	Report prepared by FHWA WI DO Civil Rights PM - Bill WisDOTrk, 608-829-7516	Executive Orders: 13256, 13230 & 13276 require that Federal departments and agencies submit an annual performance awards report to the Secretary of Education containing data on its strategies implemented to increase the participation of MIHEs in federally sponsored programs. HQ/WI DO s and Resource Center will collect data from appropriate personnel and WisDOT to prepare the reports, which are forwarded to HQ HCR.	Ann D. Wicks (202) 366-2213
December					
DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	December 1		WisDOT will complete semi-annual report and send to WI DO for review. WI DO will review, verify information, concur and forward to HCR	Vickie Anderson (202) 366-1607

Reports Due with No Specific Due Date					
Executive Order 12250 - Leadership & Coordination of Nondiscrimination Laws Report	Executive Order 12250	Annual Report (Required by DOJ, Date to be determined)	Report prepared by FHWA WI DO Civil Rights PM - Bill Stark, 608-829-7516	HQ HCR will provide WI DO with instruction and guidance regarding information to be reported. WI DO will prepare report and forward to HCR.	Candace Groudine (202) 366-4634
Annual EEO Program Update (AAP Workforce Data)	23 CFR 230.311	Annual (Anniversary date of the WisDOTtes' approved EEO/AAP Policy)		WisDOT will submit any EEO Plans for Approval by WI DO after coordination with FRA and FTA. Plan Updates and/or Accomplishment Reports and Goals if plans already approved. Upon WI DO review and approval submit to HQ HCR for information	
Contract compliance review reports	23 CFR 230.413	Within 15 days of compliance Review		WI DO must concur or comment within 15 days after receipt of compliance review report.	

Appendix D
Construction
&
Contract Administration

D. Construction and Contract Administration

1. Program Overview

Congress has charged the FHWA with administering the Federal-Aid Highway Program (FAHP) under Title 23 and other associated laws. FHWA is responsible for both Stewardship and Oversight of federal-aid funded program projects. Stewardship is defined as *“The efficient and effective management of the public funds that have been entrusted to the FHWA.* Fundamental functions aspect or FHWA objectives relevant to the Wisconsin Department of Transportation construction program include; protect the public investment, assure effective organizational quality controls are maintained, and ensure that quality projects are completed in reasonably close conformity with the plans and specifications.

2. Methods of Oversight

i. Program Monitoring

Key means, methods, and activities utilized for Program monitoring include the following:

1. FHWA, in cooperation with WisDOT, develops an Annual Construction Summary to capture relevant stewardship and oversight activities including involvement in workgroups, reviews, oversight strategies and project inspections reflecting upon the construction season. The summary shall highlight trends, findings and recommendations as well indicate the overall level of confidence that Division has for the WisDOT project delivery.
2. FHWA shall annually outline a strategy for program monitoring oversight prior to construction season as part of the Division Construction Management Plan
3. FHWA remains actively involved in WisDOT Specification update processes and related workgroups.
4. FHWA will review WisDOT project staffing goals and plans annually and on-going. As committed, WisDOT shall cooperate, assist, and responsively provide documentation as requested.

ii. Project Monitoring

FHWA will conduct routine project inspection on full oversight projects consistence with Division Construction Management Plans, Work Plans and Procedures.

1. The FHWA Division Annual Inspection Work Plan sets forth a specific strategy for emphasis areas, inspection coverage, type, and reporting.

2. The FHWA Division will perform inspection of the Construction Phase Federal Oversight; and State Administered projects when deemed necessary.
3. FHWA Division and WisDOT will follow relevant inter-office procedures for project inspections and contract change order approvals of construction phase oversight projects.
4. The FHWA Division assesses WisDOT project management to assure projects are completed in reasonably close conformance with the contact and monitors other emphasis area.
5. The FHWA will provide feedback, discuss issues and findings, ensure appropriate resolutions and follow-up is provided, and develop a written reports through project inspections.

iii. Committee Participation

FHWA Wisconsin Division staff may participate in joint workgroups, teams, committees, ad-hoc meetings and organizational meetings under the purview of value-added, reengineering, or quality improvement. These activities can be an effective method of oversight, an opportunity to support the FHWA/WisDOT partnership, and an effective means of adding value and effecting change to a particular program. As resources permit, the FHWA Division will contribute/participate in the following:

1. Annual Contractors Engineers Conference.
2. Annual WisDOT/ACEC Improvement Conference.
3. Regional Construction Conferences and Specifications Training.
4. Construction Contract Administration Workgroup.
5. Construction Oversight Inspection Workgroup.
6. Specification, CMM, and Procedural related workgroups.

3. Program Indicators

i. Performance

1. Number of bidders per contract (i.e. single bids/2-3 bidders/4 or more bidders).
2. Percent of projects with final construction costs > 10% of the award amount.
3. Number of change orders required to correct plan errors on projects (Reason code PI)
4. Early Finals, percent of projects finalized meeting WisDOT objective of closing projects within 6 months of final acceptance.
5. Cost Reduction Incentives, total number of viable submissions vs. number adopted.
6. Statewide average construction engineering costs as percentage of total contract costs.

ii. Compliance Indicators

1. Percent of projects advertised without ROW clearance
2. Percent of projects advertised without Utility or railroad clearance

4. Business Standards

Actions will be undertaken for any project as per the delegations specified in the Oversight Agreement Appendix A.

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Work Activity	WisDOT Action	FHWA Action	Outcome
Concurrence in Award	Recommend and provide bid analysis within 3 working days of bid opening.	Review and Concur within two working days.	Contract awarded
Rejection of Bids	Recommend and provide bid analysis within 3-5 working days of bid opening.	Review and Concur within two working days.	Bids rejected.
Contract Modification, including Time Extensions and Suspension of work (Construction Oversight Projects)	Provide Approval Justification Requests and Contract Modification	Review Prior Concurrence request and provide concurrence within 2 working day Review Contract Modification and sign and return within 10 working days.	Prior Concurrence given. Contract modification granted.
Claims Settlements (Any Federal-aid Project)	Provide early notification and on-going updates of contractor claim per procedure. For any Federal-aid project, provide CCO settlement and supporting justification.	Review and determine federal eligibility or request further justification. Make final eligibility determination within 10 working days of receiving CCO, Justification Record and all documentation	Claim eligibility for federal funds decided.
Construction Inspections, Final Inspections (Required for Construction Oversight Projects)	Provide requested assistance, information, and documentation as needed.	Perform inspection and discuss findings; draft report forwarded to WisDOT within 5 working days of inspection; final within 10 working days.	Inspection report completed.
Construction Inspections, Final Inspections (Required for Construction Oversight Projects) Certificate of Final Acceptance	Prepare, sign and provide FHWA a completion certificate and material certificate	Review both Completion and Material Certifications, upon acceptable final inspection; provide FMIS authorization within 10 working days of FMIS request.	Project completed in reasonably close compliance to contract requirements, final payment.
Standard Specifications for Highway and Bridges	Provide Draft Version for review and rework; Provide Final Version for approval per interoffice procedure	Review and Approved per procedure; Initial Review 20 working days, Final Review 15 working days	Annual Standard Specification Updates Approved

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Additional Special Provisions	Per procedure, send request to FHWA	Review and respond within 2 business days	Additional Special Provisions Approved
Construction and Materials Manual	Per Procedure, send request to FHWA	Individual requests Review and respond within 5 business days. Semi-Annual group requests 10 business days	Construction and Materials Manual Semi-Annual Updates Approved

Appendix E

Design

Roadway

Program Overview

Project Stewardship & Oversight - The FHWA Division Office will select a number of projects that will be considered Full Federal Oversight for their design life during the scoping phase of a new project. The projects selected will be a broad range to aid the division office in monitoring the health of the federal-aid highway program. In addition, some projects will be automatically designated as Full Federal Oversight. These are larger, more complex projects that FHWA wants to ensure the project is properly and efficiently implemented. It is the Division policy to make sufficient and timely design reviews of Full Oversight projects to ensure that they are designed according to applicable standards and in consideration of appropriate cost-effectiveness strategies. FHWA will periodically conduct process reviews when risks are identified. Specific FHWA review and approval functions are listed in the Oversight Agreement (Appendix A).

Program Stewardship & Oversight – The Division Office will actively participate on WisDOT ad-hoc groups and committees to provide input and assistance into the development or update of standards, policies and procedures. The Division Office also provides approvals of design standards, standard detail drawings, proprietary products, as well as some design policies and guidelines.

1. Methods of Oversight

i. Control Documents

1. WisDOT FDM
2. Appropriate AASHTO Design Guidelines including but not limited to:
 - a. A Policy on Geometric Design of Highways and Streets (GDHS)
 - b. A Policy on Design Standards - Interstate System
 - c. Roadside Design Guide
 - d. Guide for the Development of Bicycle Facilities
3. MUTCD, FHWA
4. Flexibility in Highway Design, FHWA
5. Roundabout Guide, FHWA
6. Highway Capacity Manual, TRB
7. Accessible Public Rights of Way: A Design Guide, Access Board

ii. Program Approvals

1. Standard Detail Drawings
2. Changes to or new FDM procedures, see Oversight Agreement for specific chapters/procedures
3. Proprietary Products List / Approved Product List

iii. Project Monitoring/Approvals

1. FHWA participates in pre-design/environmental meetings on Full Oversight projects
2. FHWA reviews preliminary engineering required for NEPA documents subject to FHWA approval (ER and above)
3. FHWA will participate in 30/60/90 and PS&E plan reviews on all Full Oversight projects
4. FHWA will review Design Study Report (DSR) on oversight projects as required
5. FHWA will participate in Value Engineering studies during the design phase for Full Oversight projects and other projects as requested by WisDOT
6. FHWA will participate in Road Safety Audits for Full Oversight projects and as requested by WisDOT
7. FHWA will approve all design exceptions regardless of project funding or oversight on all NHS projects.
8. FHWA will approve all Interstate Access Justification Reports regardless of project funding or oversight.
9. FHWA will approve the scopes of all Structure Preventive Maintenance projects (see FDM 3-1-5).
10. FHWA will approve the use of publicly owned equipment on Full Oversight Projects
11. FHWA will approve the use of proprietary products on Full Oversight Projects
12. FHWA will approve the use of publicly furnished materials on Full Oversight Projects
13. FHWA will accept Traffic Management Plans on Full Oversight Projects
14. FHWA will approve all Contract Addenda on Full Oversight Projects
15. FHWA will make all approvals for full oversight projects as specified in the Oversight Agreement contained in Appendix A

iv. Committee Participation

1. Regional Project Scoping Meetings
2. Ad hoc groups established to develop new guides, procedures, standard detail drawings, etc. as required
3. Other WisDOT technical committees that provide input into the development of FDM guidance, standards, procedures, etc.

2. Program Indicators

i. Performance

1. Number of Addendums to PS&E packages (*Source: Jan Kinar, 266-3611, WisDOT*)*Baseline: SFY 2008 – 163 Addendums*

2. % of projects advertised within the advertisement schedule (monthly letting schedule) (target >70%) (Source: Don Miller, WisDOT). Baseline: SFY 2008 - # of Projects = 323, # of projects on hold = 61; 81%
3. Number of PS&E's Authorized with FHWA conditions of Approval. (Source: ?, oversight projects only).
4. Percent of projects where the Engineer's estimate is within 10% of low bid (target >50%) all projects. Baseline: SFY 2008 – 45%

ii. Compliance

The Wisconsin Division will use various techniques, which may include project reviews, program reviews, telephone contacts, participation in value engineering activities, approval of PS&E, etc to ensure compliance with applicable federal laws, regulations, and policies.

3. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Plan Reviews (30/60/90)	Plan Submittal	Review and Comment (30 calendar days)	WisDOT address comments or document reason why comments can not be addressed (15 calendar days)
Design Exceptions	Submit with justification and full DSR	Review/Comment or Approve (15 calendar days)	Comments addressed if required or approval granted, complete design for PS&E
PS&E	PS&E submittal, all material required	Review/comment or approve (30 calendar days)	Address and comments as necessary, Project Advertised
FDM Changes	Electronic Submittal	Review/Comment or Approve (15 calendar days)	Comments addressed if required or approval granted, publish in FDM on-line
Standard Detail Drawings	Electronic Submittal with changes identified (in green)	Review/Comment or Approve (15 calendar days)	Comments addressed if required or approval granted, publish in FDM on-line
Interstate Access Modification	Submit Interstate Access Justification Report (IAJR)	Division Level Approval (30 working days) HQ Level Approval – forward on with recommendation within 30 working days	Determination provided

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Value Engineering Annual Summary	Submit with 30 calendar days of end of SFY	Forward to FHWA HQ	
Traffic Management Plan (TMP)	Electronic Submittal	Review/Comment or Accept (15 calendar days)	Address and comments as necessary, execute TMP strategies
Contract Addenda	Electronic Submittal	Review and Approve (3 calendar days)	Publish on extranet for contractors to download
Public Interest Findings – Project Specific	Submit with justification	Review and Approve (15 calendar days)	Product Specified in Special Provisions
Public Interest Findings – Program – wide	Submit with justification	Review and Approve (15 calendar days)	Add to approved products list, publish in FDM on-line

Appendix F
Environment

F. Environment

1. Program Overview

The purpose of the federal environmental program is to provide leadership in program innovation and to ensure projects proposed for federal-aid highway funds comply with federal laws, regulations and policies to minimize the adverse human and natural environmental impacts of transportation projects.

i. Project Stewardship and Oversight

The FHWA reviews and approves certain environmental documents prepared by WisDOT and their consultants. These documents include Environmental Impact Statements (EIS's), Records of Decisions (ROD's), Environmental Assessments (EA's), Findings of no significant impacts (FONSI's), and higher-level Categorical Exclusions (CE's/2-ER's), and 4(f) evaluations associated with the projects. FHWA also is the primary signatory and initiates consultation for any Historic Preservation memoranda of agreements.

