



U.S. Department  
of Transportation  
**Federal Highway**



**STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT  
BY AND BETWEEN  
FEDERAL HIGHWAY ADMINISTRATION, VIRGINIA DIVISION  
AND THE  
VIRGINIA DEPARTMENT OF TRANSPORTATION**

**SECTION I. BACKGROUND AND INTRODUCTION**

The Federal-aid Highway Program (FAHP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAHP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c), as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAHP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the Virginia Department of Transportation (State DOT) on the roles and responsibilities of the FHWA and the State DOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAHP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State Department of Transportation unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c)(1)) For projects under Title 23, U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications, estimates, contract awards, and inspections unless the State determines that such assumption is not appropriate. (23 U.S.C. 106(c)(2))

For all other project activities which do not fall within the specific project approvals listed in Section 106 or are not otherwise authorized by law, the FHWA may authorize a State DOT to perform work needed to reach the FHWA decision point, or to implement FHWA's decision. However such decisions themselves are reserved to FHWA.

The authority given to the State DOT under Section 106(c)(1) and (2) is limited to specific project approvals listed herein. Nothing listed herein is intended to include assumption of FHWA's decision-making authority regarding Title 23, U.S.C. eligibility or Federal-aid participation determinations. The FHWA always must make the final eligibility and participation decisions for the Federal-aid Highway Program.

Section 106(c)(3) requires FHWA and the State DOT to enter into an agreement relating to the extent to which the State DOT assumes project responsibilities. This Stewardship and Oversight Agreement (S&O Agreement), includes information on specific project approvals and related responsibilities, and provides the requirements for FHWA oversight of the FAHP (Oversight Program), as required by 23 U.S.C. 106(g).

## **SECTION II. INTENT AND PURPOSE OF S&O AGREEMENT**

The intent and purpose of this S&O Agreement is to document the roles and responsibilities of the FHWA's Virginia Division Office (FHWA or Division) and the Virginia Department of Transportation (State DOT) with respect to project approvals and related responsibilities, and to document the methods of oversight which will be used to efficiently and effectively deliver the FAHP. Attachment E stipulates review and/or approval timeframes, as well as dispute resolution procedures.

The Project Action Responsibility Matrix, Attachment A to this S&O Agreement and as further described in Section VIII of this S&O Agreement, identifies FHWA FAHP project approvals and related responsibilities State DOT assumes from FHWA on a program-wide basis pursuant to 23 U.S.C. 106(c) and other legal authorities. Upon execution of this agreement, Attachment A shall be controlling and except as specifically noted in Attachment A, no other agreements, attachments, or other documents shall have the effect of delegating or assigning FHWA approvals to State DOT on a program-wide basis under 23 U.S.C 106 or have the effect of altering Attachment A.

### **SECTION III. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS ON THE NATIONAL HIGHWAY SYSTEM**

- A. The State DOT *may assume* the FHWA's Title 23 responsibilities for design; plans, specifications, and estimates (PS&E); contract awards; and inspections, with respect to *Federal-aid projects on the National Highway System (NHS)* if both the *State DOT* and *FHWA* determine that assumption of responsibilities is appropriate.
- B. Approvals and related activities for which the State DOT has assumed responsibilities as shown in Attachment A will apply program wide unless project specific actions for which the Division will carry out the approval or related responsibilities are documented in accordance with the FHWA Project of Division Interest/Project of Corporate Interest Guide (FHWA PoDI/PoCI Guide) located at:  
<http://www.fhwa.dot.gov/federalaid/stewardship/>
- C. The State DOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(1))
- D. The State DOT is to exercise any and all assumptions of the Secretary responsibilities for Federal-aid projects on the NHS in accordance with Federal laws, regulations and policies.

### **SECTION IV. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS OFF THE NATIONAL HIGHWAY SYSTEM**

- A. The State DOT *shall assume* the FHWA's Title 23 responsibilities for design, PS&Es, contract awards, and inspections, with respect to *Federal-aid projects off the NHS (non-NHS)* unless the *State DOT* determines that assumption of responsibilities is not appropriate. (23 U.S.C. 106(c)(2))
- B. Except as provided in 23 U.S.C.109(o), the State DOT is to exercise the Secretary's approvals and related responsibilities on these projects in accordance with Federal laws.
- C. The State DOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as "State" in Attachment A on a program-wide basis. For a project specific request, the State may request FHWA carry out any approval or related responsibility listed in Attachment A off the NHS. Such project-specific requests shall be documented in accordance with the FHWA PoDI/PoCI Guide.
- D. Pursuant to 23 U.S.C. 109(o), non-NHS projects shall be designed and constructed in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

## **SECTION V. ASSUMPTION OF RESPONSIBILITIES FOR LOCALLY ADMINISTERED PROJECTS**

The State DOT may permit local public agencies (LPAs) to carry out the State DOT's assumed responsibilities on locally administered projects. The State DOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements.

## **SECTION VI. PERMISSABLE AREAS OF ASSUMPTION UNDER 23 U.S.C. 106(c)**

An assumption of responsibilities under 23 U.S.C. 106(c) may cover only activities in the following areas:

- A. Design which includes preliminary engineering, engineering, and design-related services directly relating to the construction of a FAHP-funded project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services.
- B. PS&E which represents the actions and approvals required before authorization of construction. The PS&E package includes geometric standards, drawings, specifications, project estimates, certifications relating to completion of right-of-way acquisition and relocation, utility work, and railroad work.
- C. Contract awards which include procurement of professional and other consultant services and construction-related services to include advertising, evaluating, and awarding contracts.
- D. Inspections which include general contract administration, material testing and quality assurance, review, and inspections of Federal-aid contracts as well as final inspection/acceptance.
- E. Approvals and related responsibilities affecting real property as provided in 23 CFR 710.201(i) and any successor regulation in 23 CFR Part 710.

## **SECTION VII. FEDERAL APPROVALS AND RELATED RESPONSIBILITIES THAT MAY NOT BE ASSUMED BY THE STATE DOT**

- A. Any approval or related responsibility not listed in Attachment A cannot be assumed by the State without prior concurrence by FHWA Headquarters. The following is a list of the most frequently-occurring approvals and related responsibilities that may not be assumed by the State DOT:
  - Civil Rights Program approvals;
  - Environmental approvals, except those specifically assumed under other agreements. (23 U.S.C. 326 and 327; programmatic categorical exclusion agreements);
  - Federal air quality conformity determinations required by the Clean Air Act;

- Approval of current bill and final vouchers;
  - Approval of federally-funded hardship acquisition, protective buying, and 23 U.S.C. 108(d) early acquisition;
  - Project agreements and modifications to project agreements and obligation of funds (including advance construction);
  - Planning and programming pursuant to 23 U.S.C. 134 and 135;
  - Special Experimental Projects (SEP-14 and SEP-15);
  - Use of Interstate airspace for non-highway-related purposes;
  - Any Federal agency approval or determination under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, and implementing regulations in 49 CFR Part 24;
  - Waivers to Buy America requirements;
  - Approval of Federal participation under 23 CFR 1.9(b);
  - Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations, or other contributions applied to a project;
  - Functional replacement of property;
  - Approval of a time extension for preliminary engineering projects beyond the 10-year limit, in the event that actual construction or acquisition of right-of-way for a highway project has not commenced;
  - Approval of a time extension beyond the 20-year limit for right of way projects, in the event that actual construction of a road on the right-of-way is not undertaken;
  - Determine need for Coast Guard Permit;
  - Training Special Provision – Approval of New Project Training Programs; and
  - Any other approval or activity not specifically identified in Attachment A unless otherwise approved by the FHWA, including the Office of Chief Counsel.
- B. For all projects and programs, the State DOT will comply with Title 23 and all applicable non-Title 23, U.S.C. Federal-aid program requirements, such as metropolitan and statewide planning; environment; procurement of engineering and design related service contracts (except as provided in 23 U.S.C. 109(o)); Civil Rights including Title VI of the *Civil Rights Act*, and participation by Disadvantaged Business Enterprises; prevailing wage rates; and acquisition of right-of-way, etc.
- C. This Agreement does not modify the FHWA’s non-Title 23 program approval and related responsibilities, such as approvals required under the Clean Air Act; National Environmental Policy Act, Executive Order on Environmental Justice (E.O. 12898), and other related environmental laws and statutes; the Uniform Act; and the Civil Rights Act of 1964 and related statutes.

## **SECTION VIII. PROJECT ACTION RESPONSIBILITY MATRIX**

Attachment A, Project Action Responsibility Matrix, to this S&O Agreement identifies FAHP project approvals and related responsibilities. The Matrix specifies which approvals and related responsibilities are assumed by the State under 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as approvals and related responsibilities reserved to FHWA.

## **SECTION IX. HIGH RISK CATEGORIES**

- A. In 23 U.S.C. 106(c), Congress directs that the Secretary shall not assign any approvals or related responsibilities for projects on the Interstate System if the Secretary determines the project to be in a high risk category. Under 23 U.S.C. 106(c)(4)(B), the Secretary may define high risk categories on a national basis, State-by-State basis, or national and State-by-State basis.
- B. The Division has determined there are no high risk categories.

## **SECTION X. FHWA OVERSIGHT PROGRAM UNDER 23 U.S.C. 106(g)**

- A. In 23 U.S.C. 106(g), Congress directs that the Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out the FAHP. This program includes FHWA oversight of the State's processes and management practices, including those involved in carrying out the approvals and related responsibilities assumed by the State under 23 U.S.C. 106(c). Congress defines that, at a minimum, the oversight program shall be responsive to all areas relating to financial integrity and project delivery.
- B. The FHWA shall perform annual reviews that address elements of the State DOT's financial management system in accordance with 23 U.S.C. 106(g)(2)(A). FHWA will periodically review the State DOT's monitoring of sub-recipients pursuant to 23 U.S.C. 106(g)(4)(B).
- C. The FHWA shall perform annual reviews that address elements of the project delivery systems of the State DOT, which elements include one or more activities that are involved in the life cycle of project from conception to completion of the project. The FHWA will also evaluate the practices of the State DOT for estimating project costs, awarding contracts, and reducing costs. 23 U.S.C. 106(g)(2) and (3).
- D. To carry out the requirements of 23 U.S.C. 106(g), the FHWA will employ a risk management framework to evaluate financial integrity and project delivery, and balance risk with staffing resources, available funding, and the State's transportation needs. The FHWA may work collaboratively with the State DOT to assess the risks inherent with the FAHP and funds management, and how that assessment will be used to align resources to develop appropriate risk response strategies

Techniques the Division and State DOT may use to identify and analyze risks and develop response strategies include the following:

- Program Assessments;
- The Financial Integrity Review & Evaluation (FIRE) Reviews;
- Program Reviews;
- Certification Reviews;
- Recurring or periodic reviews such as the Compliance Assessment Program (CAP); and

- Inspections of project elements or phases.

These techniques will be carried out in a manner consistent with applicable Division Standard Operating Procedures or other control documents.

E. Program Responsibility Matrix

Attachment B to this S&O Agreement is the Program Responsibility Matrix that identifies all relevant FHWA program actions, and Division and State DOT program contact offices.

F. Manuals and Operating Agreements

State DOT manuals, agreements and other control documents that have been approved for use on Federal-aid projects are listed in Attachment C to this S&O Agreement.

G. Stewardship and Oversight Indicators

The Division and State DOT will use a series of Stewardship and Oversight Indicators (Indicators) as tools to assess whether the assumptions of responsibility outlined in this Agreement are functioning appropriately. The Indicators are contained within Attachment D and are risk-based and will continue to evolve to meet the needs of the Division and State DOT.