For most lower-level CE's (p-ER's), WisDOT staff certifies that the project meets the conditions set forth in the programmatic agreement providing advance approval for certain CEs qualifying under 23 CFR Part 771.117(d). WisDOT provides quality assurance and FHWA conducts periodic assessments of the WisDOT use of programmatic Categorical Exclusions to be sure the tool is being used correctly and effectively.

ii. Program Stewardship and Oversight

The FHWA uses a number of methods to steward the environmental program. These methods include conducting periodic reviews of elements of the program, meeting regularly with WisDOT staff, and improving the environmental process. FHWA and WisDOT work extensively with federal and state resource agencies to continuously improve and streamline processes used for NEPA review and consultation.

FHWA also works with the WisDOT to develop and provide training on environmental issues including changes in legislation, regulation or FHWA polices. FHWA also provides technical assistance on innovative technologies and approaches, and leadership on issues of national priority.

WisDOT and FHWA jointly develop programmatic agreements, such as those to address air quality analysis in environmental documents, or addressing consultation with the resource agencies or tribes. Both WisDOT and FHWA are signatories to a partnering agreement with the 11 Federally-recognized Tribes in Wisconsin.

2. Methods of Oversight

i. Control Documents

1. US Code Title 23
2. Code of Federal Regulations including but not limited to 23 CFR 771; 23 CFR 774

3. Other applicable federal laws (e.g. Section 7 of the Endangered Species Act of 1973)
4. Executive Orders, including, but not limited to the Executive Order on Environmental Justice, and the E.O. on Environmental Streamlining.
5. FHWA policies and guidance documents including but not limited to Section 4(f) and SAFETEA-LU Section 6002, and implementation of regulations for other agencies
6. Gubernatorial (WI) Executive Orders
7. Programmatic Agreements
8. Partnership Agreement between Wisconsin's 11 Federally recognized tribes, WisDOT, and FHWA, May 24, 2005
9. WisDOT/WDNR Cooperative Agreement
10. Facilities Development Manual-FDM (WisDOT)
11. Construction Management Manual (WisDOT)
12. WisDOT Bridge Manual
13. WisDOT Highway Maintenance Manual
14. Sponsor's Guide for Non-Traditional Transportation Project Implementation (WisDOT)

ii. Program Approvals

1. Programmatic Agreements
2. FDM changes
3. Other policy changes affecting implementation of NEPA

iii. Project Approvals

1. Preparation of Notices of Intent to Prepare EISs
2. Letters requesting cooperating and participating agencies
3. All environmental documents/actions [*note programmatic agreement for CE's offers advance approval as described*]
4. Approval of all reevaluations.
5. 4(f) Evaluations (all types)
6. Section 106 MOAs
7. Public-interest Findings (e.g. State selection of waste/borrow sites)

iv. Committee Participation

1. **Participation in routine project meetings with WisDOT Regions** – The Division FOEs participate in routine (once or twice per month) meetings with Region staff to discuss project-level issues.
2. **Coordination and hosting of annual meeting and conference calls with environmental resource agencies** – FHWA coordinates and hosts an annual meeting with all environmental resource agencies that work with WisDOT and FHWA. FHWA also coordinates and hosts conference calls with these agencies to discuss policy and project issues.
3. **Participation in monthly coordination meetings with BEES staff** – FHWA meets on a monthly basis with BEES staff to discuss ongoing program level issues, and occasional project-level issues.
4. **Air Quality Work Groups** – FHWA meets periodically with the Air Quality Work Group to discuss ongoing program level issues. Environmental program team is less involved than the Planning team
5. **Environmental Process Review Stakeholder Committee** – A committee to review and revise environmental processes.
6. **WisDOT NEPA Team Meetings** – The Division periodically participates in conference calls and quarterly meetings to discuss program-level issues and resolve environmental document quality issues with Regional Environmental Coordinators, WisDOT Central Office staff and others.

3. Program Indicators

i. Performance

1. Median time (months) to complete EISs per FHWA’s Environmental Document Tracking System (EDTS)
2. Median time (months) to complete EAs per FHWA’s Environmental Document Tracking System (EDTS)
3. Number of EAs and EISs active in Division per year
4. Number of NHPA Section 106 MOAs

ii. Compliance

1. Environmental Protection Agency (EPA) EIS Ratings of EO (Environmental Objections) or EU (Environmentally Unsatisfactory)
2. Implementation of NHPA Section 106 mitigation by project completion or by the agreed upon time reflected in an MOA or other project agreement.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Programmatic Categorical Exclusions (Those which qualify under 23 CFR 771.117(d) and meet the conditions of the current Programmatic Agreement)	Prepare and document certifications of programmatic agreement eligibility (p-ER's). Quality assurance reviews with reports	Conduct periodic process reviews, assess WisDOT quality assurance review reports, update programmatic agreement.	Approved CE, periodic validation of agreement terms and NEPA Compliance (FHWA)
Non-Programmatic Categorical Exclusion (Those which qualify under 23 CFR 771.117(d) but do <i>not</i> meet the conditions of the current Programmatic Agreement)	Prepare and submit documents (2-ER's) for FHWA review and approval	Review and provide comments for needed revisions (30 days)	Approved CE and Location Design Concept Acceptance
Letter of Intent	Prepare and submit to FHWA	Accept, Response within 14 days	Project Initiation
Environmental Assessment (EA)	Prepare and submit to FHWA for approval	Review & make comments (30 days)	Approved EA for public availability
Finding of No Significant Impact (FONSI)	Prepare and submit to FHWA for approval including Public Hearing transcript	Review and make determination (30 days)	Approved FONSI and Location Design Concept Acceptance
Notice of Intent	Prepare draft Notice of Intent and forward to FHWA	Review and revise Notice of Intent and forward for publication in the Federal Register (15 days)	Publication in Federal Register
Cooperating Agency Review of Draft Environmental Impact Statement	Prepare and submit to Cooperating Agency for review. Suggest review within 30 days	Request Legal Sufficiency review (30 days) Receive legal sufficiency comments (30 days)	Cooperating Agency Comments and Legal Sufficiency Review
Draft Environmental Impact Statement (DEIS)	Prepare and submit to FHWA for approval	Review & make determination DEIS-- Submit to EPA for notice in the Federal Register (45 day comment period, unless extended)	DEIS approved for public availability

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Work Activity	WisDOT Action	FHWA Action	Outcome
Final Environmental Impact Statement (FEIS)	Prepare and submit to FHWA for approval including Public Hearing transcript	Review & make determination--Submit to EPA for notice in the Federal Register (30 days, unless extended, but no sooner than 90 days after the DEIS, whichever is later)	FEIS approved
Record of Decision (ROD)	Prepare ROD and Forward to FHWA	Review and comment on draft ROD (15 days) Issue ROD (within 10 days of an acceptable and complete submittal)	ROD and Location Design Concept Acceptance
Draft Section 4 (f) Evaluation	Prepare and submit to FHWA for review and circulation	Review Draft Sec 4 (f) Evaluation (30 days). Distribute to Dept. of the Interior for comment and submit for a Legal Sufficiency review	Comments on Draft Sec 4 (f) Evaluation
Final Section 4 (f) Evaluation	Prepare and submit to FHWA for approval	Approve Final Section 4 (f) Evaluation, including the de minimis determination; send to DOI (10 days)	Final Section 4 (f) Evaluation
<i>Section 106</i> Adverse Effect Determination	Prepare and submit to FHWA	Make determination and forward to the Advisory Council on Historic Preservation (15 days) ACHP response within 30 days, unless extension is requested	Adverse Effect Determination
Reevaluation Process	After consultation with FHWA, prepare and submit to FHWA as appropriate	Review and comment on project reevaluation (30 days) Provide determination within 15 days of acceptable and complete re-evaluation submittal	Approval for project to advance to next phase

Appendix G
Financial Management

G. Financial Management

1. Program Overview

FHWA has implemented the Financial Integrity Review and Evaluation (FIRE) Program (*FHWA Order 4560.1b*) requiring each FHWA Division office to establish an effective oversight program to ensure Federal-aid funds are properly managed and effectively used in accordance with Federal policies, and safeguards are in place to minimize fraud, waste, and abuse. The FIRE Program establishes the process by which FHWA's annual certification of internal and financial controls are validated to support the agency's financial statements. In addition, the FIRE program ensures proper internal controls and financial oversight are established and followed in conducting the Agency's day-to-day operations. FHWA's Financial Management Team (FMT) is responsible for completing the FIRE activities annually, in coordination with FHWA and WisDOT personnel.

The Fiscal Management Information System (FMIS) is FHWA's primary financial information system for tracking Federal-aid highway projects on a project-by-project basis. It 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 developing financial trends and requirements related to current and future funding. The data integrity of FMIS is completely dependent upon the quality of the information entered into the system; accordingly, project related actions must be reported both promptly and accurately as project activities are authorized and advanced. Electronic data sharing allows WisDOT to transmit FMIS data electronically and FHWA to review and electronically approve the data. This process provides faster approvals and better control of funds. Both WisDOT and FHWA have the ability to access FMIS information to obtain current funding and project related reports.

2. Methods of Oversight

i. Control Documents

1. FHWA Order 4560.1B Financial Integrity Review and Evaluation (FIRE) Program
2. United State Code, Title 23
3. 2 CFR Part 225; Cost Principles for State, Local, and Indian Tribal Governments
4. OMB Circular A-133; Audit of States, Local Governments, and Non-Profit Organizations
5. USC Title 5 Appropriations Law
6. 5 CFR 1315 Prompt Payment Act

ii. Program Approvals

1. FHWA will receive a copy of Wisconsin Legislative Audit Bureau (LAB) audits and confirm resolution of audit findings related to the expenditure of Federal funds.
2. For OMB A-133 audits, FHWA will develop management decisions regarding corrective action plans and confirm the

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resolution of single audit findings reported to the Federal Clearing House.

3. FHWA approves Federal program fund transfers.

iii. Project Approvals

1. Percentage of FMIS projects with fatal errors.
2. Percentage of FMIS projects with administrative errors.
3. Percentage of improper payments found under FIRE sample.
4. Percentage of funds transferred within program.

iv. Committee Participation

1. FIIPS User Group Participant
2. Major Projects Finance Team Participant

3. Program Indicators

i. Performance

1. Percentage of FIRE Order components completed.
2. Percentage of Annual Financial Statements certified.
3. Percentage of inactive obligations of current fiscal year’s appropriation.
4. Percentage of unused obligation authority.

ii. Compliance

1. Number of single audit non-compliance items identified.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Current Billing	Submits electronic request via RASPS for federal reimbursement weekly or in coordination with FHWA	Financial Management Team (FMT) reviews electronically within 2 business days of receipt or as coordinated with FHWA	Electronic Fund Transfer (EFT) payment posted to WisDOT’s account
Project Authorization/ Agreement	Submits electronic authorization request via FMIS.	FMT reviews project agreement in accordance with current standard operating procedure.	Electronic approval of project agreement
Transfer of Funds between categories, states and agencies	Review and recommend approval of transfer request to FHWA/FTA.	FHWA reviews, approves, and forwards funds transfer request to appropriate HQ personnel to adjust funding records.	Funds transferred as requested and determined eligible.
Project Funds Management/Monitoring of Inactive Obligations	Compliance with Final Rule, 23 C.F.R. Part 630 . Review inactive projects for potential release of funds.	Review balance of unexpended obligations on inactive projects.	Balance of unexpended obligations on inactive projects at or below 5% of annual apportionments

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Work Activity	WisDOT Action	FHWA Action	Outcome
Audit Findings	Develop corrective action plan and ensure audit findings relating to Transportation are resolved.	Monitor activities to ensure that corrective actions are taken.	Audit findings are resolved timely.
Major Projects Financial Plan	Submit annual Financial Plan for major projects (\$500 million or more) to FHWA.	Review and forward financial plan to Office of Infrastructure in Washington, D.C. for approval. (30 days)	Plan approved by FHWA.
Improper Payments	Assure that adequate controls are in place to detect improper payments.	Conduct review of billing transactions in accordance with the FIRE program.	Improper payments detected. Only allowable costs billed.
Fund Management	Assure project cost overruns due to estimating errors are adequately monitored and incorporated into future estimating process.	Monitor project modifications for cost overruns and estimating shortfalls.	More accurate project estimating and total project cost recorded on agreement.
500 Series Finance Reports/Process Review	Prepare and Submit per "A Guide to Reporting Highway Statistics".	Annual certification of fuel data. Conduct Annual Review; Conduct 3-year review	Annual Highway Statistics booklet and future apportionment factors.
FIRE Grants Management Review	Participate as needed and provide implementation plan on review findings and recommendations.	Conduct review as identified by program risk assessment.	Completed review and submission of final report. Assist with implementation plan to resolve findings and recommendations.
Heavy Vehicle Use Tax	Submit annual state certification	Conduct review of HVUT enforcement. Recommend 3 year cycle	Annual State Certification
SIB Biennial Report	Prepare biennial report within 90 days from the end of the Federal FY.	Review and forward to Office of Chief Financial Officer in Washington D.C.	Biennial Report

Appendix H
Traffic Operations (ITS)

H. Traffic Operations (ITS)

1. Program Overview

Traffic Operations

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

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

Management of Non-Recurring Congestion

- ✓ Traffic Incident Management Systems provide for identification and response to vehicle crashes and breakdowns with appropriate emergency services and to restore normal traffic flow and to reduce secondary crashes.
- ✓ Work Zone Traffic Control helps to improve safety and efficiency of vehicular movement through work zones. A new federal regulation, 23CFR630, requires agencies receiving federal funds to implement certain procedures. FHWA is an active participant on WisDOT committees and review teams that examine and improve on WisODOT standards, practices, and applications of work zone traffic control and safety.
- ✓ 24X7 Statewide Traffic Operations Center (STOC); Statewide Incident Notification, & Emergency Traffic Operations.
- ✓ 511
- ✓ Dynamic Message Signs, Highway Advisory Radio, Portable Changeable Message Signs, Video Cameras

Management of Recurring Congestion

- ✓ Freeway Management Operations improve traffic flow on high volume roads by monitoring traffic conditions and providing appropriate responses to those conditions, through the use of Traffic Incident Management programs, ramp metering, and Traveler Information Systems.
- ✓ Arterial Management Systems involve traffic signal coordination and optimization of traffic flow by adjusting timing and patterns either based on time-of-day or in response to real-time traffic data.
- ✓ 24X7 Statewide Traffic Operations Center (STOC); Traveler Information, & interagency data sharing.

Improving Day-to-Day Traffic Operations

- ✓ Traffic Control and Standards includes the adoption and use of standard traffic control devices - such as signing, pavement markings, signals, and zones - detailed in the Manual on Uniform Traffic Control Devices (MUTCD), and the conformance of the State MUTCD to be in substantial conformance with the national MUTCD. Changes to the national MUTCD issued by the FHWA must be adopted by the states within two years of issuance. FHWA is an active participant in WisDOT committees to prepare revisions to the Wisconsin MUTCD.

Intelligent Transportation Systems (ITS)

Intelligent transportation systems (ITS) include a broad range of wireless and wire line communications-based information and electronics technologies. When integrated into the transportation system's infrastructure, and in vehicles themselves, these technologies provide tools that may relieve congestion, improve safety and enhance productivity.

ITS Regional Architectures

Per 23 CFR Part 940.9, ITS regional architectures for each of the Transportation Management Areas (TMAs) must be developed and maintained to document the ITS integration strategies and guide the development of specific projects and programs. FHWA will serve as a technical resource during the development and revisions of the ITS regional architectures and will be furnished a copy of the adopted regional architectures and any amendments. Oversight is accomplished through MPO certification reviews, participation on regional committees, and/or spot reviews of ITS regional architecture documentation. It is up to the owners of the ITS regional architectures to decide whether they want to request FHWA concurrence or acknowledgement of the ITS regional architectures. The FHWA publication "FHWA Regional ITS Architecture Guidance," FHWA-HOP-06-112, July 2006, is a helpful resource in providing guidance to the owners of the ITS regional architectures.

Systems Engineering

Per 23 CFR Part 940.11, all ITS projects shall be based on a systems engineering analysis. The project sponsors shall demonstrate a linkage to the ITS regional architecture and that ITS projects conform to the systems engineering and conformity requirements provided in 940.11. A December 2005 supplement to the WisDOT Design Manual Chapter 860, "Intelligent Transportation Systems" requires all WisDOT ITS projects to employ the systems engineering process. Oversight of the systems engineering requirement will be accomplished through Process Reviews, spot checks that the systems engineering process is being utilized on WisDOT projects that contain ITS elements, and/or full Division oversight of the ITS elements of a major ITS project as defined in 23 CFR Part 940.3. Oversight considerations should be based on project cost, complexity/risk, and the regional nature of the project. WisDOT and local agencies may use the FHWA publication "Systems Engineering for Intelligent Transportation

Systems," FHWA-HOP-07-069, January 2007, as guidance when using systems engineering on ITS projects.

Funding

TEA-21 directed changes in the stewardship responsibilities for the Intelligent Transportation Systems (ITS) program and projects. ITS projects and programs are funded through regular Federal-aid funding and Section 5208 and 5210 of TEA-21 provided incentive funding for integrated deployment of ITS.

TEA-21 clarified the use of Federal-Aid categories for ITS. NHS and STP Funds may be spent on infrastructure-based ITS capital improvements while Congestion Mitigation Air Quality (CMAQ) Funding may be spent on programs and projects that implement ITS strategies.

The applicable legislation for ITS projects is 23 CFR 940 Intelligent Transportation System Architecture and Standards. This section of 23 CFR describes the regulations that must be followed for ITS projects and regular Federal-aid projects that contain ITS components.

2. Methods of Oversight

i. Control Documents

- Facility Development Manual (FDM)
- Traffic Guidelines Manual (TGM)
- Manual on Uniform Traffic Control Devices (MUTCD)
- Wisconsin Manual on Uniform Traffic Control Devices, Supplement to the MUTCD
- Size and Weight Work Plan (23 CFR 657.9) Wisconsin State Patrol
- Size and Weight Certification (23 CFR 657.15) Wisconsin State Patrol
- Traffic Management Plans (TMP)
- WisDOT ITS Architectures and Strategic Plans
- WisDOT Standard Specifications
- WisDOT Standard Plans
- WisDOT Highway Maintenance Manual
- WisDOT ITS Design Manual
- WisDOT Construction Manual
- Incident Management Self Assessment
- Workzone Safety and Mobility Self Assessment

ii. Program Approvals

ITS Regional Architecture - 23 CFR 940.9

An ITS regional architecture shall be developed to guide the development of specific projects and programs.

Size and Weight Annual Work Plan

Size and Weight Annual Certification

FHWA will review and approve WisDOT's work zone policies and standards for conformance with FHWA Work Zone Role (23 CFR 630)

FHWA reviews and approves the Wisconsin MUTCD for conformance to the national MUTCD.

Project Approvals

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. (23 CFR 940.13)

ITS Integration Projects (Earmarks)

ITS Integration projects (earmarks) were common in Wisconsin during ISTEA and TEA-21 and SAFETEA-LU. A number of these projects will be continuing years after initiation and as such will be given due oversight consideration. The level of oversight will be commensurate with the cost, complexity/risk, and regional nature of the project. One particular requirement of these projects is that a local evaluation be conducted after the project has been completed. An updated list will be kept of which ITS Integration projects have completed a local evaluation to ensure that all projects are eventually evaluated. More information on the project evaluation requirements are contained in the ITS Integration Program Guidance that was distributed each fiscal year of the program's existence.

Other Projects with ITS Elements

While the 2008 FHWA-WisDOT Oversight Agreement states that oversight is the same for ITS projects as for any other Federal-aid project, the ITS elements of a construction project with significant ITS may be monitored more closely based on the discretion of the Division Office when considering the cost, complexity/risk, and regional nature of the project. The ITS Engineer/Specialist should work closely with the Area Engineer in reviewing the ITS elements of environmental documents, PS&E documents, construction inspections, and operations and maintenance of the project upon completion.

FHWA's specific approval of traffic operations elements of project development will occur coincident with environmental approvals when the traffic operations studies are supporting alternative selection decisions.

FHWA's specific approval of traffic operations elements of project plans will be approved coincident with PS&E approval dependent on the project's exemption status.

i. Committee Participation

Name of Committee	Normal Meeting Schedule	Principle Areas of Operations	Principle Membership
ITSNET & ITS Program Management Meetings	Semi-Annually	Overall lead for ITS program coordination within WisDOT.	All WisDOT Divisions and Bureaus that have a role in highway operations.
WisDOT/TOPS Lab Management	Bi-monthly	Monitoring & planning TOPS activities, including Federal funding support	TOPS management & staff, & BHO leadership & staff.
Work Zone Safety Management Task Force	Quarterly	Work zone safety	Multi agency & organizations interested in improving work zone safety.
Freight Issues Committee	As needed	Freight	All WisDOT Divisions, Local Agencies and Private Industry and Safety Groups
ITS Earmark Projects	As needed	All	All WisDOT Divisions and Local Agencies
Lake Michigan Gateway Alliance (LMIGA)	Quarterly	All – Interstate Operations	State Traffic Operations Center from WI, IL, IN, & MI & FHWA
North West Passage	Quarterly	All – Interstate Operations	DOT's on I-90/94 WI to Washington State & FHWA
Mississippi Valley Traffic Operation Coalition (MVTOC)	Quarterly	All	DOT's from MN, WI, IA, MI, OH, IN, MO & IL, & FHWA
ITE Traffic Engineering Council	Semi-Annually	Traffic Signals, MUTCD	WisDOT, Locals, Vendors, Consultants and FHWA.
FHWA Midwest Operations Conference Call	Monthly	All	FHWA
Mississippi Valley Freight Coalition	Quarterly	Freight	DOT's from MN, WI, IA, WI MI, OH, IN, MO & IL, & FHWA
Wisconsin Traffic Incident Management Enhancement (TIME) Workgroup	Bi-Monthly	Incident Management	WisDOT, Local Agencies, Emergency Responders, Consultants, & FHWA
Freight Gateway Conference Call	Monthly	Freight	FHWA

3. Program Indicators

i. Performance

1. Increase the Traffic Incident Management Self-Assessment scores in suburban Milwaukee, (2008 baseline ?) .

Inventory Measures	2005	2004	2003	2002	2001	2000
Travel Time Index	1.13	1.13	1.14	1.15	1.15	1.15

IM SELF ASSESSMENTS SCORES	2003	2004	2005	2006	2007	2008	2009
Traffic Incident Management (FY09 national target = (60.0 out of 100.0))	59.4	59.4	65.7	67.4	68.8	69.9	*
Milwaukee							

2. 511 Customer Satisfaction Index. (*Data Source not identified -Work in progress*).
3. Workzone Self Assessment Score

WZ SELF ASSESSMENTS SCORES	2003	2004	2005	2006	2007	2008	2009
Work Zone (FY09 national target = (9.8 out of 15))	5.0	5.7	6.9	7.7	8.3	9.8	*

4. Incident Clearance Time (SE Wisconsin - Minutes)

August 2005 – 51.7 Minutes

November 2007 – 45.6 Minutes

5. Mobility Data for Milwaukee, WI,

ii. Compliance

1. Process Reviews

The Division Office undergoes a Risk Assessment process every year to determine the areas of high risk in the state. This annual Risk Assessment process may identify the need for Process or Peer Review(s) in the area of ITS. General guidance on Process Reviews is provided in a separate SOP. FHWA Headquarters and/or the Resource Center

have developed guidance on Process Reviews dealing with ITS topics. There are two field handbooks that outline these process improvement reviews, they are the "Regional ITS Architecture Process Improvement Review, September 2006" and the "Systems Engineering Process Improvement Review, February 2007." In addition, the Resource Center is offering (as of 2008) a Systems Engineering workshop that incorporates a Process Review.

FHWA will review and approve WisDOT's workzone policies and standards for conformance with FHWA Work Zone Role (23 CFR 630)

2. Self-Assessments

FHWA Headquarters typically requests that a number of self-assessments in the area of ITS and/or traffic operations be completed annually. The purpose of the self-assessments is to benchmark progress over time, recognize successful activities, and identify areas for improvement. FHWA Headquarters will provide guidance on how and when to complete the requested self-assessments. Self-assessments in the recent past have focused on the areas of Traffic Incident Management, Congestion Partnerships, and Work Zone Management. The self-assessments should be conducted jointly between FHWA and WisDOT, as well as other local agencies as appropriate.

3. Outreach for new FHWA Initiatives

Many new initiatives to improve operations require outreach and education by FHWA staff in close cooperation with the WisDOT. As an example, in 2008 new requirements were issued by FHWA for Workzone Transportation Management Plans (TMP's) and High Visibility Garments. FHWA staff will work in cooperation with WisDOT to give training and present the new requirements at various conferences and meeting.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Systems Engineering Requirements	Full Federal Oversight: Prepare/review and Submit State Administered: Prepare and Approve	Full Federal Oversight: Review and Approve State Administered: None	Systems Engineering Requirements Form or work plan that describes the systems engineering process
Update of Statewide /Regional Architecture	Prepare and Approve	Review and give technical recommendations	Updated Statewide/Regional Architecture

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WisDOT MUTCD, Supplement to the MUTCD	SHA practices substantially comply with MUTCD	Actions and Review of MUTCD issues ongoing	Uniformity of Traffic Control Devices
Size and Weight Annual Work Plan	Prepare WorkPlan, submit on VTSW	Review and Approve	Strategy to maximize efficiency while preserving the infrastructure
Size and Weight Annual Certification	Prepare Certification, submit on VTSW	Review and Approve	Approved Certification
Work Zone Safety and Mobility Process Review	Conduct Process Review every two years 1	Conduct review for conformance of 23 CFR 630 Subpart J Final Rule ongoing	Assessment of work zone procedures

Appendix I
Planning

I. Planning

1. Program Overview

Planning and related programs include:

- Statewide Planning
- Metropolitan Planning
- Transportation Air Quality
- Highway Systems
- Highway Inventory and Performance.