Reporting on the Indicators will be through the reporting requirements as stipulated in Attachment D. The Stewardship and Oversight Indicator data will be evaluated as a means to effectively manage and improve program delivery. The data will be used to determine if actions (i.e., new processes or procedures, program reviews, etc.) are needed to be considered as the Division and State DOT develop their forthcoming performance business plans.

## **SECTION XI. STATE DOT OVERSIGHT AND REPORTING REQUIREMENTS**

A. State DOT Oversight and Reporting Requirements

State DOT will demonstrate its oversight of the Federal-aid Highway Program and compliance with Federal Laws and Regulations through the Program Responsibility Matrix contained in Attachment B and the reporting of the data and information identified in the Virginia Stewardship and Oversight Indicators contained in Attachment D for reference.

The State DOT is responsible for demonstrating to the FHWA how it is carrying out its responsibilities in accordance with this S&O Agreement. In order to fulfill this responsibility, the State DOT will:

1. Ensure general conformance with the manuals and procedures listed in Attachment C;
2. Ensure adequate oversight by qualified professionals for each project phase;
3. Engage only qualified contractors and consultants for project implementation.

B. State DOT Oversight of Locally Administered Projects

- B.1. State DOT's are required to provide adequate oversight of sub-recipients including oversight of any assumed responsibilities the State DOT delegates to a LPA.
- B.2. Pursuant to 23 U.S.C. 106(g)(4), the State DOT shall be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The State DOT is also responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).
- B.3. The State DOT acknowledges that it is responsible for sub-recipient awareness of Federal grant requirements management of grant awards and sub-awards, and is familiar with and comprehends pass through entity responsibilities (2 C.F.R 200.331 Requirements for Pass-thru Entities). The State DOT shall carry out these responsibilities in accordance with VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).
- B.4. The State DOT shall assess whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects, in accordance with VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).
- B.5. The State DOT shall assess whether a sub-recipient is staffed and equipped to perform work satisfactorily and cost effectively, and that adequate staffing and supervision exists to manage the Federal project(s), in accordance with VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).



- B.6. The State DOT shall assess whether sub-recipient projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications, in accordance with VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).
- B.7. The State DOT shall ensure that when LPAs elect to use consultants for engineering services, the LPA, as provided under 23 CFR 635.105(b), shall provide a full-time employee of the agency to be in responsible charge of the project. The State DOT's process to ensure compliance with this requirement is documented in VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).
- B.8. The State DOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations. The State DOT will use VDOT's Locally Administered Projects Manual at [http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp) on required approvals on sub-recipient projects. The activities for ensuring compliance, at a minimum, should cover these areas:
- a. Consultant selection and management;
  - b. Environment;
  - c. Design;
  - d. Civil Rights;
  - e. Financial management including audits and indirect cost allocation plans;
  - f. Right-of-way;
  - g. Construction monitoring, including Quality Control/Quality Assurance (QC/QA); and
  - h. Contract administration including the State DOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding
- B.9. The State DOT shall document its oversight activities for LPA-administered projects and findings, and how it will share this information with the FHWA.

The State DOT will demonstrate its oversight of the Federal-aid Highway Program and compliance with Federal Laws and Regulations through the reporting of the data and information identified in the Stewardship and Oversight Indicators (Attachment D).

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

- A. This S&O Agreement will take effect as of the execution date of the signature of the FHWA Virginia Division Administrator, who shall sign this S&O Agreement last.
- B. The Division and State DOT agree that updates to this Agreement will be considered periodically on a case-by-case basis or when:
- Significant new legislation, Executive orders, or other initiatives affecting the relationship or responsibilities of one or both parties to the S&O Agreement occurs;
  - Leadership, or leadership direction, changes at the State DOT or FHWA; or
  - Priorities shift as a result of audits, public perception, or changes in staffing at either the State DOT or Division Office.
- C. The Division and State DOT agree that changes may occur to the contents of the Attachments to this S&O Agreement and documents incorporated by reference into the S&O Agreement. Except as provided in paragraph XII.D. and E., changes to the Attachments and documents incorporated by reference will not require the Division and State DOT to amend this S&O Agreement. The effective date of any revisions to one of these documents shall be clearly visible in the header of the document. This Agreement and any revised document shall be posted on the Division's S&O Agreement internet site within five (5) business days of the effective date.
- D. Any changes to the high risk categories must be documented by an amendment to this S&O Agreement.
- E. Any changes to the Project Action Responsibility Matrix must be approved by the FHWA Office of Infrastructure in writing and documented by an amendment to this S&O Agreement.

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

**EXECUTION BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

Executed this 2 day of June, 2015.

/s/ Charles A. Kilpatrick  
Signature

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Charles A. Kilpatrick, P.E.  
Commissioner of Highways

**EXECUTION BY THE FHWA VIRGINIA DIVISION OFFICE**

Executed this 2 day of June, 2015.

/s/ Irene Rico  
Signature

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Irene Rico  
Division Administrator

## ATTACHMENT A

### PROJECT ACTION RESPONSIBILITY MATRIX

The following matrix identifies Federal-aid highway program (FAHP) project approvals and related responsibilities. The matrix specifies which ones are subject to State assumption under the provisions of 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as those which are reserved to FHWA. **This matrix applies program wide; any revisions to project approval assumptions by the State, as shown in the matrix, will be handled on a project by project basis.** When a change in project approval assumptions is determined appropriate for a specific project, the project will be classified as a PoDI and the project approval assumptions will be documented in a project oversight plan.

Project actions that cannot be assumed by State DOT at any time are noted in the action description. These actions are reserved to FHWA because they are outside the scope of 23 U.S.C. 106(c), or otherwise are reserved to FHWA by law.

For the column marked “Projects on the NHS,” FHWA may retain any approval or related action in any box marked “State” as deemed appropriate by FHWA. In those situations, the project will be classified as a PoDI. Projects classified as PoDI projects are not covered by the matrix, as those projects will be governed by a separate project stewardship and oversight plan that specifies FHWA and State responsibilities for the project.

For the column marked “Projects off the NHS”, the State DOT will assume all items marked “State” unless the State DOT determines the assumption of a particular item is not appropriate on a project by project basis. Again, in these situations, the particular project will be identified as a PoDI and an individual project stewardship and oversight plan will be prepared detailing those project approval actions that will be retained by FHWA.

The State DOT is responsible for ensuring all individual elements of the project are eligible for FAHP funding, but all final eligibility and participation determinations are retained by FHWA. While FHWA may not delegate decision-making authority to the State DOT unless authorized by law, FHWA may authorize the State DOT to perform work needed to reach the decision point, or to implement the decision.

**PROJECT ACTION RESPONSIBILITY MATRIX  
(FOR PODI'S SEE INDIVIDUAL PROJECT S&O PLAN)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
Identify proposed funding category	STATE <sup>(1)</sup>	STATE <sup>(1)</sup>
Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA <sup>(2)</sup>	FHWA <sup>(2)</sup>

**PROJECT ACTION RESPONSIBILITY MATRIX  
(FOR PODI'S SEE INDIVIDUAL PROJECT S&O PLAN)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Categorical Exclusion approval actions (Note this action cannot be assumed by the State except through an assignment under 23 U.S.C. 326 or 327, or through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and 23 CFR 771.117(g))	FHWA <sup>(2)</sup>	FHWA <sup>(2)</sup>
Consultant Contract Selection	STATE <sup>(4)</sup>	STATE <sup>(4)</sup>
Sole source Consultant Contract Selection	STATE <sup>(4)</sup>	STATE <sup>(4)</sup>
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	STATE	STATE
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE	STATE
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A
Interstate System Access Justification Report Approval [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e) for additional information see Programmatic Agreement)	FHWA	N/A

<b>PROJECT ACTION RESPONSIBILITY MATRIX (FOR PODI'S SEE INDIVIDUAL PROJECT S&amp;O PLAN)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE	STATE
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA	FHWA
Provide pre-approval for preventive maintenance project (FHWA has concurred with STATE procedures)	STATE	FHWA
Provide approval of preliminary plans for unusual/complex bridges or structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA <sup>(5)</sup>	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	FHWA <sup>(5)</sup>	STATE <sup>(5)</sup>
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	STATE	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE	STATE
Approve use of publicly owned equipment [23 CFR 635.106]	STATE	STATE
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (FOR PODI'S SEE INDIVIDUAL PROJECT S&amp;O PLAN)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	FHWA for Interstate STATE for Non-Interstate	STATE
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)(3)]	FHWA for Interstate STATE for Non-Interstate	STATE
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	STATE	STATE
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate STATE for Non-Interstate <sup>(4)</sup>	STATE
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	FHWA	FHWA



**PROJECT ACTION RESPONSIBILITY MATRIX  
(FOR PODI'S SEE INDIVIDUAL PROJECT S&O PLAN)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA for Interstate STATE for Non-Interstate <sup>(4)</sup>	STATE
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (note: this action cannot be assumed by State)	FHWA	FHWA
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE	STATE
Approve PS&E [23 CFR 630.201]	STATE	STATE
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (FOR PODI'S SEE INDIVIDUAL PROJECT S&amp;O PLAN)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE	STATE
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE
Approve advertising for bids This approval can only take place after authorization in FMIS (see item 1 in Financial Management Section). [23 CFR 635.112, 309]	STATE	STATE
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE
Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	STATE	STATE
Approve addenda during advertising period [23 CFR 635.112]	STATE	STATE
Concur in award of contract [23 CFR 635.114]	STATE	STATE
Concur in rejection of all bids [23 CFR 635.114]	STATE	STATE
Approval of Design-Build	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (FOR PODI'S SEE INDIVIDUAL PROJECT S&amp;O PLAN)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Requests-for-Proposals and Addenda [23 CFR 635.112]		
Approve changes and extra work This approval can only take place after authorization in FMIS (see item 1 in Financial Management Section). [23 CFR 635.120]	STATE	STATE
Approve contract time extensions [23 CFR 635.120]	STATE	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE
Accept materials certification [23 CFR 637.207]	STATE	STATE
Concur in settlement of contract claims [23 CFR 635.124]	STATE	STATE
Concur in termination of construction contracts [23 CFR 635.125]	STATE	STATE
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE	STATE
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (FOR PODI'S SEE INDIVIDUAL PROJECT S&amp;O PLAN)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)		
Equal Employment Opportunity (EEO) Contract Compliance Review [23 CFR Part 230, Subpart D)].	STATE	STATE
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA	FHWA

**FOOTNOTES:**

- (1) State is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.
- (2) If there is a 23 U.S.C. 326 or 325 assignment or PCE agreement, decisions are handled in accordance with those assignments or agreements.
- (3) Design Standards to be used on NHS projects are defined in:
  - a. AASHTO's Policy on Geometric Design of Highways and Streets
  - b. A Policy on Design Standards Interstate System
  - c. For other applicable standards see 23CFR625.4
- (4) State's process and modifications to, or variation in process, require FHWA approval.
- (5) Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydrologic (including climate change and extreme weather events) aspects, complex hydraulic elements or scour related elements, or that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch, segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems).

**ATTACHMENT B  
PROGRAM RESPONSIBILITY MATRIX**

**PROGRAM ACTION RESPONSIBILITY**

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A)& (B); 31 USC 1517(a); 23 USC 118(b), 23 USC 121	As needed	Not Applicable	Office of Chief Financial Officer	Finance Team	Federal Programs Management Division	State will monitor appropriations, allotments and obligations to ensure that all funding is used efficiently within each quarter and use all Obligation Authority (OA) by the end of the year.
Approval of Indirect Cost Allocation Plans (ICAPs)	2 CFR 200 Subpart E ASMBC-10	As needed	Not Applicable	Office of Chief Financial Officer	Finance Team	Fiscal	The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.
FIRE Program Activities	FHWA Order 4560.1C (or as superseded)	Ongoing		Office of Chief Financial Officer	Finance Team	Federal Programs Management Division	State will continue to provide oversight and conduct reviews to ensure Federal-aid compliance. FHWA will review and monitor. State responsibilities include multiple tasks in support of risk assessments, conducting reviews and implementation of recommendations.
Audit Coordination/FHWA Financial Statement Audit/State External Audit Reviews/State Internal Audit Reviews	FMFIA, 2 C.F.R. P Subpart F; GAAP, CFO Act of 1990; DOT Order 8000.1C	As needed	Not Applicable	Office of Chief Financial Officer	Finance Team	Assurance & Compliance	State assures corrective action is taken to resolve audit findings and FHWA will monitor activities to ensure implementation.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Improper Payments Review	Improper Payments Information Act of 2002, PL 107-300, Improper Payments Elimination and Recovery Act of 2010, PL 111-204, Improper Payments Elimination and Recovery Improvement Act of 2012, PL 112-248	Annually		Office of Chief Financial Officer	Finance Team	Fiscal/Assurance and Compliance	State will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms.
Transfer of Funds between programs or to other FHWA offices or agencies as requested by State	23 USC 126, 23 USC 132, and FHWA order 4551.1	As needed	Not Applicable	Office of Chief Financial Officer	Finance Team	Federal Programs Management Division/Local Assistance	State will submit requests for transfer and FHWA approves and processes the funding transfers between programs, to other States, to other agencies, and to FHWA HQ, Federal Lands, or Research offices.
Reviews of State Transportation Departments Financial Management Systems - Financial Integrity	23 USC 106(g)(2)(A)	Annually	Not Applicable	Office of Chief Financial Officer	Finance Team	CFO	23 USC 106(g)(2)(A) states that the Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).
Review Adequacy of Sub-recipient Project Delivery Systems and Sufficient Accounting Controls to Manage Federal Funds	23 USC 106(g)(4)(A)(i)	As needed	Not Applicable	Office of Chief Financial Officer	Finance Team	Local Assistance	
Periodic Reviews of States Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	LPA Team	Local Assistance/ Assurance and Compliance	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Increased Federal Share Agreement (Sliding Scale)	23 USC 120(b)(2)	As determined by the Federal Share Agreement	Not Applicable	Office of Chief Financial Officer	Finance Team	Federal Programs Management Division	A State must enter into an agreement with FHWA for use of the increased Federal share allowable under this section, which must be reviewed and updated periodically as agreed to in the agreement. States must demonstrate that they are in compliance with the statute and the agreement.
Prepare / Review Title VI Plan Accomplishments and Next Year's Goals	23 CFR 200.9(b)(10)	Annually	1-Oct	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division office reviews and comments.
Prepare / EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually	1-Oct	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division office reviews and comments.
Prepare / Review State Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals	23 CFR 230.311	Annually	1-Oct	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Courtesy copy to HQ.
Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division sends to HCR for review and approval as
Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division Office reviews and sends to HCR
Prepare / Annual Analysis and Corrective Action Plan (if necessary)	49 CFR 26.47(c)	Annual (as necessary)	December 31st	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division Office approves sends copy to HCR
Prepare / State DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division reviews and approves; HCC provides legal sufficiency review and approval sends copy to HCR

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division office reviews and comments.
Approval of OJT and DBE Supportive Services fund requests	23 CFR 230.113 & 23 CFR 230.204	Annual	TBA	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division recommends approval submits to HCR for final approval
Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Civil Rights Specialist	Civil Rights/Federal Programs Management Division	Division works with HCR and CFO
Prepare / Review of Report on Supportive Services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Quarterly		Office of Civil Rights	Civil Rights Specialist	Civil Rights/ASD	Division office reviews and comments.
Prepare / Review Annual Contractor Employment Report (Construction Summary of Employment Data (Form PR-1392)	23 CFR 230.121(a); Appendix D to Subpart A, Part 230, General Information and Instructions	Annually	1-Dec	Office of Civil Rights	Civil Rights Specialist	Civil Rights/Construction	Recommendation sent to HQ for approval.
Prepare / Review State DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	1-Dec	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval.
Prepare / Review Annual Federal Projected Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes, American Indian Alaskan Native, Asian Pacific & American Islander.	Presidential Executive Orders: 13230, 13256, 13270, 13361, 13515	Annual	TBA	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Divisions submit data to HCR who prepares report for DOCR
Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Civil Rights Specialist	Civil Rights/ASD	Division office reviews, FHWA HQ approves and issues finding.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually	1-Oct	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Division office reviews and comments.
Return of unexpended funds used for Summer Transportation Institutes	23 CFR 230.117(2)	Annual	August 30; however, State procurement rules may govern	Office of Civil Rights	Civil Rights Specialist	Civil Rights/Federal Programs Management Division	Divisions work with HCR and CFO
Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Divisions recommend approval. HCR gives final approval
Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Civil Rights Specialist	Civil Rights	Divisions provide to HCR
Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	N/A	N/A	Informational Purposes.
Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Consultant Procurement Office	FHWA Division Office Approval.
Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	Office of Program Administration determines national categories and must concur on any State designations.
Approval of State 3R Program	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	FHWA Division Office Approval.
Verify adoption of Design Standards (National Highway System, including Interstate)	23 CFR 625, 23 USC 109(b), 23 USC 109(c)(2), 23 USC 109(o)	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA HQ regulatory action to adopt NHS standards.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	Bridge	Structure & Bridge	Director of HIBT has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
Approval of State Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA Division Office Approval.
Verify State Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA Division Office Approval.
Approval of State Standard Detail Plans	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA Division Office Approval.
Approval of Pavement Design Policy	23 CFR 626.3	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	FHWA Division Office Approval.
Review of Value Engineering Policy and Procedures	23 CFR 627.1(b)&(c), 23 CFR 627.7 FHWA Order 1311.1B	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	FHWA Division Office Review.
Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA Division Office collects, reviews, and submits to HQ for review and reporting.
Review and Approval of Interstate Access Requests	23 USC 111, 23 CFR 710, 74 FR 43743-43746 (Aug. 27, 2009)	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	FHWA Division Office approval with concurrence from HQ on more complex access requests.
Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	FHWA Division Office Approval.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-State Transportation Department designated lab performing Independent Assurance sampling and testing accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-State Transportation Department designated lab used in dispute resolution accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Independent Assurance Annual Report	23 CFR 637.207	Annually	1-Mar	Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	Field Ops	Civil Rights/Engineering-Operations-Maintenance*	FHWA Division Office Review and Approval
Determination of Eligible Preventive Maintenance Activity - Cost-Effective Means of Extending Useful Life Determination	23 USC 116(e)	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	FHWA Division Office Approval
Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	Field Ops	Right of Way	FHWA Division Office Approval
Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	ROW	Right of Way/Engineering-Operations-Maintenance*	FHWA Division Office Approval
Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Bridge	Engineering-Operations-Maintenance*	
Review Improvement Plans and/or Plans of Corrective Action that were established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Bridge	Structure & Bridge	Division office performs annual compliance review and reports results to HQ.
Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	1-Apr	Office of Infrastructure	Bridge	Structure & Bridge	Division resolve errors with States; States submit to HQ.
Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	1-Apr	Office of Infrastructure	Bridge	Structure & Bridge	Submit to HQ.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Section 9 of the Rivers and Harbors Act Submittals (Bridge Permits)	23 CFR 650 Subpart H; 33 CFR 114 & 115	As needed	Not Applicable	Office of Infrastructure	Bridge	Engineering-Operations-Maintenance*	
Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Bridge	Structure & Bridge/Federal Programs Management Division	The FHWA Administrator may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that the State has inadequate needs to justify the expenditure.
Determination on Adequacy of State's Asset Management Plan	23 USC 119(e)(5)	Annually beginning second fiscal year after establishment of the process		Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	
Certification and Recertification of States Process for Development of State Asset Management Plan	23 USC 119(e)(6)	Recertification every four years after establishment of the process		Office of Infrastructure	Project Delivery	Engineering-Operations-Maintenance*	
Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Project Delivery	BTO	
Review National Highway System Performance Achievement Plan for Actions to achieve the targets (when State does not achieve or make significant progress toward achieving)	23 USC 119(e)(7)	Required if State does not achieve targets (or significant progress) for 2 consecutive reports		Office of Infrastructure	Project Delivery	BTO	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
States and sub-recipient failure to maintain projects - Notice and withholding Federal-aid Funds	23 USC 116(d)	As needed	Not Applicable	Office of Infrastructure	Field Ops	Local Assistance/ Engineering-Operations-Maintenance*	
Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Field Ops	Engineering-Operations-Maintenance*	Perform with State.
Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	Project Delivery	Fiscal	State will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request.
Local Public Agency (LPA) Oversight	2 CFR 200.331; 23 USC 106(g)(4)	As needed	Not Applicable	Office of Infrastructure	Project Delivery	Local Assistance/ Fiscal/ Assurance and Compliance	States are responsible to ensure that LPAs are aware of all the applicable Federal-aid Program requirements; States are responsible to ensure monitoring and oversight to assure compliance with Federal requirements. 23 USC further reinforces stressing accountability on "project delivery systems" and "accounting controls."
Approval to Sell, Lease or Otherwise Dispose of a Ferry Purchased with Federal-aid Funds	23 USC 129 (c)(6)	As needed	Not Applicable	Office of Infrastructure	Field Ops	ASD	Division Office reviews and submits for Office of Program Administration for Administrator Approval
Territorial Highway Program - Approval of Territory Agreement	23 USC 165(c)(5)	Reviewed and Revised as needed every two years		Office of Infrastructure	N/A	N/A	Division Office works with Office of Program Administration and HCC
TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Finance Team and Major Projects Team	VA P3/Financial Planning	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Finance Team and Major Projects Team	Financial Planning	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval
State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Finance Team	Financial Planning	Division sends copy of report to OIPD. SIB submits annual report to Division Office.
Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Finance Team	Office of Strategic Initiatives	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	Project Delivery	District/Financial Planning	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)(8); SAFETEA-LU Section 1604(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Project Delivery	Office of Strategic Initiatives	Requests submitted to HIN to coordinate review; approval by the Administrator
Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Project Delivery	Office of Strategic Initiatives	Applications submitted to HIN to coordinate review; approval by the Administrator
Annual Audit of Toll Facility Records and Certification of Adequate Maintenance - Report Submittal	23 USC 129(a)(3)(B); TEA-21 Section 1216(b)(5)(B); SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3)	Annually		Office of Innovative Program Delivery	Project Delivery	District/ Assurance and Compliance	Division Office to receive the reports.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Project Management Plan (Major Projects)	23 U.S.C. 106(h)(2)	Prior to first federal authorization of construction funds for a Major Project	Not Applicable	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit Project Management Plan.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Major Projects)	23 U.S.C. 106(h)(3)	Prior to first federal authorization of construction funds for a Major Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit annual Financial Plans.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Other Projects)	23 U.S.C. 106(i)	Prior to first federal authorization of construction funds for an Other Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will review and approve Financial Plans for Other Projects in accordance with its stewardship and oversight agreement with the State DOT or Project Sponsor.	State DOT or Project Sponsor will prepare and submit annual Financial Plans to the Division Office, only upon request.	Other Projects are defined as projects with an estimated total cost of \$100 million or more that have not been designated as Major Projects.
Review Designation and Re-designation of Primary Freight Network	23 USC 167(d)	One year after enactment of MAP-21 and every ten years thereafter		Office of Operations	Planning and Environment Team	TMPD	Under development, initial PFN designation scheduled for Spring 2014 completion.
Review Development and Update of National Freight Strategic Plan	23 USC 167(f)	Three years after enactment of MAP-21 and every five years thereafter		Office of Operations	Planning and Environment Team	TMPD	OST lead
Review Freight Transportation Conditions and Performance Report	23 USC 167(g)	Two years after enactment of MAP-21 and every two years thereafter		Office of Operations	Planning and Environment Team	TMPD	OST lead