The FHWA Wisconsin Division Office and Federal Transit Administration (FTA) Region V Office are jointly responsible for stewardship and oversight of the statewide and metropolitan transportation planning and transportation air quality programs. Agency roles and responsibilities in carrying out joint program oversight are outlined in a memorandum of agreement between the FTA Region V Office and FHWA Division Offices in the corresponding states.

Statewide transportation planning requirements are codified in **23 CFR Part 450 Subpart B and Part 420**. The statewide planning requirements apply to WisDOT and include the statewide planning process, statewide plan, Statewide Transportation Improvement Program (STIP), transportation air quality conformity, State Planning and Research Work Program, planning studies, public involvement process, and self-certification. The WisDOT Bureau of Planning and Economic Development (BPED) has primary responsibility for statewide planning. The WisDOT Bureau of State Highway Programs (BSHP) and Bureau of Transit, Local Roads, Rails & Harbors (BTLR) also participate in elements of the statewide planning program. BPED and FHWA maintain a close working relationship. Staffs meet monthly to discuss and coordinate statewide planning initiatives and issues and communicate regularly to address issues as they arise. BSHP has a key role in managing the statewide transportation program and works closely in supporting the STIP. BTLR manages the transit program statewide and works with FTA on programming and grant administration.

Metropolitan transportation planning requirements are codified in **23 CFR Part 450 Subpart C**. The metropolitan planning requirements apply to the urbanized areas in Wisconsin and the Metropolitan Planning Organizations (MPO) designated to carry out the metropolitan planning process in coordination with the local agencies, transit operators and WisDOT. Requirements include the metropolitan planning process, metropolitan transportation plan, Transportation Improvement Program (TIP), transportation air quality conformity, Unified Planning Work Program (UPWP), planning studies, congestion management process, public participation plan, and self-certification. FHWA and BPED work in close cooperation to steward the metropolitan planning program, including joint monitoring and review of MPO processes, providing guidance and information, and reviewing, commenting on, and approving planning documents as appropriate. Both FHWA and BPED have staff liaisons assigned to each MPO to provide guidance and assistance. BPED maintains individual planning agreements that outline

the roles and responsibilities of WisDOT, the MPO, and the associated transit operators in the metropolitan planning process. BPED staff manages the metropolitan planning funding agreements with each MPO. The WisDOT Region Offices also participate in the MPO planning process and stewardship of program requirements for MPOs within their areas. BPED forecasting staff maintains travel demand models for all but the largest MPO areas and provides modeling assistance and expertise to aid the metropolitan planning processes.

Transportation air quality requirements are codified in **40 CFR Parts 51 and 93** and the statewide and metropolitan planning rules. FHWA and FTA consultation with USEPA Region 5 on transportation air quality activities is outlined in a dated memorandum of agreement among USEPA Region 5, FTA Region V and the defunct FHWA Region 5 Offices. FHWA staff works closely with the WisDOT Bureau of Equity and Environmental Services (BEES) and MPOs in administering transportation conformity requirements. FHWA, BEES and MPO staffs also engage with other transportation interests in interagency consultation with the Wisconsin Department of Natural Resources (DNR) and EPA Region 5 on air quality planning. MPOs in air quality non-attainment and maintenance areas lead the conformity evaluation process within their areas. BEES staff lead air quality conformity analysis for projects in non-metropolitan non-attainment and maintenance areas. FHWA works cooperatively with the BTLR and the WisDOT Region Offices in stewarding the Congestion Mitigation and Air Quality Improvement Program (CMAQ). BTLR administers the CMAQ program including program solicitation on a two year program cycle.

Highway System actions include urban area boundaries, functional classification and Federal-aid highway system actions, primarily involving designation or revision of routes on the National Highway System (including the Interstate System), as codified in **23 CFR Part 470**. BPED staff coordinates and review proposed changes submitted by local agencies and WisDOT Regions and forward recommended revisions to FHWA.

State Transportation Agencies are required to provide data that support FHWA's responsibilities to the Congress and to the public. These data include information required for preparing proposed legislation and reports to the Congress; evaluating the extent, performance, condition, and use of the nation's transportation system; and calculating apportionment factors. Based on provisions in **23 CFR Parts 420, 460 and 500**, BSHP maintains highway system inventory, performance and use data in accordance with Highway Performance Monitoring System and Traffic Monitoring System requirements. FHWA reviews HPMS data, supporting systems and reporting and supports BSHP in meeting annual reporting requirements.

2. Methods of Oversight

Program Monitoring

These activities are performed to maintain the knowledge, competence, and awareness necessary to perform required actions and approvals. Program monitoring activities also provide a basis to judge whether programs are consistent with the intent of

requirements and identify emerging issues and trends that impact the evaluation of risks and need for process improvements.

- Participate as ex-officio members on MPO technical advisory committees
- Review and comment on MPO plans, TIPs, and other documentation
- Participate in special studies

Program Assessments

Program Assessments provide a systematic and ongoing approach to evaluating the working environment and program status relative to program performance indicators and goals. Together with the risk assessment, the program assessment provides the basis and plan for the near term approach to program stewardship, including identification of specific methods of oversight, review activities, and process improvement initiatives appropriate to advance the program. FHWA maintains a program assessment for each of the planning-related programs.

Risk Assessment

The risk assessment is a systematic process for evaluating a program or key process to establish a relative vulnerability to loss. The purpose of the risk assessment is to identify high risk areas and potential countermeasures. FHWA considers identified risks in prioritizing performance activities and resources.

Program and Process Reviews

Program and process reviews provide a thorough analysis of key program components and the processes employed by the state DOT or MPO in managing a program. The reviews are conducted to ensure compliance with Federal requirements; identify opportunities for greater efficiencies and improvements to the program; and/or identify exemplary practices.

- Risk-based reviews to evaluate a specific program element or process based upon the assessed likelihood and/or impact of non-compliance with federal requirements;
- Continuous process improvement reviews to evaluate and improve the performance of various processes;
- MPO midyear reviews to assess progress in implementing work program elements and provide direction; and
- Uniform Planning Work Programs (UPWP) reviews to ensure MPO accountability for completion of committed activities and provide direction on activities for the coming year.
- TMA certification reviews
- HPMS reviews

Process Improvements

These activities are intended to maintain and advance the current state of the program along the maturity scale toward the intended program vision.

- Develop and provide program guidance
- Provide training
- Promote applicable technological advancements

Control Documents

- WisDOT Program Management Manual
- The Memorandum of Agreement (MOA) between FHWA-WI and FTA Region V for Transportation Planning Oversight
- TIP Preparation Guidance
- UPWP Preparation Guidance
- WisDOT Functional Classification Criteria

Program Approval Authorities

1. Joint FHWA and FTA
 - a. Unified Planning Work Programs (UPWP) and amendments
 - b. State Transportation Improvement Program (STIP) and amendments
 - c. Certification of metropolitan transportation planning process in Transportation Management Areas
 - d. Planning findings on metropolitan transportation planning processes
 - e. Air quality conformity determinations on MPO plans and programs in non-attainment areas
 - f. CMAQ project eligibility determinations
2. FHWA
 - a. Use of FHWA planning funds, including State Planning and Research Work Program (Part 1 Statewide Planning) and amendments and special planning studies
 - b. Formula for allocation of Metropolitan Planning (PL) funds
 - c. Changes in functional classification on highways in Wisconsin
 - d. Adjusted urban area boundaries
 - e. Designation or revision of routes on the National Highway System (including the Interstate System) Interstate designations
 - f. Air quality conformity determination on transportation projects in non-metropolitan non-attainment and maintenance areas
3. WisDOT
 - a. MPO Transportation Improvement Programs and amendments
 - b. MPO designation and redesignation
 - c. MPO planning area boundaries

Project Approvals

Planning projects using core program funding (National Highway System, Surface Transportation Program, and Equity Bonus) will be authorized by FHWA only after inclusion in the approved Statewide Transportation Improvement Program (STIP).

Committee Participation

- MPO Technical Advisory Committees (TAC)
- WisDOT Backbone Committee
- WisDOT Corridor Management Peer Review Group

3. Program Indicators

Performance of the transportation planning program is largely reflected in the measures of system condition and operation as indicators of the effectiveness of the planning and programming processes in prioritizing investments to address public transportation infrastructure and service needs. Other program-level indicators include:

i. Performance Indicators

1. Percentage of highway projects programmed in the first year of the STIP that were advanced for funding during the calendar year.
2. Percentage of highway projects programmed in the first year of the TIPs that were advanced for funding during the calendar year.
3. Monitored Violating Criteria Pollutant Levels in Non-Attainment Areas and Borderline Areas
4. Cost Effectiveness of Approved CMAQ Program (kg emissions benefit/\$)
5. Percent of Annual SPR Planning Apportionment Obligated
6. Percent of Annual PL Apportionment Obligated
7. Number of functional classification maps greater than 10 years old.

ii. Compliance Indicators

1. Number of significant findings in metropolitan planning certification reviews and planning findings.
2. Numbers of days MPO areas lapse a transportation planning update deadline or transportation conformity deadline.
3. Number of significant findings on HPMS data submittals.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
<p>Statewide Transportation Plan (23CFR450.214)</p> <p>Update required periodically.</p>	<p>BPED - Develop and maintain. Transmit to FHWA and FTA for information.</p>	<p>Review and comment. Consider in evaluation of statewide planning process as basis for joint planning finding with FTA.</p>	<p>Long term statewide plan outlining goals, needs, resources and investment/improvement policies to guide management of assets and project prioritization.</p>
<p>Statewide Transportation Improvement Program (STIP) (23CFR450.216)</p> <p>Update required 4 yrs. WisDOT updates annually.</p>	<p>BPED - Develop and maintain. Submit to FHWA and FTA for review and approval. BSHP – Provide project data and reports. Manage fiscal constraint. Coordinate WisDOT self-certification of the transportation planning process. Draft published early Nov Final published early Jan</p>	<p>Review and make joint finding on statewide transportation planning process and take approval action on STIP with FTA. Draft – comments w/in 30 days Final – joint approval w/in 15 days</p>	<p>WisDOT is able to proceed with authorization of Federal-aid projects.</p>
<p>Planning finding for STIP (23CFR450.218)</p> <p>Required with submittal of new STIP.</p>	<p>BPED – Coordinate WisDOT certification of transportation planning process.</p> <p>Certification included with submittal of final STIP to FHWA and FTA.</p>	<p>Monitor and periodically review statewide planning process. Review self-certification and make joint planning finding with FTA as part of STIP approval.</p>	<p>WisDOT is able to proceed with authorization of Federal-aid projects.</p>
<p>STIP Amendments (23CFR450.216(n))</p> <p>Process as needed in accordance with established procedure. Routine monthly process established.</p>	<p>BPED – Coordinate STIP amendments. Post proposed amendments for public review. BSHP - Prepare and submit STIP amendments and updated fiscal constraint to FHWA or FTA for review and approval.</p> <p>Projects for amendment are collected and published highway projects on or about the 20th of the month for 15 day public comment.</p>	<p>Review and approve highway amendments.</p> <p>Amendments processed within 2 business days of end of public comment period.</p>	<p>WisDOT is able to proceed with authorization of Federal-aid projects.</p>

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
State Planning & Research (SPR) Work Program (Part I – Planning Studies) (23CFR450.206(d) & 420 Subpart A) Update required periodically. WisDOT updates on annual FFY basis.	BPED - Prepare and Submit Statewide Planning Work Program Draft – Early August Final – Late September	Review and comment on draft work program w/in 30 days of receipt. Approval of final work program within 15 days of receipt, no later than 9/30. Authorize use of FHWA planning funds.	Basis for approval of FHWA planning funds and management of approved planning work activities.
SPR Work Program Amendments (23CFR420.115(a)) Process as needed in accordance with established criteria and prior to start of work on revised projects.	BPED - Submit proposed amendments to FHWA in the same format as the work program with updated funding summaries and justification.	Review, comment, and make determination within 10 days.	Approval to begin work on revised planning activities.
Statewide Public Involvement Process (23CFR450.210) At least every five years, WisDOT shall review and solicit comments, not less than 60 days, regarding effectiveness of the consultation process.	BPED - Develop a documented process that provides opportunities for public review and comment at key decision points.	Receive copies of the approved public involvement process for informational purposes.	Documented process that guides the input and coordination with the public and other interested parties as it relates to the transportation planning process.
PL Distribution Formula (23CFR420.109)	BPED - Develop in consultation with MPOs	Review and approve. Determination within 10 days.	Approved Formula for distribution of metropolitan planning funds
Metropolitan Planning Organization Designation/Redesignation (23CFR450.310) Within 1 yr of Census determination of new UZA or as required	BPED – Coordinate notification of local officials and provide guidance. Coordinate development of agreement and Governor’s approval.	Provide guidance and monitor progress.	MPO designated to implement metropolitan transportation planning requirements.
Metropolitan Planning Agreements (23CFR450.314) Upon establishment of new MPO. Update as needed to remain current.	BPED - Coordinate development of agreement and Governor’s approval. Review at least every 3 yrs to determine need for update.	Provide guidance and review at least every 3 yrs to determine need for update.	Cooperative agreement among MPO, WisDOT, and transit operators outlining roles and responsibilities for metropolitan planning.