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review HOV Operations Report for Tolled Use and Low-Emission and Energy-Efficient Vehicle Use	23 USC 166(d)	Annually		Office of Operations	Project Delivery	Operations	
Congestion Partnerships Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Project Delivery	Engineering-Operations-Maintenance*	Complete with partners and forward to HQ.
Traffic Incident Management Self-Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Project Delivery	Engineering-Operations-Maintenance*	Complete with partners and forward to HQ.
Virginia Work Zone Self-Assessment	Annual Memo from HQ	Annually	7/1/2013, This project is currently on hiatus and has not been determined whether it will be reestablished or not.	Office of Operations	Highway Safety Engineer	Engineering-Operations-Maintenance*	Complete with partners and forward to HQ.
Approval of State-Prepared Manual on Uniform Traffic Control Devices - State Traffic Control Manuals	23 CFR 655.603, 23 USC 109(d)	As needed	Not Applicable	Office of Operations	Highway Safety Engineer	Engineering-Operations-Maintenance*	
Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	1-Oct	Office of Operations	Planning and Environment Team	Engineering-Operations-Maintenance*	Enforcement is the responsibility of DVM and State Police
Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1-Jan	Office of Operations	Planning and Environment Team	Engineering-Operations-Maintenance*	Enforcement is the responsibility of DVM and State Police
Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Project Delivery	N/A	
Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	Project Delivery	N/A	
Approval of Virginia Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Highway Safety Engineer	N/A	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Exceptions to Virginia Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Highway Safety Engineer	N/A	
Approval of Virginia Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Highway Safety Engineer	N/A	
Process Review of Virginia Work Zone Safety and Mobility Procedures	23 CFR 630.1008, 23 USC 109(e)(2), 23 USC 112(g)	Every 2 years		Office of Operations	Highway Safety Engineer	N/A	
Approval of State Planning Work Program and Revisions (Part 1)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	FHWA Division Office Approval.
Approval of State Research and Development Work Program (Part 2)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Planning and Environment Team	VCTIR	FHWA Division Office Approval.
Approval of State's Distribution of Planning Funds Formula - Allocation Formulas for PL Funds	23 CFR 420.109, 23 USC 104(d)(2)(A)(i)	When Revised	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD/Financial Planning	FHWA Division Office Approval.
Review of State Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Location and Design	FHWA Division Office Review to Assure Compliance.
Receipt of State Consultation Process for Non- metropolitan Local Officials	23 CFR 450.210(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Informational Purposes.
Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	FHWA Division Office Review to Assure Compliance.
Approval of Statewide Transportation Improvement Program (STIP)	23 CFR 450.216, 23 CFR 450.218(a) & (c), 23 USC 135(g)(7)	At least every 4 years	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD/Federal Programs Management Division	Joint FHWA and FTA approval.
Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Federal Programs Management Division	Joint FHWA and FTA approval.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Finding of Consistency of Planning Process with Section 134 and 135	23 USC 135(g)(8), 23 CFR 450.218(b)	Concurrent with STIP approval	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	FHWA and FTA issue a joint finding concurrent with STIP approval.
Review of State Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.218(a)	Submitted with proposed STIP or STIP amendments	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Received with STIP.
Approval of Transportation Management Area (TMA) MPO Unified Planning Work Programs (UPWP)	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Approval of Non-TMA UPWA	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	May use simplified work statement.
Approval of UPWP Revisions and Amendments (All MPO's)	23 CFR 420.115	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Review of UPWP Performance and Expenditure Reports (All MPO's)	23 CFR 420.117(b)	Not more frequently than quarterly	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Approval of Report Before Publication (All MPO's)	23 CFR 420.117(e)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Waiver may be granted.
Approval to use Planning Funds outside Urbanized Areas for States Receiving Minimum Apportionment	23 USC 104(d)(1)(A)(ii)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Review of Metropolitan Planning Area Boundary (Establishment and Changes)	23 CFR 450.312	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Approval by MPO and the Governor, shape files forwarded to HQ. (Comment: No action is required by FHWA/FTA).
Review of Metropolitan Transportation Planning Organizations (MPO) Designation and Re-designation	23 CFR 450.310	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Require agreement between Governor and local governments.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	
Review of Metropolitan Planning Agreements (MPA) for Attainment or Entire Nonattainment Area	23 CFR 450.314(a)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314(d)).
Review of MPA - for MPA that do not include the entire nonattainment or maintenance area	23 CFR 450.314(b), 23 USC 109(j)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Between MPO/State DOT/State AQ Agency.
Review of MPO Public Participation Procedures	23 CFR 450.316(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Must be developed and published.
Review of Metropolitan Transportation Plan (MTP) in Attainment Areas (and Updates)	23 CFR 450.322	Every 4 years	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Review of MTP in Non-Attainment and Maintenance Areas (and Updates)	23 CFR 450.322	Every 5 years	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Review of MTP Amendments	23 CFR 450.322(c)	As Needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Air Quality Conformity Determination on LRTP in Non-attainment and Maintenance Areas	23 CFR 450.322(d)	Concurrent with LRTP updates at least every 4 years and as needed on amendments	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	TMPD	After receipt of MPO determination; Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA).
Review of Transportation Improvement Program (TIP)	23 CFR 450.300(a); 23 CFR 450.324(b); 23 CFR 450.328(a), 23 USC 134(j)(1)(D)	Prior to Program Period	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD/Federal Programs Management Division	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review of TIP Amendments	23 CFR 450.324(a); 23 CFR 450.328(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD/Federal Programs Management Division	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
Approval of Air Quality Conformity Determination on TIP	23 CFR 450.326; 23 CFR 450.328	At least every 4 years, or when the TIP has been modified (unless exempt projects)	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	TMPD	Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA).
Federal Finding of Consistency of Planning Process with Section 134 and 135	23 CFR 450.218(b); 23 CFR 450.334(a)	Concurrent with (S)TIP submittal	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD/Federal Programs Management Division	At least every four years, joint finding with FTA when TIP is submitted.
In Metropolitan Planning Areas, Review of State and MPO Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334 (a), 23 CFR 218(a)	Annually or concurrent with the STIP/TIP cycle	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Required for all MPO's. May be included in the STIP, TIP, or UPWP, at least every 4 years.
In TMA's, Certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334(b), 23 USC 134(k)(5)	Every 4 years		Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Joint FHWA and FTA Certification.
Approval of Federal-Aid Urban Area Boundaries	23 CFR 470.105 (a), 23 USC 101(a)(33)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Approval of Revision of Functional Classification	23 CFR 470.105 (b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	
Approval by Administrator of Interstate Additions & Revisions	23 USC 103(c)(1)(D), 23 CFR 470.111, 23CFR 470.115 (a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Engineering-Operations-Maintenance*	Approval by HQ – Administrator.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval by Office Director of National Highway System (NHS) Additions and Revisions	23 USC 103(b)(3), 23 CFR 470.113 and 470.115(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Engineering-Operations-Maintenance*	Approved by HQ - Office Director.
Review of CMAQ Annual Report	CMAQ Guidance Memo October 31, 2006	Annually	1-Mar	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Division provides information on CMAQ projects including: amount of obligation, project description and location, and air quality benefits. The report must be submitted via the web-based CMAQ Tracking System.
Transportation Planning Excellence Awards		Annually	1-Feb	Office of Planning, Environment & Realty	Planning and Environment Team	TMPD	Call for entries for the FHWA FTA Transportation Planning and Excellence Awards.
Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	31-Mar	Office of Planning, Environment & Realty	Project Delivery	VCTIR/Learning Center	FHWA HQ approval.
Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	L&D/Civil Rights/Communications	
Approval of NEPA Procedures, including Section 4(f)	23 CFR 771; 23 CFR 774; SAFETEA-LU 6007 & 6009, 23 USC 109(h)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Environmental	
Approval of Noise Policies	23 CFR 772.7, 772.9, and 772.13, 23 USC 109(i)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	Environmental	VDOT Environmental drafts noise abatement policy. FHWA approves State' noise abatement policy.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Planning and Environment Team	Environmental	VDOT Environmental produces the EISs for FHWA. FHWA monitors time required to complete EIS's, determine projects which have exceeded recommended timeline (3 years), identifies projects which should be listed as dormant and submits to HEPE.
Endangered Species Act Cost Report		Annually	1-Mar	Office of Planning, Environment & Realty	Planning and Environment Team	Environmental	
Exemplary Ecosystem Initiatives Applications		Annually	1-Apr	Office of Planning, Environment & Realty	Planning and Environment Team	Environmental	
Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Local Public Agency Oversight	49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Planning, Environment & Realty	Project Delivery	Local Assistance/Right of Way	
Approval of Highway Facility Relinquishment	23 CFR 620.203	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of ROW Disposal Authorization Request	23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of ROW Operations Manual (Organization, Policies and Procedures), Updates, and Certification	23 CFR 710.201	January 1, 2001 and every 3 years thereafter or as required by changes in State law or Federal regulation or	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
		law					
Approval of Exception to Charging Fair Market Value	23 CFR 710.403 and 23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of Interstate Real Property Use Agreements	23 CFR 710.405	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way/ Engineering Operations and Maintenance	
Approval of Request for Federal Land Transfer	23 CFR 710.601	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of Request for Direct Federal Acquisition	23 CFR 710.603	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of Outdoor Advertising Policies and Procedures, and Regulation and Procedure Approval	23 CFR 750.304, 23 CFR 750.705, 23 USC 131	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Maintenance	
Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.503	As needed	Not Applicable	Office of Planning, Environment & Realty	Highway Safety Engineer	Maintenance	
Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	Project Delivery	Right of Way	
Approval of Uniform Act Waivers and Waivers from Availability of Comparable Replacement Dwelling before Displacement	49 CFR 24.7, 49 CFR 24.204(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	Requests reviewed and approved by HEPR Office Director.
Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	Submitted to FHWA Headquarters (HQ).