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
<p>Metropolitan Transportation Plans (MTP) (23CFR450.322) Update required every 4 years in air quality non-attainment and maintenance areas. Update required every 5 years in other MPO areas.</p>	<p>BPED - Provide overall process and schedule guidance. Provide travel demand modeling expertise. Coordinate with Statewide Transportation Plan. Review and comment. Regions-participate in MPO plan development process. Where applicable, participate in air quality conformity process.</p>	<p>Provide process guidance, review and comment. Consider in evaluation of MPO metropolitan planning process as basis for joint planning finding with FTA. Where MTP is subject to air quality conformity, FHWA participates in interagency consultation and coordinates joint EPA/ FHWA/FTA review. FHWA makes conformity determination on behalf of USDOT.</p>	<p>Positive joint planning finding for all plans. Positive conformity determination for plans in non-attainment and maintenance areas. Plans identify MPO area goals, needs, strategies, revenues, and fiscally constrained priorities.</p>
<p>Metropolitan Transportation Improvement Program (TIP) (23CFR450.324 &334(a)) Update required 4 yrs. Most WI MPOs update annually. SEWRPC biennially.</p>	<p>BPED- coordinate statewide development process and schedule and provide revenue estimates. Where applicable, participate in air quality conformity process. NOTE: BEES is the lead for air quality. Review, comment and coordinate WisDOT approval of adopted TIPs. Coordinate WisDOT self-certification of the metropolitan transportation planning processes. Transmit TIP approvals and WisDOT self-certification to FHWA and FTA. Regions-participate in TIP development and prioritization. Draft published Oct Final adopted Nov, approved mid-Dec</p>	<p>Provide process guidance, review and comment. Make joint FHWA/FTA finding on metropolitan transportation planning processes. Where TIP is subject to air quality conformity, FHWA participates in interagency consultation and coordinates joint EPA/ FHWA/FTA review. FHWA makes conformity determination on behalf of USDOT. Draft – comments w/in 30 days Planning finding in conjunction with STIP approval.</p>	<p>WisDOT, local agencies and transit operator are able to advance projects for Federal-aid funding.</p>
<p>TIP Amendments (23CFR450.326) Process as needed in accordance with established procedures.</p>	<p>BPED – review and coordinate WisDOT approval. Provide approval to FHWA and FTA for information/action. Regions – participate in MPO TIP amendment process.</p>	<p>Consider in evaluation of MPO metropolitan planning process as basis for joint planning finding with FTA. Where TIP amendment is subject to air quality conformity, FHWA participates in interagency consultation and coordinates joint EPA/ FHWA/FTA review. FHWA makes conformity determination on behalf of USDOT.</p>	<p>WisDOT, local agencies and transit operator are able to advance projects for Federal-aid funding.</p>

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
<p>Metropolitan Unified Planning Work Program (23CFR450.308)</p> <p>Update required at least every 2 yrs. WI MPOs update annually.</p>	<p>BPED- coordinate/guide statewide development process and schedule and provide PL/CPG funding estimates. Review and comment.</p> <p>Regions - cooperate with MPO in UPWP preparation. Draft – October 1 Final – November 30</p>	<p>Provide process guidance, review and provide comments within 30 days of receipt. Coordinate with FTA and take approval action on behalf of FTA and FHWA within 15 days of recommendation on final UPWPs from WisDOT. Authorize use of FHWA planning funds.</p> <p>Approval by December 30.</p>	<p>Basis for approval of metropolitan planning funds and management of approved planning work activities. Metropolitan planning funds authorized.</p>
<p>Unified Planning Work Program Amendments (23CFR420.115(a)) Process as needed in accordance with established criteria and prior to start of work on revised projects.</p>	<p>BPED - Provide guidance/determine need for amendments. Forward MPO amendments and recommendations for approval to FHWA and FTA.</p>	<p>Review, coordinate with FTA and take approval action on behalf of FTA and FHWA. Make determination within 10 days of WisDOT recommendation.</p>	<p>Approval to begin work on revised planning activities.</p>
<p>Annual Listing of Obligated Projects (23CFR450.332) Required annually by March 31</p>	<p>BPED – Coordinate compilation and distribution of highway and transit obligations data to MPOs.</p>	<p>FHWA – Provide listings of FHWA obligations to WisDOT.</p>	<p>MPO posting of Federal-aid highway and transit project obligations for the previous program year.</p>
<p>Certification of TMAs (UZAs>200,000 population) (23CFR450.334(b)) Required at least every 4 yrs.</p>	<p>BPED and Regions - Participate and provide information for joint FHWA/FTA review.</p>	<p>Coordinate with FTA, MPO, WisDOT, transit operators in conducting formal review including public involvement opportunity. With FTA make joint certification.</p>	<p>Certified TMA metropolitan transportation planning process.</p>
<p>Congestion Management Process (CMP) in TMA areas (23CFR450.320) Update based on process evaluation</p>	<p>BPED and Regions - Participate with MPO in the development, review and comment. Regions participate in implementation of CMP.</p>	<p>Review and comment as process developed or updated. Review for compliance during certification review and MTP review.</p>	<p>Full range of TDM and operational and system management strategies are identified and implemented.</p>
<p>MPO Public Participation Plans (23CFR450.316) Update based on process evaluation</p>	<p>BPED – periodically review and provide guidance and comment on updates. Regions – review and comment on updates. Participate in implementation.</p>	<p>Review and provide comments on the draft plans within 30 days. Receive copies of the approved Public Participation Plans for informational purposes.</p>	<p>Documented public process that guides the input and coordination with the public and other interested parties as it relates to the transportation planning process.</p>

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
<p>Metropolitan Planning Area Boundaries (23CFR450.312)</p>	<p>BPED - Coordinate and provide data/information to guide statewide update. Coordinate Governor’s approval. Submit to FHWA data/descriptions sufficient to map boundaries. Regions – coordinate with local agencies and MPOs to update boundaries.</p>	<p>Review and coordinate with MPOs and WisDOT to ensure that the boundaries meet statutory requirements. Assure boundary information transmitted to HQ.</p>	<p>Established boundaries for application of metropolitan planning requirements and urbanized area funding.</p>
<p>Congestion Mitigation and Air Quality (CMAQ) (23USC149 & CMAQ Program Guidance)</p> <p>WisDOT administers 2-year program with solicitation in odd years for funding in subsequent 2 years.</p>	<p>BTLR – Administer and oversee the CMAQ Program for the State of Wisconsin. Guide project selection process. Submit projects to FHWA/FTA for eligibility determination. Regions – Participate in project selection process. Administer approved projects.</p>	<p>Review and coordinate with MPOs and WisDOT to ensure CMAQ eligibility. Provide eligibility determination on recommended non-transit projects within 15 days of receipt.</p>	<p>Authorized and Funded Program</p>
<p>CMAQ Program Annual Report (23USC149(h) & CMAQ Program Guidance)</p>	<p>BTLR – complete web-based reporting by March 1.</p>	<p>Provide FY CMAQ obligation information to WisDOT by Jan 31. Approve WisDOT report within 15 days of completion.</p>	<p>FHWA HQ received CMAQ annual report as required.</p>
<p>Transportation Air Quality Conformity Determinations (23CFR450.322(l) & 324(b))</p> <p>Required at least every 4 years on new or updated MTPs and TIPs or amendments to add non-exempt project. Redetermination required within 2 yrs of new MVEB.</p>	<p>BEES - Lead interagency consultation. Review TIP and plan conformity analysis and provide comments and recommendation to FHWA. Review STIP to ensure all non-attainment and maintenance area projects have a conformity determination. Coordinate conformity analysis for non-urbanized area projects. BPED – Participate in interagency consultation. Provide travel modeling and forecasting support. Regions – Participate in interagency consultation. Monitor state and local programs and notify BEES and BPED of non-exempt projects.</p>	<p>Provide process guidance. Participate in interagency consultation and coordinate joint EPA/ FHWA/FTA review of conformity analysis. Make joint conformity determination on behalf of FTA within 10 days following 30 day conformity review/comment period.</p>	<p>All Federal actions in nonattainment and/or maintenance areas in conformity.</p>

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
Adjusted Urban and Urbanized Area Boundaries. <i>(23CFR470.105(a))</i> Updated based on decennial census or as otherwise required.	BPED – coordinate and provide data/information to guide statewide update. Submit revised boundaries to FHWA for approval. Regions – coordinate with local agencies and MPOs to update boundaries.	Review and approve adjusted boundaries. Approval action within 30 days of receipt.	Established basis for urban and rural functional classification and WisDOT suballocation of STP funding.
Functional Classification <i>(23CFR470.105(b))</i> Update as needed, at least every 10 yrs to reflect urban boundary changes.	BPED – Provide statewide guidance and coordination. Review proposed changes against criteria. Approve valid changes. Submit changes with supporting documentation to FHWA for approval. Regions – Review proposed changes and work with locals to meet criteria. Submit recommended changes with supporting documentation to BPED.	Review and approve BPED recommended changes. Determination within 30 days of receipt.	Current functional classification of public roads as basis for Federal eligibility and apportionment.
Federal-aid Highway System Actions – Designation/revision of routes on the NHS and Interstate System <i>(23CFR470)</i> As needed.	BPED - Prepare and submit requests. Respond to FHWA request to update NHS.	Review and make recommendation to HQ within 10 days.	Designation of routes on Federal-aid highway system
HPMS <i>(23CFR420.105(b))</i> Annual data submittal required.	BSHP – Maintain highway inventory and usage data. Maintain valid HPMS sample. Prepare and submit annual data per HPMS field manual. Submit annual data by June 15.	Review state data submittal and make approval recommendation. Conduct review of component element annually. FHWA report by November 1.	Current data available for Federal fund apportionments and needs study input.
Traffic Monitoring System <i>(23CFR500 Subpart B)</i> Update as needed.	BSHP – Develop, implement and maintain a TMS.	Approve, periodically review and recommend improvements	Traffic data to support FHWA and WisDOT decisions.
Public Road Mileage Certification <i>(23CFR450.460)</i> Annual certification required.	Prepare and submit certification.	Review and recommend acceptance then forward to FHWA HQ by June 1.	Apportionment of funds under <i>23 USC 402(c)</i> .

Appendix J
Research

J. Research

Program Overview

The purpose of the program is to implement the provisions of 23 U.S.C. Section 502 for research, development, technology transfer, programs and studies undertaken with FHWA planning and research funds. The main requirements under 23 C.F.R. Section 420 are to create a SPR RD&T Work Program, monitor 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 exercises its oversight responsibilities through review of the annual SPR RD&T Work Program and individual project proposals prior to approval actions and review and approval of final reports. Division staff participates in ongoing program activities such as routine technical and policy meetings, peer exchanges and technology transfer events, etc. WisDOT has considerable flexibility in determining the use of federal RD&T funds, subject to FHWA determination of eligible activities that meet the requirements of 23 C.F.R. Part 420.

1. Methods of Oversight

- i. Control Documents**
 - a. WisDOT research manual (DBM)
- ii. FHWA Program approvals**
 - a. SPR Work Program, Part 2 – Research & Development (DBM Research Section and DTSD-MMS)
- iii. FHWA Project approvals / activities**
 - a. Work plans and authorizations for individually funded research projects
 - b. Final reports
- iv. Committee membership**
 - a. The FHWA Division office shall have one non-voting representative on the Research & Library Advisory Committee (RLAC).
 - b. The FHWA Division office shall have one non-voting representative on the Wisconsin Highway Research Program (WHRP) steering committee.
 - c. The FHWA Division office may have one non-voting representative on the four standing WHRP technical oversight committees:
 - i. Flexible pavements
 - ii. Rigid pavements
 - iii. Geotechnical
 - iv. Structures

2. Program Indicators

i. Performance

- a. Number of research projects completed
- b. Number of research projects implemented – standard is changed or verified; program deployed; process adopted.
- c. Number of research projects not implemented – results are not implementable, further research required, results are pending action.
- d. Number of research reports and briefs produced.
- e. Number of technology transfer activities and events.
- f. Number of pooled fund projects involving WisDOT participation.

3. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
State Planning & Research (SPR) Work Program, Part 2 – Research & Development (23CFR 420) Update required periodically. WisDOT updates on annual FFY basis.	Research Section - Prepare and Submit RD&T Program to DTIM DTSD/MMS-Prepare and Submit Experimental Studies to DTIM Draft – July 5 Final – September 15	Review and comment on draft work program w/in 30 days of receipt of complete draft. Approval of final work program within 15 days of receipt. Authorize use of FHWA SPR research funds based on approved work program.	Basis for approval of FHWA research funds and management of approved research work activities.
SPR Work Program Amendments (23CFR420.115(a)) Process as needed in accordance with established criteria and prior to start of work on revised projects.	Research Section - Submit proposed amendments to FHWA in the same format as the work program with updated funding summaries and justification.	Review, comment, and make determination within 10 days.	Approval to begin work on revised research activities.
Individual Research Projects (outside of SPR Work Program) As needed	Submit work plan as basis for federal funding authorization	Determine eligibility and authorize use of federal funding within 10 days	Authorization to proceed with work and approval for use of federal-aid funding.
Performance and Expenditure Reports (23 CFR 420.117(a)-(d)) At least annually. WisDOT requires quarterly reporting.	Submit reports to FHWA.	Review.	Active monitoring of RD&T activities.
Final Reports 23 CFR 420.117(e) Prior to publication	Submit for approval prior to publication.	Review and approval.	Documented results of RD&T activities. Basis for final payment.
State RD&T Management Process (23CFR420.115(a)) Updated as needed	Prepares in coordination with FHWA, submit for FHWA approval	Review, comment (if appropriate) and approve (15 working days)	Documentation that describes the management, process and procedures for selecting, implementing and managing RD&T activities.

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Work Activity	WisDOT Action	FHWA Action	Outcome
<p>Certification of Compliance (23 CFR 420.209(c))</p> <p>Submitted with SPR Work Program</p>	<p>State must certify compliance with 23 CFR 420.</p>	<p>Approval action in conjunction with work program approval.</p>	<p>Certified RD&T program.</p>
<p>Review of State RD&T Management Process (23 CFR 209(d)) Periodic</p>	<p>Address any deficiencies noted.</p>	<p>Conduct review, advise WisDOT of findings.</p>	<p>RD&T Management Process consistent with federal requirements.</p>
<p>Projects using experimental features.</p> <p>23 CFR 635.411(a)(3) and FAPG G6042.4</p> <p>Submit with PS&E on corresponding projects.</p>	<p>Prepare work program outlining purpose, evaluation basis and regiment. Collect and disseminate information about projects.</p> <p>Submit work plan for any project requiring FHWA approval for any project on Interstate full oversight projects prior to funding authorization.</p>	<p>Review and approve any experimental project on Interstate or any project on NHS involving proprietary products.</p> <p>Review and approve work plan or provide comments. (15 working days)</p>	<p>Evaluation and implementation of new technologies.</p>

Appendix K
Right of Way

K. Right of Way

1. Program Overview

The purpose of this section is to address the right-of-way (ROW) functional areas of appraisal, acquisition, property management, and relocation assistance, the principal activities used to acquire real property for the construction, operation, or maintenance of federally funded highway projects. Highway beautification (i.e., outdoor advertising & junkyard control), a ROW related activity, is also addressed in this section.

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 (C.F.R.), Title 49 Part 24. These regulations contain the standards and procedures that acquiring agencies must follow in their appraisal, acquisition, and relocation assistance programs.

The Uniform Act and the rules of Titles 49 and Title 23 of the C.F.R. 710 apply in all situations where Federal-aid is being used to fund the WisDOT right-of-way activity and/or if Federal-aid is being used to fund any phase of the WisDOT project. In addition, they apply to all federal funded local public agency projects as well as all privately funded early ROW acquisition (pre-FHWA NEPA approval) in advance of projects that will use Federal funds in any phase of a project.

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

- Appraisal
- Acquisition
- Relocation
- Property Management
- Outdoor Advertising
- Junkyard Control

2. Methods of Oversight

i. Control Documents

1. 49 CFR 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs
2. 49 CFR 18, Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments
3. 23 CFR 1.23, Use of Right of Way
4. 23 CFR 620, Subpart B, Relinquishment of Highway Facilities

5. 23 CFR 635.309, Right-of-Way Certification
6. 23 CFR 646.216, Railroad RW
7. 23 CFR 710, Right-of-Way and Real Estate
8. 23 CFR 750, Highway Beautification
9. 23 CFR 751, Junkyard Control and Acquisition
10. Real Estate Program Manual
11. WisDOT Facilities Development Manual
12. Wisconsin State Statutes
13. Department of Commerce code 202
14. Department of Transportation code 201

ii Program Approvals

The approval of the WisDOT Real Estate Program Manual is a program approval action required by 23 C.F.R. 710.201(c).

Accept Annual ROW Certification for non-oversight projects. October 1st Annually.

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

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

ii. Project Approval (See the Oversight Agreement for more detail)

1. ROW authorization
2. WisDOT Real Estate Program Manual
3. WisDOT Facilities Development Manual
4. ROW certification
5. Air rights on the interstate
6. Airspace leases/joint development agreements
7. Sale/Transfer of surplus lands
8. Early acquisition & Protective buying and hardship acquisition
9. Functional replacement
10. Highway beautification

iii. Committee Participation

1. Major projects
2. Statewide WisDOT Real Estate management meetings
3. WisDOT Central Office staff meetings
4. Statewide WisDOT outdoor advertising sign permit coordinator meetings
5. WisDOT Real Estate functional area user group meetings
6. WisDOT Real Estate Training committee
7. WisDOT Central Office appraisal & appraisal review staff meetings

3. Program Indicators

i. Performance

Right-of-Way Program:

1. Number of appeals (from awards of damage or a deed)
2. Number of appraisals accepted within 10 days of desk or field review, whichever is later
3. Number of Relocation assistance appeals
4. Number of conditional R/W Certifications
5. Percentage increase of settlement over initial offering price
6. Number of illegal signs
7. Number of nonconforming signs
8. Number of sign appeals

ii. Compliance

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

For the first level of projects, there is a dual concern for the rights of property owners and displaced persons and the stewardship of the federal dollars. Continuous review of the WisDOT RE activities is accomplished through joint WisDOT & FHWA reviews. These reviews are termed Quality Assurance Reviews (QARs) and are initiated based on risk assessment by both WisDOT and FHWA. The second type of review, process review, is conducted on WisDOT RE processes to ensure/improve RE functional processes. Annual risk assessments determine the subject matter of the QARs and process reviews.

Local Public Agencies (LPAs), i.e., cities and counties, are required to comply with the Uniform Act and its governing regulations found in 49 CFR 24 in the same manner as WisDOT. As stipulated in 23 CFR 710.201(b), WisDOT is responsible for assuring that ROW acquisitions by local public agencies are made in compliance with Federal and State laws and regulations. Periodic joint reviews of the local program are conducted jointly by FHWA & WisDOT to monitor the local ROW program activity. In addition, WisDOT's oversight of local agency ROW activity is subject to periodic reviews by FHWA. Review and technical assistance in the Highway Beautification program are also provided by FHWA.

Real Estate Program Manual:

- WisDOT is responsible for full compliance with FHWA requirements.
- Changes to the manual, because of new FHWA requirements or changes in State law, etc., will be submitted to FHWA for acceptance within a reasonable period of time.
- In-house administrative manual changes should be transmitted to FHWA for informational purposes.
- In accordance with 23 CFR 710.201(c), WisDOT shall certify to the FHWA every five years that the Real Estate Program Manual is current and in compliance with federal and state laws and regulations.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Appraisals	Review & recommend, accept, or not accept	Provide technical assistance	Fair Market Value established as the offering price.
Acquisitions	Make acquisition offer & acquire ROW parcels	Provide technical assistance	All R/W acquired & construction can proceed, if R/W is clear.
Relocations	Provide relocation assistance & payments	Provide technical assistance	All parcels vacated & construction can proceed, if R/W is clear.
Property Management	Contract for the disposal of structures acquired	Provide technical assistance	All structures removed & construction can proceed, if R/W is clear.
ROW Authorizations and Agreements (<i>23 C.F.R. §710.203</i>)	Request federal funding to acquire r/w	Approve the use of federal funding in r/w acquisition	Federal funded r/w acquisition w/a reduced State fund element.
ROW Certification (<i>23 C.F.R. §§ 710.311 and 635.309</i>)	Submit ROW certification for construction authorization on Oversight projects (part of PS&E packet)	Review and approve PS&E	Federal construction project authorization

FHWA – Wisconsin DOT Stewardship Agreement

Work Activity	WisDOT Action	FHWA Action	Outcome
ROW Certification (<i>23 C.F.R. §§ 710.311 and 635.309</i>)	Annual certification submittal for non-oversight projects (October 1, annually)	Review and accept annual certification.	Certification Accepted
Air Rights (<i>23 C.F.R. 710.405</i>)	Request (Interstate) Approve (non-Interstate)	Review and concur (Interstate)	Increased revenue for <i>Title 23 U.S.C.</i> eligible projects
Leases/Joint Use agreements (<i>23 C.F.R. §710.407</i>)	Request (Interstate) Approve (non-Interstate)	Review and concur (Interstate)	State recovery of federal funds for use on <i>Title 23 U.S.C.</i> eligible projects.
Disposal of Excess ROW (<i>23 C.F.R. § 710.409</i>)	Request (Interstate and less than FMV) Approve (non-Interstate)	Review and make determination (Interstate and less than FMV)	State recovery of federal funds for use on <i>Title 23 U.S.C.</i> eligible projects.
Access Control – Disposal or Changes (<i>23 C.F.R. §710.401</i>)	Request (Interstate) Approve (Non-Interstate)	Review and make determination (Interstate)	State recovery of federal funds for use on <i>Title 23 U.S.C.</i> eligible projects.
Federal Land Transfer (<i>23 C.F.R. § 710.601</i>)	WisDOT files State & LPA applications with FHWA if federal agency property owner lacks authority to grant real property interests.	Review application; coordinate w/Federal Agency and make determination r/w requirements are met; DA executes deed of conveyance	Conveyance of federal owned ROW to WisDOT or LPA.
Advanced Acquisition - Hardship Acquisition & Protective Buying (<i>23 C.F.R. § 710.503</i>)	Request (Interstate) Approve (non-Interstate)	Review, approve, & authorize (Interstate)	Property owner hardship alleviated; imminent development & increased acquisition costs averted.
ROW Operations Manual (<i>23 C.F.R. §710.201(c)</i>)	Submit manual or changes	Review and make determination	Federal funding participation in projects.
Early Acquisition (<i>23 C.F.R. §710.501(b)</i>)	Request credit towards State share of Federal-aid project.	Concurrence based on WisDOT meeting the required conditions.	R/W cert 1 at PS&E date on State funded ROW projects.
Highway Beautification Manual (<i>23 C.F.R. § 750.304</i>)	Submit manual & all changes for approval	Review and make determination of acceptance	Program effective control.
Functional Replacement (<i>23 C.F.R. §710.509</i>)	Request approval for use on Federal funded project.	Concur in determination that functional replacement is in the public interest.	Public entity relocated in a timely manner.

Appendix L
Safety

L. Safety

1. Program Overview

The purpose of the federal highway safety program is to provide the highest practical and cost effective safety for the traveling public by preventing crashes, injuries, and fatalities on highways and streets. Highway safety is an important element that is considered and incorporated into all Federal-aid improvement projects. In addition, a core Federal-aid funding program, Highway Safety Improvement Program, was created by SAFETEA-LU (replacing the previous safety set-aside funding Hazard Elimination Program) for addressing high-risk crash locations, segments, and system deficiencies in Wisconsin.

The mission of the Wisconsin Division program is work with the WisDOT to develop a systematic process to monitor and improve the performance of highway safety on all public roads and streets in Wisconsin. The Division supports the WisDOT by providing oversight and technical assistance of prescribed FHWA highway safety regulations, policies, and guidance. The Division provides technology transfer assistance and training of best practices and new technologies. Emphasis is placed on prioritizing improvements through the use of data driven decision making process, using crash data to identify and assess safety improvements statewide. The FHWA funding and assistance is part of the overall safety improvement program that involves four areas of service: Education, Engineering, Enforcement and Emergency Services. The overall highway safety program planning in Wisconsin is done using a Strategic Highway Safety Plan that is developed through a data driven, statewide process that places on emphasis on reducing the number of severe highway fatalities and injuries, and a secondary emphasis on reducing the overall number of highway crashes.

2. Methods of Oversight

i. Control Documents

1. Wisconsin Strategic Highway Safety Plan
2. Wisconsin Highway Safety Improvement Program- WisDOT Program Management Manual Documents 04-04 and 04-05.
3. WisDOT Facilities Development Manual- Section 11-45-1 and Standard Detail Drawings Chapter 16 Vehicle Barrier Systems.

ii. Program Approvals

1. Consult and approve WisDOT Highway Safety Improvement Program (HSIP) guidelines and processes. 23 USC 148 and 23 CFR 924.7.
2. Approve WisDOT request and certification to use HSIP funds for other non-infrastructure safety projects that are consistent with SHSP, if WisDOT has met their regular

HSIP safety needs for the year. 23 USC 148 and 23 CFR 924.11(b).