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
0030)							
Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development Unit	Right of Way	
Approval of Management Process and Project Selection Procedures and Certification for Research, Development & Technology Transfer Program and Revisions to Process	23 CFR 420.115 and 23 CFR 420.209	As needed	Not Applicable	Office of Planning, Environment & Realty	Project Delivery	VCTIR	FHWA Division Office Approval.
Periodic Review of States Management Process of the Research, Development & Technology Transfer Program	23 CFR 420.209	Periodic	Not Applicable	Office of Planning, Environment & Realty	Project Delivery	VCTIR	FHWA Division Office Periodic Review.
Approval of Performance and Expenditure Reports for SPR Research Work Programs	23 CFR 420.117	No less frequently than annual and no more frequently than quarterly	90 Days After End Of Period	Office of Planning, Environment & Realty	Planning and Environment Team	VCTIR/TMPD/Local Assistance	FHWA Division Office Approval.
Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment Team	VCTIR/TMPD/Local Assistance	FHWA Division Office Approval unless waived.
Annual Traffic Reports	Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting	When Published	As needed	Office of Highway Policy information	Project Delivery	Engineering-Operations-Maintenance*	When Published
Approval of Annual Field Review Report	HPMS Field Review Guidelines (June 2001) Continuous Process Improvement Model for HPMS( February 2003)	Annually	1-Nov	Office of Highway Policy information	Planning and Environment Team	Engineering-Operations-Maintenance*	Review memo to HQ.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Certified Public Road Mileage	23 CFR 460.3(b)	Annually	1-Jun	Office of Highway Policy information	Planning and Environment Team	Engineering-Operations-Maintenance*	Each year, the Governor of each State and territory or a designee must certify Public Road Mileage. FHWA division reviews the Mileage and sends to HQ with division review/concurrence. This is reported to NHTSA for Apportionment of Safety Funds.
Approval of Data Submittal	23 CFR 420.105(b), HPMS Field Manual	Annually	15-Jun	Office of Highway Policy information	Planning and Environment Team	Engineering-Operations-Maintenance*	State DOT sends directly to Division Office and HQ.
Highway Statistics Reports	Guide to Reporting Highway Statistics			Office of Highway Policy information	Planning and Environment Team	Engineering-Operations-Maintenance*	State DOT of Division Office sends directly to HQ.
Motor Fuels Report	A Guide to Reporting Highway Statistics, Chapter 2	Due 60 days after end of each reporting month		Office of Highway Policy information	Planning and Environment Team	N/A	
Vehicles and Drivers (561, 562, 566, and 571)	A Guide to Reporting Highway Statistics, Chapters 3, 4, 5, and 6	1-Apr	1-Apr	Office of Highway Policy information	Planning and Environment Team	N/A	
Finance (531, 532, 541, 542, and 543 (optional))	A Guide to Reporting Highway Statistics, Chapters 8 and 9	1-Apr	1-Apr	Office of Highway Policy information	Planning and Environment Team	Fiscal	
Transportation Bond Referendums	A Guide to Reporting Highway Statistics, Chapter 9	When Published	When Published	Office of Highway Policy information	Finance Team	Policy	
State DOT / Toll Authority Audits and Published Annual Reports and Form 539 (optional)	A Guide to Reporting Highway Statistics, Chapter 10	When Published	When Published	Office of Highway Policy information	Finance Team	Office of Assurance & Compliance	Annually, Due as soon as available.
Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	30-Sep	30-Sep	Office of Highway Policy information	Planning and Environment Team	N/A	Biennially for odd-numbered years. Due nine months after end of reporting year

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	15-Jun	15-Jun	Office of Highway Policy information	Planning and Environment Team	N/A	Annually for State, Biennially for local
Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Finance Team	Policy	
State DOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Project Delivery	Policy	
Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Planning and Environment Team	Policy	Annual progress reports and statement of verification by June 30. Submitted via UPACS.
Review of Biennial - Toll Facilities in the United States	23 CFR 450.105(b) HPMS Field Manual	Biennially - Odd Years	June 15 (Odd Years)	Office of Highway Policy information	Planning and Environment Team	Policy/Financial Planning	Division Office sends to HQ.
State Highway Maps (Tourist)		When Published	When Published	Office of Highway Policy information	Project Delivery	Communications	Two copies to each Division Office and 100 copies to HQ.
Traffic Flow Maps		When Published		Office of Highway Policy information	Project Delivery	Engineering-Operations-Maintenance*	When Published.
Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	15-Jun	15-Jun	Office of Highway Policy information	Planning and Environment Team	Engineering-Operations-Maintenance*	Part of Annual HPMS submittal.
Highway Use Tax Evasion Grant Awards	23 USC 143	Annual	Not Applicable	Office of Highway Policy information	Finance Team	Financial Planning/DMV	FHWA along with the Internal Revenue Service will review applications and select awardees for projects designed to reduce or eliminate fuel tax evasion. FHWA will also review annual progress reports on projects.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669.7	1-Jul	1-Jul	Office of Highway Policy information	Planning and Environment Team	Policy/ DMV	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669	Annual	1-Jan	Office of Highway Policy information	Planning and Environment Team	N/A	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Heavy Vehicle Use Tax (HVUT) – Triennial review of State program	23 CFR 669.21	Triennial	Not Applicable	Office of Highway Policy information	Planning and Environment Team	N/A	Every 3 years, the local Division Office will perform a review of the State process for verifying that the HVUT has been paid before a registration can be issued or renewed for vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Permanent ATR Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning and Environment Team	N/A	Submit monthly, within 20 days after the close of the month for which the data were collected.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Continuous Automatic Vehicle Classifier Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning and Environment Team	N/A	Send up to one week of data per quarter
eight and Vehicle Classification Data Collected at Weigh-in-motion sites	Heavy Vehicle Travel Information System Field Manual	15-Jun	As needed	Office of Highway Policy information	Planning and Environment Team	N/A	WIM data collected at non-continuous sites during a year should be submitted by June 15 of the following year. If continuous WIM data are available, then up to one week of data per quarter.
Approval of MAP-21 compliant SHSP update within the legislatively required timeframe.	23 U.S.C. 148 (d)(2)(B)	Non Recurring	By Aug. 1 of the fiscal year after the HSIP final rule is established	Office of Safety	Highway Safety Engineer	Traffic	FHWA Division Offices provide copy of SHSP process approval letter to HQ.
Highway Safety Improvement Program (HSIP) and Railway-Highway Crossing Program (RHCP) Reports	23 USC 148(h), 23 CFR 924.15	Annually	31-Aug	Office of Safety	Highway Safety Engineer	Traffic	As per MAP-21 guidance, reports are due to FHWA Division Office by August 31st and to the Office of Safety by September 30.
Transportation Performance Management (TPM) for Safety	23 USC 150, 23 USC 134, 23 USC 135, 23 USC 148(i)	Annually	31-Aug	Office of Safety	Highway Safety Engineer	Traffic	Per MAP-21, States and MPOs must set targets for established measures. Targets must be assessed for achievement
Review Drug Offender Driver's License Suspension Law & Enforcement Certification (Section 159)	23 USC 159 23, CFR 192.5	Annually	1-Jan	Office of Safety	Project Delivery	N/A	Certifications due to the Division Office by January 1.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Section 154/164 Compliance Status - Funds Reservation	23 USC 154 and 23 USC 164	Annually	30-Oct	Office of Safety	Highway Safety Engineer	N/A	States must submit a Shift letter to the Division Office by Oct. 30 indicating how to apply the penalty. New penalty states have additional time. The Office of Safety processes the compilation of information in a memo to the CFO.
Review Safety Belt Compliance Status	23 USC 153, 23 CFR 1215.6	Annually	Annually	Office of Safety	Highway Safety Engineer	N/A	NHTSA
High Risk Rural Roads (HRRR) Special Rule	23 USC 148(g)(1)	Annually	Annually	Office of Safety	Highway Safety Engineer	Traffic	After the final FARS and HPMS data are available, FHWA HQ will inform the States if the HRRR Special Rule applies for the following FY.
Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	Highway Safety Engineer	Traffic	States should include in their annual HSIP reports (due August 31st) the calculations performed, verifying whether the Older Driver Special Rule applies in the State. If the Special Rule applies to a State in a given year, the State must include in its subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	Highway Safety Engineer	Engineering-Operations-Maintenance*	National Programs.

\*Engineering-Operations-Maintenance – Chief Engineer Directorate

**ATTACHMENT C  
MANUALS AND OPERATING AGREEMENTS**

Manual	Last Updated	Subject to FHWA		Reference
		Approval	Review	
BMP Design Manual of Practice	April 2013	No	No	
Cadd Manual	2012	No	No	
Construction Resource Guidebook	April, 2013	No	Yes	23CFR635.105
2005 Construction Manual	July, 2008	No	Yes	
Post Construction Manual	May, 2011	No	Yes	
Inspection Manual	April, 2008	No	Yes	23CFR637
Claims Manual	May, 2006	Yes	---	23CFR635.124
Drainage Manual	July 2014	No	Yes	23CFR650
Minimum Requirements for Quality Assurance and Quality Control on Design Build and Public-Private Transportation Act Projects	January 2012	Yes	---	23CFR637
Design-Build Contract Template Parts 3,4 & 5		Yes	---	
Emergency Relief Procedures		No	Yes	See Programmatic Agreement
Guardrail Installation Training (GRIT) Manual	November 2013	No	Yes	
Manual for the Procurement of Professional Services		Yes	---	23 C.F.R. 172
Materials Division Manual of Instructions		No	Yes	23C.F.R.626 23C.F.R.637
VAMUTCD		Yes	---	23 C.F.R. 655.603
PPTA Implementation Manual and Guidelines		No	Yes	
Right of Way and Utilities Manuals		Yes	---	23 C.F.R. 710.201
Policy Manual for Public Participation in Transportation Projects	July 2014	Yes	---	23CFR771.111 h(1)
Road Design Manual	July 2014	No	Yes	
2008 Road and Bridge Standards, Vol. 1 & 2	January 2014	Yes	---	23 C.F.R. 625.3



Manual	Last Updated	Subject to FHWA		Reference
		Approval	Review	
2001 Road and Bridge Standards, Vol. 1 & 2	February 2008	Yes	---	23 C.F.R. 625.3
Road and Bridge Specifications	2007	Yes		
Traffic Engineering Design Manual	2011	No	Yes	
Locally Administered Projects Manual		Yes	---	
Survey Manual	April 2014	No	No	
Manuals of the Structure and Bridge Division – Volume V – Part 1, 2, 3, 4, 5, 6, 7, 8, 11, 12	August 2014	No	Yes	23 C.F.R.625.3
Instructional and Informational Memoranda – (Construction, L&D, Structure and Bridge)	Various	No	Yes	23 C.F.R.650 23 C.F.R.625.3(f) (Design Exceptions)
VDOT Modifications to AASHTO Specifications for Highway Bridges (Standard Specifications for Highway Bridges, 1996, Sixteenth Edition including the 1997 and 1998 Interim Specifications)	September 2007	Yes	---	23 C.F.R 625.3

MODIFICATIONS TO THESE DOCUMENTS SHOULD BE COORDINATED WITH THE FHWA VA DIVISION. DOCUMENTS SUBJECT TO FHWA APPROVAL MUST BE SUBMITTED TO THE VA DIVISION FOR APPROVAL PRIOR TO ADOPTING ANY CHANGES. DOCUMENTS SUBJECT TO FHWA REVIEW WILL BE CHECKED BY THE VA DIVISION FOR OVERALL COMPLIANCE WITH FEDERAL REGULATIONS.