3. Consult and approve WisDOT HSIP Rail/Highway Crossing Program guidelines. 23 USC 130 and 23 CFR 924.7.
4. Consult and approve WisDOT HSIP High Risk Rural Road Program guidelines. 23 USC 148 and 23 CFR 924.7.
5. Ensure compliance and consult with WisDOT on the annual submission to the Division of the WisDOT HSIP, Railway-Highway Grade Crossing, and Transparency (5%) Reports. 23 USC 148 and 23 CFR 924.15.
6. Approve Wisconsin Strategic Highway Safety Plan (SHSP) development process. 23 USC 148 and 23 CFR 924.7.
7. Ensure WisDOT roadside safety hardware design standards, policies, and guidance is in compliance with the AASHTO Roadside Design Guide and crash testing requirements in NCHRP Report 350. FHWA Policies.
8. Ensure compliance with FHWA guidance on Safe Routes to School. SAFETEA-LU Section 1404.
9. Ensure complete compliance and submission of safety certifications for Open Container Requirement, Minimum Drinking Age, Revocation of Suspension of Drivers' Licenses of Individuals Convicted of Drug Offenses, Operation of Motor Vehicles by Intoxicated Minors, and Minimum Penalties for Repeat Offenders for Driving while Intoxicated. 23 USC Sections 154, 158, 159, 161 and 164.
10. Approve policies and procedures for work zone safety and mobility. 23 CFR 630, Subpart J and K.
11. Ensure compliance with Bike/Pedestrian accommodations on Federal-aid projects. 23 CFR 652.

iii. Project Approvals

1. HSIP highway projects are implemented following regular WisDOT design and construction procedures that are in compliance with 23 CFR 172 and 23 CFR 630 and 635, and Statewide Transportation Improvement Program reporting procedures. For bike and pedestrian non-highway construction projects, projects shall follow procedures in 49 CFR Part 18. For highway-railroad grade crossing projects, design and construction shall in accordance with 23 USC 130 and 23 CFR 646.

iv. Committee Participation

FHWA – Wisconsin DOT Stewardship Agreement

Name of WisDOT Committee	Normal Meeting Schedule	Principle Areas of Safety	Principle Membership
Traffic Safety Council (TSC)	Monthly	Overall lead for SHSP & overall safety program coordination within WisDOT.	All WisDOT Divisions and Bureaus that have a role in highway safety.
Safety Engineering Executive Group (SEEG)	Monthly	Overall infrastructure safety & traffic engineering programs, including SHSP & HSIP.	WisDOT DTSD Division, Bureau, & Section leaders. BSHP Section involved with safety funds.
HSIP Program Management	Ad hoc	Monitoring & improvement of HSIP policies, procedures, & guidance	BSHP safety section, & other units as needed.
Traffic Safety Engineering Work Group (TSEWG)	Quarterly	Infrastructure traffic safety engineering programs & initiatives	BHP, BHO, DTSD Region office safety engineers, & UW Engineering Traffic Operations & Safety (TOPS) Lab staff
WisDOT/TOPS Lab Management	Bi-monthly	Monitoring & planning TOPS activities, including Federal funding support	TOPS management & staff, & BHO, BPD, and BSHP project managers.
Traffic Records Coordinating Committee	Quarterly	All types of traffic records management systems & data bases used in WI.	Multi agency and levels of government involved with improving traffic record systems in WI.
Work Zone Safety Management Task Force	Quarterly	Work zone safety	Multi agency & organizations interested in improving work zone safety.
Midwest Pooled Fund Crash Test Meeting	Annual	Roadside safety hardware research & development	12 State roadside safety standards engineers & Midwest Roadside Safety staff at Univ. of Nebraska
Midwest Work Zone Safety Roundtable	Annual	Work zone safety peer exchange	Multi-state work zone specialists.
Governor's Highway Safety Conference	Annual	Overall highway safety programs in WI, including SHSP.	Statewide multi agency and levels of government involved with improving highway safety in Wisconsin.
WisDOT/OCR Railroad Grade Crossing Safety meetings	Monthly	Managing Section 130 railroad safety program	DTIM Rail & Harbor Section, BHSP, & OCR.

3. Program Indicators

i. Performance

1. Number of Fatalities Trend over last 5 years Statewide.
2. Number of Serious Injuries (Type A Incapacitating Injuries) Trend over last 5 years Statewide.
3. Wisconsin Fatality Rate per 100 MVM Trend over last 5 years.

4. Wisconsin Fatality and Serious Injury Rate per 100 MVM Trend over last 5 years.
5. Number of Road Departure Fatalities Trend over last 5 years.
6. Number of Intersection Related Fatalities Trend over last 5 years.
7. Number of Pedestrian Fatalities Trend over last 5 years.
8. Number of Bicycle Fatalities Trend over last 5 years.
9. Number of Railroad Grade Crossing Motor Vehicle Fatalities Trend over last 5 years.
10. % Seat Belt Use Trend over last 5 years.
11. % of Fatalities Related to Alcohol Trend over last 5 years.
12. Number of work zone fatalities and serious injuries

ii. Compliance

1. An evaluation of the SHSP implementation progress is conducted following FHWA guidance document (FHWA guidance is currently being developed and will be available later in 2009).
2. Highway Safety Improvement Program Annual Reports are submitted by August 31.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
HSIP Guidelines Development & Update	Prepare updated analysis and prioritization procedures, and guidance for use by Regions and local agencies to develop HSIP projects.	Consult by providing technical assistance and review for best practices, and review to ensure eligibility compliance.	HSIP program (WisDOT Guidelines) approved and transmitted to WisDOT Regions and local agencies.
1)Annual HSIP Report (including HRRP) 2)Annual Rail-Highway Grade Crossing Safety Report 3)Transparency (5%)Report	Prepare annual program and report. Submit to FHWA no later than 8/31 annually.	Consult, provide technical assistance, and review draft reports. Receive final report from WisDOT and comment on the program and annual report within 15 calendar days. Submit to HQ by September 30 th .	HSIP Program Reports transmitted to HQ.
Develop and update SHSP	Develop process for updating SHSP every 3 to 5 years.	Review process and approve. Provide technical assistance and collaborate with WisDOT for updating SHSP using approved process.	SHSP used to direct WisDOT strategic safety program initiatives.
23 U.S.C. §159 Certification (Drug Offender’s License Suspension Certification)	Prepare annual certification and send to FHWA no later than Jan 1 st .	Review certification and forward to HQ within 30 calendar days.	Law enacted or opposition stated. Certification forwarded to HQ or funds withheld.

FHWA – Wisconsin DOT Stewardship Agreement

Work Zone Safety and Mobility Process Review	Conduct process review every two years.	Provide technical assistance and participate in conducting review for conformance with 23 C.F.R. §630 Subpart J	Assessment of work zone procedures.
Ensure WisDOT roadside safety hardware design standards, policies, and guidance is in compliance with the AASHTO Roadside Design Guide and crash testing requirements in NCHRP Report 350.	Update FDM 11-45 and Standard Detail Designs for compliance with NCHRP 350.,	Consult, provide technical assistance, review and approve revisions. Process reviews as appropriate.	Crashworthy devices installed.
MUTCD implementation	WisDOT practices comply with MUTCD, including railroad highway grade crossings.	Actions and review of MUTCD issues ongoing.	Installation of compliant devices.
Implement Non-motorized Transportation Pilot Program (NTPP) in Sheboygan County. SAFETEA-LU Section 1807.	Provide oversight to Sheboygan County to implement NTPP program and projects.	Ensure compliance with SAFETEA-LU Section 1807 and FHWA guidance. Provide technical assistance to WisDOT and Sheboygan County.	Bicycle and pedestrian facilities and education programs implemented in Sheboygan County.
Evaluation of SHSP	Conduct evaluation on an annual basis.	Provide oversight and technical assistance.	Evaluation completed to determine if SHSP update is needed.
Flexible HSIP Program	Review HSIP level of expenditure to determine if eligible to flex and decide whether to identify projects eligible for program based on relevance to SHSP initiatives.	Participate with WisDOT TSC in determining eligibility to participate. Review certification and project eligibility within 7 days of submission.	Flexible HSIP funded projects implemented that advance the implementation of the SHSP.

Appendix M
Transportation System Preservation
Pavement & Materials)

M. Transportation System Preservation (Maintenance & Pavement Preservation)

1. Program Overview

The Pavements program in Wisconsin is directed at addressing pavement smoothness, safety, durability and long-term performance. New materials and technologies are promoted with major emphasis on implementation of the New Mechanistic – Empirical Pavement Design Guide and getting smooth ride on new pavements. The Materials program is aimed at advancing the overall quality assurance program improving and expanding the use of Quality Management Program (QMP) specifications, end result/performance related specifications, and warranties. These issues are critical to improving the service life of pavements while meeting the demands of the public to provide smooth, safe, durable, and cost effective pavements while reducing the effects to the environment.

The FHWA National Strategic Plan for the Pavement and Materials program includes the expansion of the pavement knowledge system, implementation of the new pavement design guide, improvements in pavement smoothness, and assessments of the States quality assurance systems. The Wisconsin Pavement and Materials program supports the national goals of mobility, productivity and safety and has incorporated the national goals into proposed Division Office activities.

2. Methods of Oversight

i. Control Documents

1. 23 U.S.C. Sections 106, 109, 114
2. 23 C.F.R. Section 625.4 Standards, policies and standard specifications
3. 23 C.F.R. Section 626 Pavement Policy
4. 23 C.F.R. Section 635 Construction and Maintenance
5. 23 C.F.R. Section 637 Construction Inspection and Approval
6. WisDOT Quality Assurance Manual
7. WisDOT Construction and Materials Manual
8. WisDOT Facilities Development Manual Chapter 14, Pavements
9. WisDOT Highway Technician Certification Program

ii. Program Approvals

1. Quality Assurance Program
2. Preventive Maintenance Agreement
3. Warranties

iii. Project Approvals

iv. Committee Participation

1. WISDOT Pavement Policy Committee
2. WISDOT/WAPA HMA Technical Team and subcommittees
3. WISDOT/WAPA HMA Warranty Team
4. WISDOT/WCPA PCC Technical Team and subcommittees
5. WISDOT /WCPA PCC Warranty Team
6. WISDOT Pavement Engineers Users Group
7. WISDOT Materials Users Group
8. HTCP Steering Committee
9. WHRP Rigid Pavement Technical Oversight Committee
10. WHRP Flexible Pavement Technical Oversight Committee
11. WISDOT Aggregate Technical Team
12. WISDOT Ride Specification Team
13. WISDOT Construction and Materials Support Center Steering Committee

3. Performance Indicators

4. Maintain existing NHS IRI ride levels of 1.56 or lower
5. Maintain existing NHS PDI condition levels of 22 or lower
6. Percentage of required tests and certifications that are documented in WISDOT’s Materials Tracking System. Goal is 95%
7. Improve score on FHWA National Quality Assurance Initiative. 2008 score was 64.7%.

4. Compliance Indicators

5. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Pavement Management System	Maintain and implement improvements.	Review and comment.	Functioning PMS with annual program of projects output.
Chapter 14, Pavements, Facilities Development Manual	Maintain and implement improvements	Review and approve. Updates are reviewed and approved or comments provided within 14 calendar days.	Current Chapter 14 of the Facilities Development Manual.
Quality Assurance Program	Maintain and implement improvements.	Approve or comment on changes within 14 calendar days.	Functioning, approved quality assurance program that is in compliance with regulations.
Highway Technician Certification Program	Maintain and implement improvements.	Approve or comment on changes within 14 calendar days.	Functioning Certified Tech program that is in compliance with regulations.
Qualified Laboratory Program	Maintain and implement improvements.	Approve or comment on changes within 14 calendar days.	Functioning Qualified Laboratory program that is in compliance with regulations.

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AASHTO Accreditation inspection reports	Maintain accreditation. Submit inspection report and approve outside testing facilities.	Review for acceptable results and file comments as necessary.	Accredited laboratories used for all material certifications according to regulation.
Independent Assurance Program	Maintain and implement improvements.	Review and comments provided within 14 calendar days.	IA Program operating in conformance with regulations.
Warranty Specifications	Maintain and implement improvements.	Approve or comment on changes within 14 calendar days.	Approved warranty specifications

Appendix N
Major Projects

N. Major Projects

1. Program Overview

Section 1904 of SAFETEA-LU made several changes to the requirements for Major Projects. The monetary threshold for classification as a Major Project was lowered from an estimated total project cost of \$1 Billion to \$500 Million or greater. Project Management and Financial Plans are also required for all Major Projects. The law also added the requirement of a financial plan for projects with a total cost of between \$100 and \$500 Million.

The FHWA has evolved its traditional role in Federal Oversight Projects to a much more proactive one for Major Projects. FHWA seeks to be involved in all aspects of the projects from cradle to grave, in hopes of providing early input on decisions to streamline the project development process and provide timely technical assistance. Emphasis is placed on delivering a quality project on time and on budget. Success with major projects is critical to ensuring the public's trust and confidence in both the federal and state transportation agencies and their ability to deliver a 21st century transportation system while minimizing impacts to the traveling public and the surrounding community.

2. Methods of Oversight

i. Control Documents

1. FHWA Major Projects Guidance
2. WisDOT FDM Section ????

ii. Program Approvals

1. Determination of project qualification for Major Project Status

iii. Project Approvals

1. Major Project (\$500 Million or Greater) Financial Plans
2. Project Management Plans
3. Cost Estimates Reviews
4. Personnel Service Contracts & Amendments
5. All other as per Oversight Agreement (Appendix A)

iv. Committee Participation

1. Project Issue and Risk Management
2. Oversight Committee
3. Project management meetings
4. Partnering
5. Claims Committee

3. Performance Indicators

i. Program

1. Adherence to baseline schedule (Schedule established after completion of NEPA document)
2. Project at or under cost estimate determined in NEPA document (Assuming no mandated scope changes)
3. Project Risks successfully dealt with per project risk registry

ii. Compliance

1. Initial project financial plans submitted and approved prior to construction authorization.
2. Annual financial plan updates submitted and approved within 90 days of the end of the state fiscal year.
3. Project management plans approved within 90 days of completion of the project’s ROD or FONSI.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Draft Project Management Plan	submitted to FHWA for review 60 days prior to completion of NEPA document	FHWA reviews and comments on Draft PMP within 30 days of submission.	Draft Final PMP
Final PMP	submitted to FHWA within 90 of environmental decision.	FHWA review and approve within 30 days.	Approved PMP
Cost Estimate Review Workshop	Schedule with FHWA or approved consultant. Conduct workshop prior to release of Draft Environmental Document and prior to construction authorization.	Assist with scheduling and participate in workshop.	Validated cost estimate and assumptions.
Financial Plan	submitted to FHWA prior to PS&E submittal	FHWA reviews and comments on or approves within 30 calendar days.	Approved Financial Plan allowing for project construction authorization.
Financial Plan Updates	submitted to FHWA within 90 days of end of state fiscal year.	FHWA reviews and comments on or approves within 30 calendar days.	Approved updated financial plan.
PS&E Approval	Submit PS&E Package	FHWA reviews and comments on or approves within 30 calendar days.	Construction Authorized
Scopes of Work Approvals	Submit Personal Service scopes of work and estimates	FHWA reviews and comments on or approves within 14 calendar days.	Work authorized.
Contract Modifications	Submit Approval Justification Request and subsequent Contract Mod.	FHWA reviews and comments on or approves within 14 calendar days.	Approved Contract Modification.