## OPERATING PROGRAMMATIC AGREEMENTS

### Planning:

- Statewide Transportation Improvement Program Procedures Memorandum of Agreement (2008)

### Historic/Cultural Resources:

- Letter Authorizing VDOT to Initiate Section 106 Consultation (2001)
- FHWA/VDOT/SHPO Historic Bridge Surveys and VDOT/VDHR Memorandum of Agreement for the Eligibility of Bridges for Listing in the Virginia Landmarks Register and National Register of Historic Places (1997)
  1. VDOT/SHPO Steel Beam-Timber Deck Bridge Agreement (2001)
  2. VDOT/SHPO Steel Beam-Concrete Deck Bridge Agreement (2008)
- VDOT/SHPO Culvert Evaluation Agreement (2010);
- VDOT/SHPO Programmatic Agreement for Interagency Coordination (1999)
- A Management Plan for Historic Bridges in Virginia: Update/Scoping Phase (2014)

### Natural Resources:

- Letter to U.S. Fish and Wildlife Service Designating VDOT as FHWA's Non-Federal Representative
- Letter to National Marine Fisheries Service Designating VDOT as FHWA's Non-Federal Representative
- Memorandum of Agreement to Designate the Lead Federal Agency for VDOT Administered Projects and to Designate the VDOT as the Non-Federal Representative on VDOT Administered Projects for the Endangered Species Act of 1973 (2012)
- Endangered Species Act Section 7 Consultation "No Effect" Determinations (allows VDOT to make no effect determinations) (2012)

### NEPA Process:

- Memorandum of Understanding: Compliance with Section 7 of the Endangered Species Act in Relation to the National Environmental Policy Act Process (2012)
- FHWA/VDOT Standardized Categorical Exclusion Process (includes NEPA Concurrence Form, CE Documentation Form, and VDOT Central Office Quality Control (2000)
- FHWA/Corps/VDOT Virginia Environmental Process Agreement (a.k.a. Partnering and Dispute Resolution Agreement; 1998)
- FHWA/VDOT Programmatic Categorical Exclusion Agreement (Revised 2013 and Amended 2014)
- FHWA/VDOT Standardized EA Form (2010)
- FHWA/U.S. Coast Guard National MOA to Coordinate and Improve Bridge Planning and Permitting (2013)
- Planning Documents and NEPA Approvals (2013)
- Fiscal Constraint of PPTA Projects and Inclusion in CLRPs (2013)
- NEPA Requirements for Construction of Telecommunications Towers on Interstate Right-of-Way (1998)

### Air:

- Project-Level Carbon Monoxide Air Quality Studies Agreement (2009)
- No-Build Analysis Agreement for Air and Noise Studies (2009)
- Transportation Conformity Analysis Review Process (2012)

### Right-of-Way:

- Obligation of Federal Right of Way Funding at NEPA Approval (2011)

### Noise:

- VDOT Noise Policy (Updated 2014)

Maintenance (PM/3R Agreement):

- Agreement for Federal Aid Maintenance Projects between FHWA and VDOT

Location and Design (IJR/IMR Agreement)

**Attachment D**

**Performance and Compliance Indicator**

Table D-1: Civil Rights

<b>Type Measure</b>	<b>Measure</b>	<b>Target or Goal</b>	<b>Compiled By (VDOT or FHWA)</b>	<b>Reported (Monthly, Quarterly, Annually)</b>
Performance	Dollar amount of commitments to DBE firms reported on the DBE Uniform Awards and Commitment Report.	2015 – 2017 Triennial Overall DBE Goal is 10.53%.	VDOT	Semi-Annually
Performance	Number of Projects with DBE goals vs. actual payments to DBEs.	2015 – 2017 Triennial Overall DBE Goal is 10.53%.	VDOT	Semi-Annually
Compliance	Number of DBE Compliance reviews completed	100%	VDOT	Quarterly
Compliance	Number of EEO Contractor Compliance Reviews Completed	100% of Approved Plan	VDOT	Annually
Compliance	ADA Self-Assessment/Transition Plan	Strategic Plan for Inventory by December 2014	VDOT	Annually

Table D-2: Construction and Contract Administration

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	On Budget (% of Projects that the cost of work is no more than 10% over the awarded contract amount, or, for certain paving only work, 25% over the awarded contract amount)	For FY 15 – 85%	VDOT	Annually (measured throughout the Year)
Performance	On Time (% of projects that have final acceptance of all contract work no later than the Original Fixed Contract Time Limit Date)	For FY 15 – 77%	VDOT	Annually (measured throughout the Year)
Performance	Construction Quality (% of Construction Quality Improvement Program items in compliance).	91%	VDOT	Annually (measured throughout the Year)
Compliance	Percent of projects where the Engineer’s estimate is within 10% of low bid. Baseline: SFY 2008 – 45%	75%	VDOT	Annually
Compliance	Percent of PS&E Packages Requiring Addendums to correct design errors or deficiencies	0%	VDOT	Annually

Table D-3: Design – Roadway

<b>Type Measure</b>	<b>Measure</b>	<b>Target or Goal</b>	<b>Compiled By (VDOT or FHWA)</b>	<b>Reported (Monthly, Quarterly, Annually)</b>
Performance	Number of VSMP Permits Applied for	Dependent on Program	VDOT	Annually
Performance	Number of projects using Nutrient Credits	Dependent on Program	VDOT	Annually
Performance	Number of Approved Design Exceptions	Dependent on Program	VDOT	Annually

Table D-4: Environment

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Compliance <sup>(1)</sup>	Environmental Compliance	100%	VDOT	Annually (measured throughout the Year)

(1) FHWA has access to CEDAR, VDOT’s environmental project management system, and can run unlimited reports for all environmental deliverables at any time.

Table D-5: Financial Management

<b>Type Measure</b>	<b>Measure</b>	<b>Target or Goal</b>	<b>Compiled By (VDOT or FHWA)</b>	<b>Reported (Monthly, Quarterly, Annually)</b>
Performance	Percentage of inactive obligations of current fiscal year's appropriation.	2%	FHWA	End of review of Quarterly Report
Performance	Percentage of unused obligation authority.	0%	FHWA	Monthly



Table D-6: Traffic Operations/ITS/Active Traffic Management

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Virginia Work Zone Safety Process Review	Comply with Virginia Work Zone Area Protection Manual	VDOT	Biannually
Performance	Median Incident Clearance Time for interstate incidents > 30 minute duration	<b>43 minutes by FY19</b>	VDOT	Annually
Performance	Vehicle Hours of Delay (VHD) on the Interstates	<b>For Reporting Purposes Only</b>	VDOT	Annually
Performance	The percent of time Below 45 mph in AM or PM peak Hour on HOV facilities	<b>90%</b>	VDOT	Annually

Table D-7: Right-of-Way (ROW)

<b>Type Measure</b>	<b>Measure</b>	<b>Target or Goal</b>	<b>Compiled By (VDOT or FHWA)</b>	<b>Reported (Monthly, Quarterly, Annually)</b>
Performance	Number of projects advertised with ROW Certification ( Cert 1)	85%	VDOT	Annually
Performance	Number of conditional ROW Certifications issued (Cert 2 or 3)	15%	VDOT	Annually
Compliance	Number of projects advertised without ROW clear	5%	VDOT	Annually
Compliance	Number of projects advertised without utility relocations completed	15%	VDOT	Annually
Compliance	Number of projects advertised without railroad agreements	5%	VDOT	Annually

Table D-8: Safety

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Virginia traffic fatalities	3% reduction/year per SHSP	VDOT	Annually
Performance	Virginia serious injuries	3% reduction/year per SHSP	VDOT	Annually
Performance	Virginia fatality rate (per HMVMT)	For reporting purposes only	VDOT	Annually
Performance	Virginia serious injury rate (per HMVMT)	For reporting purpose only	VDOT	Annually
Performance	Percent of HSIP funds obligated	For reporting purpose only	VDOT	Annually
Compliance	Process in place to ensure highway safety funds are spent on high priority safety locations.	Meet compliance	VDOT	Annually
Compliance	A current SHSP is being used to guide investment decisions of Federal safety funds.	Meet compliance	VDOT	Annually
Compliance	Highway Safety Improvement Program Annual Reports are submitted to the Division by August 31. Reports should be submitted with the on-line reporting tool.	Meet compliance	VDOT	Annually

Table D-9: Pavements and Materials

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Compliance	Independent Assurance will evaluate qualified sampling and testing personnel	Perform IA assessments on 75% of active HMA density technicians	VDOT	Annually - Statewide & District
Compliance	Independent Assurance will evaluate testing equipment	Perform Independent Assurance (IA) plant sampling and testing rate of 20% for Hot Mix Asphalt (HMA) and Central Mix Aggregate (CMA).	VDOT	Annually - Statewide & District

Table D-10: Locally Administered Projects

Performance	% of federal aid projects that are advertised in the same fiscal year as scheduled (parallels B#2)	70%	VDOT	Annually
Compliance	Number of internal compliance assessments performed on local projects in a calendar year	8	VDOT	Annually

Table D-11: Bridges and Structures

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	National Highway System: Percentage (Count) of Bridges and Large Culverts not Structurally Deficient	92%	VDOT	Annually
Performance	National Highway System: Percentage of Total NHS Deck Area of Bridges and Large Culverts not Structurally Deficient	90%	VDOT	Annually
Compliance	Compliant or Substantially Compliant with all NBIS requirements as determined through annual Quality Assurance/Quality Control (QA/QC) review	To be in compliance or substantial compliance with the 23 NBIS Metrics	FHWA	Annually

Table D-12: Maintenance

Type Measure	Measure	Target or Goal	Compiled By (VDOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	% of miles of interstate routes with “fair” or better (IRI<140) ride quality	85%	VDOT	Annually
Performance	% of miles of primary routes with “fair” or better (IRI<140) ride quality	85%	VDOT	Annually

## Attachment E

### Approval Timeframes By Delivery Type & Dispute Resolution

#### Design – Bid - Build

Project Authorization including PoDI / PoCI	Calendar Days Allowed For FHWA To Process And Approve In FMIS (Prior To AD)
Construction	21

#### Design - Build

PoDI / PoCI Approval And/Or Authorization	Calendar Days Allowed For FHWA Review/Approval	Calendar Days Allowed For VDOT Revisions And Resubmission	Calendar Days Allowed For FHWA Approval in FMIS
RFP And Project Authorization For PS&E	14	7	7
Addendum and/or Significant Scope Revision	21	N/A	N/A

**NOTE:** VDOT should award design build contracts within nine (9) months of project authorization

#### Dispute Resolution Elevation Matrix

VDOT	FHWA Virginia Division	Time In Calendar Days
Project Manager	Area Engineer, Planning/Environmental Specialist, etc.	14
District ADA	Team Leader	7
DA/CO ADA/Chief	Director/ ADA	7
Deputy/Commissioner	DA	3

**NOTE:** In cases where VDOT intends to approach FHWA HQ for a matter (either as an elevation beyond the matrix levels above or as a political matter), only the Commissioner, Chief Deputy Commissioner, or Chief Engineer will make such appeals to FHWA HQ



## Attachment F

# FHWA Project of Division Interest/Project of Corporate Interest Guide (FHWA PoDI/PoCI Guide)

## Projects of Division Interest (PoDI) Projects of Corporate Interest (PoCI) Guidance

### Background

The goal of risk-based project stewardship and oversight is to optimize the successful delivery of programs and projects and help ensure compliance with federal requirements. FHWA Risk-Based Project Stewardship and Oversight involves three main avenues of project involvement: 1) project approval actions, 2) data-driven compliance assurance, i.e., the Compliance Assessment Program (CAP), and 3) risk-based stewardship and oversight involvement in Projects of Division Interest (PoDI), including Projects of Corporate Interest (PoCI) which are a subset of PoDIs (See Figure 1.)

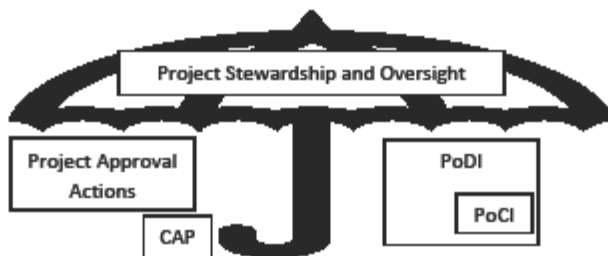


Figure 1.