FHWA – Wisconsin DOT Stewardship Agreement

Contract Claims	Complete initial evaluation and notify FHWA	FHWA reviews and comments on or approves within 30 calendar days.	If approved federal participation in claim settlement.
Errors & Omissions	Complete initial evaluation and notify FHWA if compensation will be pursued.	Participate in resolution process	Approved settlement

Appendix O
Structures

1. Overview

Bridge Inspection and Highway Bridge Program

FHWA is responsible for administering the Highway Bridge Program (HBP). The purpose of the Program is to replace or rehabilitate public highway bridges over highways, railroads, waterways, or other topographical barriers, when it has been determined that a bridge is deficient because of structural or physical deterioration, or functional obsolescence. Note that other Federal-aid highway funds administered by FHWA may also be used to construct or rehabilitate bridges.

Reimbursable scopes of work under the HBP include:

- Replacement,
- Rehabilitation
- Bridge Preventive Maintenance. (*Note: See FHWA and WisDOT policies and current Structures Preventive Maintenance Agreement for specific requirements and limitations.*)
- Seismic retrofits
- Scour evaluations
- Scour countermeasures
- Application of Calcium Magnesium Acetate (CMA)
- Inventory bridges for historic significance
- Purchase and install load posting signs
- Replace destroyed bridge and ferryboat service
- Biennial continued inspection of bridges

FHWA is also responsible for administering the ***National Bridge Inspection Standards (NBIS)*** and ***National Bridge Inventory (NBI)***. The ***NBIS*** requires that all highway bridges carrying public roads over 20 feet in length be inspected, inventoried, and the data reported to FHWA as requested.

The ***NBIS*** requires WisDOT to ensure that all public highway bridges within its borders, including county and municipal owned bridges, are inspected and inventoried in accordance with the ***NBIS***. FHWA holds WisDOT responsible for the inspection and inventory of all public vehicular bridges within the state, except for those that are federally owned, tribally owned, and bridges not carrying public roads. FHWA annually provides WisDOT with a copy of all federally owned bridge inventory data which is to be added to WisDOT's inventory for program management purposes. By state statute, WisDOT has formally delegated the responsibility for the inspection of all non-state owned local bridges to each of the 72 County Highway commissioners. All publicly owned highway bridges over 20 feet in length are required to be listed on WisDOT's inventory. NBI data is required to be submitted annually to FHWA Headquarters (HQ) by April 1.

The most up-to-date inventory information is available to both WisDOT and Wisconsin Division Office staff via WisDOT's Highway Structure Information System (HSIS). The

HSIS can be used for accessibility to routine bridge data requests. Information (reports and data) that is specifically required to be provided by State Transportation Agencies (STA) will be provided by WisDOT as required.

- WisDOT, in conjunction with FHWA, will conduct QA/QC reviews to ensure that bridge inspections and inventory data are in conformance with NBIS and NBI criteria.
- WisDOT will submit NBI data to FHWA by April 1st annually.
- WisDOT will submit Bridge Unit Cost data to FHWA by April 1st annually.

Design

The federal-aid structures program includes Geotechnical, hydraulic, and structural design of highway structures for the major, state, and local projects. Stewardship is provided by ensuring that clear guidance of federal requirements is provided to designers in the control documents, and that adequate QA/QC procedures are followed to ensure that the designs meet the established expectations. Bridge designs are subject to all of the requirements of roadway projects (see Appendix E) with the addition that FHWA approval of all preliminary NHS bridge plans for complex or unusual structures is required (Interstate projects are approved at the Washington level).

Construction

Stewardship of structure construction will be as outlined in Appendix D.

Research

Stewardship of the structure research program will be as outlined in Appendix J. The division office serves as a non-voting member of WisDOT's Technical Oversight Committees for structures and geotechnical. These committees are responsible for timely identification of need as well as the development and implementation of solutions. This also includes the annual solicitation of candidates for the Innovative Bridge Research and Deployment (IBRD) program.

2. Methods of Oversight

i. Control Documents

1. National Bridge Inventory Coding and Recording Guide
2. AASHTO Manual for Bridge Evaluation, First Edition, 2008
3. AASHTO LRFD Bridge Design Specifications, 4th Edition (2007) – 2009 Interims
4. WisDOT Bridge Inspection Manual
5. Highway Bridge Program Selection List
6. WisDOT Facilities Development Manual (FDM)
7. WisDOT Bridge Design Manual
8. WisDOT Soils Manual

ii. Program Approvals

1. FHWA will conduct joint NBIS Quality Assurance/Control Reviews with WisDOT annually and make a determination of the state and local agencies' program needs and compliance with NBIS.
2. FHWA will prepare the annual NBIS summary data report, including information provided by WisDOT, and submit to Washington which will be shared with the public.
3. FHWA will review, accept, and include WisDOT's bridge inventory data into the NBI annually.
4. FHWA will use the NBI and Unit cost data to formulate WisDOT's apportionment for the HBP and provide a Selection List of bridges which WisDOT may choose from as eligible for HBP funding.
5. FHWA will provide program management to ensure that there is an effectively distributed.
6. FHWA will provide approval for major¹ revisions to the standard detail drawings in the bridge manual. FHWA will approve new standard details added to the WisDOT bridge manual.
7. FHWA will provide approval for any exceptions to AASHTO bridge design specifications.

iii. Project Approvals

Bridge projects funded under the HBP will follow the special eligibility requirements in addition to the normal Federal aid project requirements (see appendix E), which include:

1. Candidate projects must be contained on the Bridge Selection list.
2. Unusual or complex bridges on the NHS will require FHWA review and approval.
3. FHWA will approve eligible bridge project actions per the Oversight Agreement in Appendix A.

iv. Committee Participation

The Division Office will participate in informal committees, work groups, routine meetings and other organized activities as requested by WisDOT and/or as needed to oversee the structures program and provide technical and program assistance. Formal committee participation includes the following:

1. Wisconsin County Highways Bridge Subcommittee
2. WisDOT Bridge Research Committee (non-voting member)
3. WisDOT Geotechnical Research Committee (non-voting member)
4. WisDOT Bridge Technical Committee

3. Program Indicators

- a. Performance** Effective and efficient use of available funding as demonstrated by the following:
 - i. Number of Deficient Bridges (structurally deficient and functionally obsolete (%))
[2008 data: Total # 2022 (14.6%)]
 - ii. Average Bridge Replacement Cost
[2008 data: \$72.68/sq.ft. NHS, \$89.16/sq.ft. non NHS]

- b. Compliance** Failure to comply with any of the following items may result in a partial or total loss of federal aid highway funds.
 - i. Compliance with any and all NBIS requirements as determined through annual QA/QC reviews.
[2008 data: Substantial compliance.]
 - ii. Fair and equitable distribution of HBP funds.

4. Business Standards

Work Activity	WisDOT Action	FHWA Action	Outcome
Annual joint NBIS QA/QC Reviews	Review 1 regional and 4 local programs annually. Submit report within 60 days after completion of each review to all involved parties. <i>(Reviews and reports required per 23 CFR §650.313(g) and §650.307(c)(2)).</i>	Participate in review. Provide input and acceptance of report findings. Suggest program improvements. Determine WisDOT compliance	Provide program assessment and clarifications, identify program improvements, and determine NBIS Compliance.
Annual NBIS summary Report	Submit data needed for NBIS summary report by Dec. 31 st .	Review data, complete report and forward to Washington by Jan. 30 th .	National NBIS summary compliance report which is shared with the public.
Annual National Bridge Inventory Update	Submit annual NBI data to FHWA HQ by April 1 st .	Review and accept	Eligible Highway Bridge Program Selection List established, reports to congress, apportionments, program management.
Bridge Unit Costs	Submit annual report by April 1 st .	Review and forward to HQ	Reports to congress, apportionments, program management
Highway Bridge Program Selection List	Distribute List to all stakeholders. Ensure fair and equitable distribution of HBP funds by prioritizing and selecting projects.	Prepare list and provide it to WisDOT. Provide HBP oversight. Obligate program funds for eligible projects.	Projects are developed which effectively and efficiently address the state’s bridge infrastructure needs.

FHWA – Wisconsin DOT Stewardship Agreement

<p>Unusual or complex NHS structure TS&L plans submitted for approval. This includes but not limited to: spans greater than 350ft., Cable stayed, movable structures, bridges containing FCMS, or structure types not typically built in the state.</p>	<p>WisDOT ensures that all QA/QC activities have been performed before submitting a complete submission package including the TS&L, structure type selection report, Geotechnical report, and hydraulic report for all unusual or complex NHS structures.</p>	<p>FHWA will review submission and forward to Washington as required. The Division will request that HQ provide written comments/approval within 30 days of receipt. If the Division has not received a response within 30 days, the Division will follow up with HQ and provide written documentation to WisDOT relaying the current status.</p>	<p>The appropriate structure type selection for major bridges is agreed upon by all stakeholders prior to proceeding to final design.</p>
<p>Revisions to Standard Bridge Detail Sheets</p>	<p>WisDOT submits major¹ revisions or additions to the Standard detail sheets in the Bridge Manual for approval by FHWA prior to publication and distribution.</p>	<p>FHWA will review and provide written comment/approval for major revisions to the Bridge Standard Detail Sheets within 15 days of receipt, or will notify WisDOT that additional review time will be necessary and will indicate to WisDOT how many additional days will be needed.</p>	<p>All Standard bridge details are pre approved for inclusion in final bridge design projects.</p>

- 1 Major changes include any technical or otherwise substantive change. Grammatical, wording, or non-technical administrative changes are not considered major.

Appendix P
Local Program

P. Local Program

1. Program Overview

The Wisconsin Department of Transportation (WisDOT) has a very strong local program, with approximately 15% of their federal funds devoted to the funding of local projects. The funding of WisDOT's local program is based on a legislatively directed local entitlement system (LES). This entitlement system is designed to equitably distribute funding for local projects on a formula basis.

In accordance with 23 United States Code (USC) 106(g)(4)(A), State Departments of Transportation are required to be responsible for determining that sub-recipients of Federal funds under Title 23 (locals) have adequate project delivery systems for projects and sufficient accounting controls to properly manage Federal funds. In addition, FHWA must periodically review the monitoring of sub recipients by the States.

Project Stewardship & Oversight – The Division will provide project stewardship and oversight in the same manner as that applied to non-local projects, including selection of some local projects as FHWA-oversight projects. Local projects are subject to the same requirements as other projects as they pertain to environment, design, construction, contract administration, etc. Specific financial and administrative requirements for local projects are included in OMB Circular A-133 and 49 CFR Part 18.

Program Stewardship & Oversight – The Division Office will actively participate in WisDOT and other groups and committees to provide input and assistance into the program guidance, requirements, and policies. The Division Office will also provide routine technical and program assistance and conduct periodic reviews of the program.

2. Methods of Oversight

i. Control Documents

1. FHWA Executive Director April 4, 2007 Memo
2. OMB Circular A-133
3. 49 CFR Part 18
4. Applicable sections of FDM pertaining to environment, design, construction, etc (see other Stewardship Agreement appendices).
5. PMM
6. LPA ROW Acquisition Manual
7. Local Program Sponsor's Guide
8. Federal regulations and policies as listed in other Stewardship Agreement appendices for environment, design, construction, etc.

ii. Program Approvals

1. Use of Management Consultants / Contracts
2. Applicable Program Procedures and Guidance Contained in FDM, CMM, PMM, and Local Sponsor's Guide

- iii. **Project Approvals** (*same as project approvals outside of local program*)
 1. Project approvals as listed in other Stewardship Agreement appendices for environment, design, construction, etc.
 2. Use of local force account agreements (oversight projects only)
 3. Local Force Account CEFs (oversight projects only)

- iv. **Committee Participation**
 1. WisDOT/FHWA Coordination Meetings
 2. Other WisDOT / Stakeholder Coordination Meetings
 3. Local Program Advisory Forum
 4. Local Roads and Streets Council
 5. Consultant Workgroup Meetings

3. Performance Indicators

- i. **Program**
 1. Percentage of action plan items unresolved.
 2. Average annual evaluation scores for MCs.
- ii. **Compliance**
 1. Number of major issues/required actions identified as a result of program reviews.
 2. Number of projects requiring corrective action due to eligibility or compliance issues.

4. Business Standards (*same as project approvals outside of local program*)

Work Activity	WisDOT Action	FHWA Action	Outcome
<i>See project and program activities as listed in other Stewardship Agreement appendices for environment, design, construction, etc.</i>			
Business Standards	Business Standards	Business Standards	Business Standards
MC Contract Mod Approval	Prepare and submit for review and approval	Approve or provide comments on modification to MC contract (15 days)	Final MC contract modification executed
LFA CEF Approval (Oversight Projects Only)	Prepare and submit for review and approval	Approve or provide comments on CEF (15 days)	CEF approved
LFA Agreement Approval (Oversight Projects Only)	Prepare and submit for review and approval	Approve or provide comments on LFA agreement (15 days)	Final LFA agreement to be executed
Response to General Eligibility Questions	Submit or discuss eligibility question	Provide response (7 days)	Response provided
Review and approval of guidance and procedures applicable to local program	Prepare and submit for review and approval	Approve or provide comments on proposed guidance or procedures (14 days)	Guidance or procedures implemented