### Projects of Division Interest (PoDI)

Projects of Division Interest (PoDIs) are those projects that have an elevated risk, contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives. Each Division Office (Division) should identify those projects, within its limited resources, where FHWA should assert a positive leadership influence to help assure a high level of public confidence that projects and programs are administered with integrity, are in compliance with applicable requirements, and yield maximum value for the public. Project selection will be risk-based and stewardship and oversight activities will be directed toward addressing identified risks. This may include retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project.

### PoDI Types

Section 106 of Title 23, United States Code provides certain statutory requirements for project approval actions and oversight of the Federal-aid Highway Program. Within the context of these requirements, and in consideration of other priorities established by Congress, PoDIs can be generally categorized into one or more of the six (6) types described below:

1. Major Projects (>\$500M); 23 USC 106(h)

Major Projects (>\$500M) will always be identified as PoDIs since Congress has directed an increased involvement by FHWA in these projects.

2. Appalachian Development Highway Projects: 23 USC 106 (a)(5)(B)

Appalachian Development Highway Projects will always be identified as PoDIs since Congress has directed an increased involvement by FHWA to retain project approval actions (design, plans, specifications, estimates, contract awards, inspections) listed in Section 106(c) for these projects.

3. TIGER Discretionary Grant Projects

TIGER Projects will always be identified as PoDIs since Congress has directed an increased involvement in these projects and the administration of these projects has been delegated to FHWA by the Secretary of Transportation.

4. NHS Projects with Retained FHWA Project Approval: 23 USC 106(c)(1)

NHS projects where FHWA has retained responsibility for one or more of the project approval actions (design, plans, specifications, estimates, contract awards, inspections) listed in Section 106(c) will always be identified as a PoDI. The identification of these types of PoDIs will be consistent with the FHWA/SDOT Stewardship and Oversight Agreement and reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions, either on a programmatic basis or project-level basis.

5. Non-NHS Projects with Retained FHWA Project Approval: 23 USC 106(c)(2)

Non-NHS projects where, as determined by the State DOT, FHWA has retained responsibility for one or more of the project approval actions listed in Section 106(c) will always be identified as a PoDI. The identification of these types of PoDIs will be consistent with the FHWA/SDOT Stewardship and Oversight Agreement.

6. Projects Selected for Risk-based Stewardship & Oversight: 23 USC 106(a)

Regardless of retained project approval actions, any Federal-aid Highway Project either on or off the NHS that the Division identifies as having an elevated level of risk can be selected for risk-based stewardship and oversight and would then be identified as a PoDI. Identification of these Section 106(g) PoDIs will be done using a risk-based process that considers consistent risk criteria.

### Projects of Corporate Interest (PoCI)

Projects of Corporate Interest (PoCIs) are a subset of PoDIs. These are projects deemed to be so significant that FHWA is willing to commit additional resources beyond those available at the individual Division level to help ensure successful delivery of the project. Project selection should be risk-based and the stewardship and oversight activities should be directed toward addressing the identified risks. This may require retaining certain project approval actions or directing stewardship and oversight activities to a specific phase or element of the project.

## PoDI Identification Process

The identification of PoDI projects will be risk-based. This will be a two-step process including a “pre-screening” to identify a short-list of potential PoDI projects and a risk-based assessment to identify projects risks.

### *Pre-screening*

Divisions will pre-screen Federal-aid projects and develop a short-list of projects that will require a risk-based assessment to identify their possible areas of risk and to determine if they should be selected as a final PoDI. Divisions should develop and document their own pre-screening criteria driven by “areas for concern and/or opportunity” to identify these potential PoDIs. Examples of pre-screening criteria include project cost thresholds on the Interstate/NHS; regional significance; political or community interest; innovative financing or contracting; and geographic coverage.

### *Risk-based Assessment*

Divisions will conduct a risk-based assessment of the short-list of PoDI projects. Major Projects, Appalachian projects, and TIGER projects are by definition final PoDI projects, but each must still receive a risk-based assessment to identify project risk areas and appropriate stewardship and oversight activities. As a minimum, each Division will develop and document a process that considers the following ten risk areas<sup>1</sup> when identifying the final PoDI projects. Divisions may add other risk considerations at their discretion.

1. Complexity
2. Cost
3. Schedule
4. Urgency
5. Environmental Considerations/Stakeholders
6. Funding
7. Project Administration
8. National/Regional Significance
9. Corporate Actions
10. Local Considerations

The Resource Deployment Tool (RDT)

(<http://our.dot.gov/office/fhwa.hq/ipd/ResourceDeploymentTool/SitePages/Home.aspx>) has been developed using these ten risk areas and it provides a structured way to evaluate project risks. Divisions are encouraged to use this tool for assessing the short-list of potential PoDIs. Divisions may utilize an alternative mechanism, but they must address the minimum criteria identified above and there must be a documented risk analysis. Major Projects have a high potential to be a PoCI project and therefore will receive a risk-based assessment using the RDT as discussed below under PoCI Identification Process.

---

<sup>1</sup> More detailed criteria regarding the 10 risk areas can be found in the Resource Deployment Tool.

#### *Final PoDI Selection*

Divisions will make the final selection of PoDIs from the short-list taking into consideration the results of the risk-based assessment, available resources, State-specific considerations, and how each project fits into the Division's overall oversight objective. As noted above, Major Projects, Appalachian projects, and TIGER projects are by definition final PoDI projects. There is no firm number or percentage of projects that should be designated as a PoDI by each Division; however, the number of projects shall reflect the level of stewardship and oversight needed to mitigate the elevated risks identified on each PoDI. Each DFS will discuss the range of PoDI projects and the selection process with the Division as necessary. Divisions are encouraged to collaborate with their respective State DOT in the PoDI identification process. However, the final PoDI selection decision and the level of involvement remains the responsibility of the Division.

#### **PoCI Identification Process**

##### *Pre-screening*

It is anticipated that a short-list of projects that have the potential to be a PoCI will be identified early in the PoDI pre-screening process. All Major projects will be included in the short-list of potential PoCIs.

##### *Risk-based Assessment*

Major Projects and all other pre-screened projects that have the potential to be a PoCI will be entered into the SharePoint-based Resource Deployment Tool (RDT) (<http://our.dot.gov/office/fhwa.hq/ipd/ResourceDeploymentTool/SitePages/Home.aspx>). This tool will be used to conduct a risk-based assessment to identify areas of elevated risk for each project, identify the level of Division office capacity to manage the risk, and determine if the project is recommended by the Division Office for selection as a final PoCI. The RDT contains specific instructions for completion.

##### *Final PoCI Selection*

For each project entered into the RDT, the Division Office will indicate if the project is selected as a final PoDI and if it is recommended as a final PoCI. The DFSs will concur in the final selection of PoCIs after consultation with key Headquarters offices. If a Division recommends a Major Project as a PoCI, the DFSs will consult with the Office of Innovative Program Delivery (HIPD) prior to concurring in the selection of the project as a final PoCI. Concurrence for each project will be documented in the RDT. If the DFSs and/or Headquarters office have any concerns with whether the project is a good candidate for a final PoCI they will consult with the Division Administrator.

#### **Scope of Involvement in PoDI & PoCI Projects**

Project selection will be risk-based and stewardship and oversight activities will be directed toward addressing the identified risks. This may include retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project. For PoDIs, the scope of a Division's stewardship and oversight activities, beyond any project approval actions retained by FHWA,

will be tailored to the level of risk ascertained by the Division. For PoCIs, the scope of involvement will include the dedication of corporate resources to ensure the successful delivery of the project.

#### PoDI & PoCI Stewardship & Oversight Plans

The Division will prepare a specific PoDI Stewardship & Oversight (S&O) Plan for each PoDI, or group of PoDIs. The PoDI S&O Plan is meant to be concise and will include the following elements:

1. Project information – including project name, description, location, FMIS#, and State ID#
2. FHWA contact
3. Primary PoDI type
4. Indication if the project is also a PoCI
5. Risk areas associate with the project (from risk-based assessment)
6. Project elements that will be reviewed in response to the risks
7. Activities that will be conducted on the project (retained approval action, inspections, etc.)
8. If a PoCI, the specific corporate resources committed to the project
9. The results of the Division involvement in the project

Divisions will enter each plan into the PoDI S&O Plan SharePoint Site (<http://our/office/fhwa.dfs/RBSO/Lists/PoDI/AllItems.aspx>). Areas of elevated risk must be reported in the plan, along with the project specific actions to be taken by Division staff to address the risk(s). The Divisions are also expected to document the results of the Division involvement in the project. A single plan may be developed for a group of projects in cases where the risks and stewardship and oversight strategies are similar. For example, if a projects approval action has been retained on a programmatic basis for a group of projects, a single PoDI S&O Plan may be developed that references the programmatic risk and the affected projects. Since PoCIs are a subset of PoDIs, a plan will be prepared in the SharePoint site for all PoCIs as well. Divisions will indicate within the plan what additional corporate resources have been committed to the PoCI project.

A Word version of the standard PoDI S&O Plan has been provided. This may be used for preparation of the plan prior to entering the information into the PoDI S&O Plan SharePoint Site (<http://our/office/fhwa.dfs/RBSO/Lists/PoDI/AllItems.aspx>) and for sharing with the State DOT.

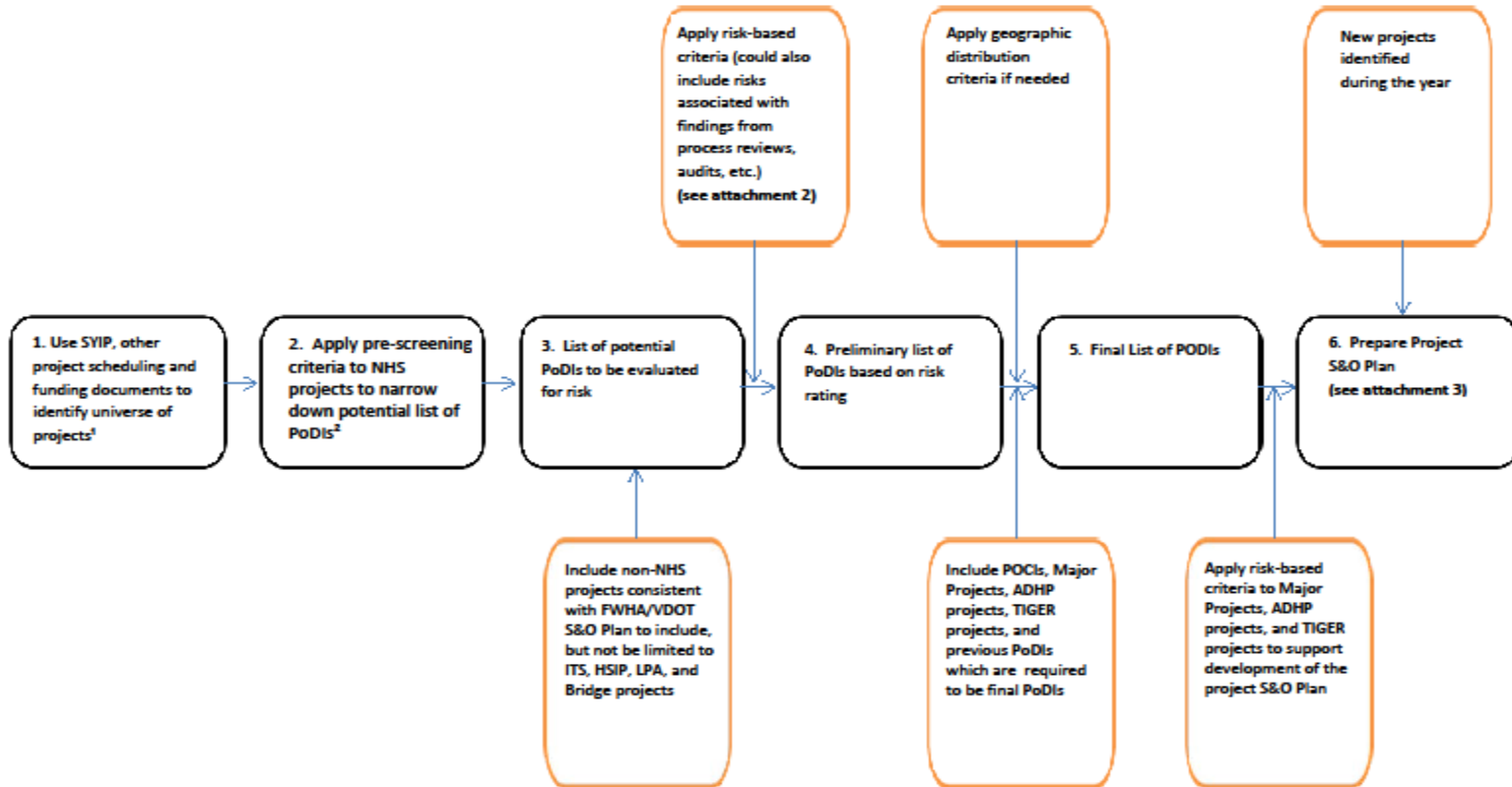
#### PoDI S&O Plan Template (Word version)



Final PoDI S&O Plan  
Template (Word) 3-28

Final PoDI S&O Process Flowchart, Risk Rating and PLAN TEMPLATE 3-28-2014

PODI Process Flowchart



<sup>1</sup> Universe of projects includes all projects where a phase is being initiated during the PY;

<sup>2</sup> Criteria include \$5 million for Interstate and \$50 million for NHS;

**FHWA Virginia Division Risk-Based Oversight  
Projects of Division Interest Risk Rating**

Federal Project Number (if known): \_\_\_\_\_

State Number/UPC: \_\_\_\_\_

Project Phase: \_\_\_\_\_

Project Description	
<b>Project Rating Criteria</b> <small>(Note: Mark the areas of potential risk with a H (high, 3 rating), M (medium, 2 rating) or L (low, 1 rating); do not mark areas if there is no potential risk)</small>	<b>Potential for Risk</b>
<u><b>Risk Areas</b></u> <ul style="list-style-type: none"> <li>• <b>Complexity</b> <ul style="list-style-type: none"> <li>○ L = Routine highway/bridge construction; rural area</li> <li>○ M = Some complex highway/bridge construction; rural or suburban area</li> <li>○ H = Highly complex highway/bridge construction; urban or constrained area ; innovative construction; multimodal component(s)</li> </ul> </li> <li>• <b>Cost</b> <ul style="list-style-type: none"> <li>○ L = &lt; \$250 million</li> <li>○ M = &lt; \$500 million</li> <li>○ H = &gt; \$500 million</li> </ul> </li> <li>• <b>Schedule</b> <ul style="list-style-type: none"> <li>○ L = simple schedule with few interfaces; low risk of changes or delays</li> <li>○ M = medium schedule complexity with 3 or more interfaces; medium risk of changes or delays</li> <li>○ H = complex schedule with multiple interfaces; high risk of changes or delays; set completion date for toll collection or other reason</li> </ul> </li> <li>• <b>Urgency</b> <ul style="list-style-type: none"> <li>○ L = Project on schedule and proceeding as planned</li> <li>○ M = Project a little behind schedule, limited political/stakeholder interest</li> <li>○ H = Project behind schedule, high political/stakeholder interest</li> </ul> </li> <li>• <b>Environmental and Stakeholders</b> <ul style="list-style-type: none"> <li>○ L = CE or simple EA; little to no stakeholder interest; minor/simple environmental/mitigation commitments</li> <li>○ M = complex EA, non-controversial EIS or Tier I EIS; some stakeholder interest; some environmental/mitigation commitments</li> <li>○ H = complex or controversial EIS; lot of stakeholder interest; extensive environmental mitigation/commitments that will require tracking</li> </ul> </li> </ul>	



<ul style="list-style-type: none"> <li>• <b>Funding</b> <ul style="list-style-type: none"> <li>○ L = project funded with traditional sources of funding; full funding included in STIP; routine authorization;</li> <li>○ M = project funded with some less traditional sources of local, state, or federal funds (i.e. GARVEE); some funding identified in STIP</li> <li>○ H = project funded with innovative local, state, and/or federal funds (e.g. TIFIA, tolls, PABs, State bonds, etc.); Financial Manager review and approval required</li> </ul> </li> <li>• <b>Project Administration</b> <ul style="list-style-type: none"> <li>○ L = project sponsor is VDOT and they have committed adequate resources to deliver project; contract is design-bid-build or low bid design-build</li> <li>○ M = project sponsor is an experienced LPA, VDOT District Office, or another State agency; project is a type VDOT has limited experience delivering</li> <li>○ H = project sponsor is an inexperienced LPA or State agency that has had issues in the past administering or delivering projects</li> </ul> </li> <li>• <b>National/Regional Significance</b> <ul style="list-style-type: none"> <li>○ L = project benefits are primarily local; ADT &lt; 50,000; non-NHS or NHS but not Interstate</li> <li>○ M = addresses a regional highway or freight bottleneck; ADT &lt; 150,000; Interstate system</li> <li>○ H = addresses a nationally recognized highway or freight bottleneck; ADT &gt; 150,000; affects an Interstate or multiple Interstates</li> </ul> </li> <li>• <b>Corporate Actions</b> <ul style="list-style-type: none"> <li>○ L = no significant project elements/features identified that will impact or influence a FHWA national goal</li> <li>○ M = significant project elements/features identified that may impact or influence a FHWA national goal</li> <li>○ H = significant project elements/features identified that will impact or influence a FHWA national goal</li> </ul> </li> <li>• <b>Division Considerations</b> <ul style="list-style-type: none"> <li>○ Other risk areas based on risk assessment, process reviews, audits, etc.</li> </ul> </li> </ul>	
<b>Total Rating</b>	
<b>Notes</b>	

Reviewed by:

Name \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Date: \_\_\_\_\_



**Project of Division Interest (PoDI)  
Stewardship & Oversight Plan**

<b>Project Name</b>	<b>Description</b>	<b>State/County</b>	<b>FMIS #</b>	<b>State ID #</b>	<b>FHWA Contact</b>
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

\*Groups of projects may be covered in one plan where each has the same risk areas and response activities. Add additional rows if necessary.

1. Is this PoDI(s) also a PoCI?      Yes   No
  
2. What is the primary PoDI Type (select one)?
  - Major Project (>\$500M); 23 USC 106(h)
  - Appalachian Development Highway Project
  - TIGER Discretionary Grant Project
  - NHS Projects with Retained FHWA Project Approval; 23 USC 106(c) (1)
  - Non-NHS with Retained Actions; 23 USC 106(c) (2) *(as requested by State)*
  - Projects Selected for Risk-based Stewardship & Oversight; 23 USC 106(g)
  
3. What are the applicable risk areas associated with the PoDI (select all that apply):
  - Complexity
  - Cost
  - Schedule
  - Urgency
  - Environment & Stakeholders
  - Funding
  - Project Administration
  - National/Regional Significance
  - Corporate Actions
  - Local Considerations
  - Other: Describe: Click here to enter text.

Please provide a general description of the risks:

Click here to enter text.

4. What are the general project elements that will be reviewed (select all that apply):

- Project Authorization and Project Agreement
- Project Planning and Programming
- Project Financing
- Environmental Clearances/NEPA
- Preliminary Design
- Final Design
- Plan, Specification, & Estimate Development
- Advertising and Award
- Innovative Contracting/Design Build
- Contract Administration
- Construction Inspection & Quality
- Other – Describe: [Click here to enter text.](#)

Please provide a specific description of the elements that will be reviewed:  
[Click here to enter text.](#)

5. What are the general S&O activities that the Division will conduct in response to risk (select all that apply):

- Retained Project Approval Actions
- Project/Technical Meetings
- Document/Plan Review
- Field Review/Inspection & Report
- Program/Process Reviews & Report
- CAP Review
- Special Review
- Other – Describe: [Click here to enter text.](#)

Please provide a specific description of the activities that will be conducted:  
[Click here to enter text.](#)

6. If the project is a PoCI, what specific corporate resources were committed to this project?

[Click here to enter text.](#)

7. What were the results of the Division's involvement in the project(s)?

[Click here to enter text.](#)

8. Additional Information:

[Click here to enter text.](#)

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Engineer/Specialist

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Engineer/Specialist

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
Other

Approved \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Supervisor/Team Leader

Approved \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Supervisor/Team Leader

**REVISED**

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Engineer/Specialist

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Engineer/Specialist

Proposed \_\_\_\_\_ Date \_\_\_\_\_  
Other

Approved \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Supervisor/Team Leader

Approved \_\_\_\_\_ Date \_\_\_\_\_  
FHWA Supervisor/Team Leader

## **Appendix A: Glossary**

Assumption of Responsibilities – The act of State DOT to accept responsibility for carrying out and approving certain actions in the place of the FHWA. Such actions are to be taken by the State DOT in conformance with Federal laws, regulations, and policies.

Assumed Projects – Federal projects that the State DOT reviews in the place of the FHWA and has the authority to approve certain specified actions pertaining to design; plans, specifications, and estimates; contract awards; and inspections.

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

Control Document – Applicable laws, regulations, standards, policies, and standard specifications approved by FHWA for use on Federal-aid highway projects.

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

Locally Administered Projects – For the purpose of the S&O Agreement, a Federal-aid project in which an entity other than a traditional State DOT is a sub-recipient and this entity is administering the particular phase being authorized, i.e., Preliminary Engineering, ROW, or Construction. These would include projects where the non-traditional entity will either perform the work itself or enter into a contract for services or construction. State DOT remains responsible for the local public agency’s compliance on locally administered projects.

Local Public Agency (LPA) – Any organization, other than a traditional State DOT, with administrative or functional responsibilities that are directly or indirectly affiliated with a governmental body of any Tribal Nation, State, or local jurisdiction. LPAs would most often include cities or counties. However, an LPA, as defined here, could also include a State entity as well, perhaps even a part of a State DOT. An example could include a Port Authority or Toll Authority that had not traditionally worked with the Federal-aid highway program (FAHP).

Oversight – The act of ensuring that the FAHP is delivered consistent with laws, regulations, and policies.

Program Assessments – This evaluation technique may take many forms, including joint risk assessments and self-assessments. 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.

Program Reviews – A thorough analysis of key program components and the processes employed by the State DOT in managing the program. The reviews are conducted to: 1) ensure compliance with Federal requirements; 2) identify areas in need of improvement; 3) identify

opportunities for greater efficiencies and cost improvement to the program; and/or 4) identify exemplary practices.

Projects of Division Interest (PoDIs) – PoDIs are those projects that have an elevated risk, contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting project objectives.

For PoDIs, FHWA has made a risk-based decision to retain project approval actions or conduct stewardship and oversight activities for the project as provided for in 23 USC 106.

Recurring Reviews – Reviews that the division office conducts annually or on a regular periodic basis. Examples include NBIS, HPMS, HVUT, etc.

Risk Assessment – The process of identifying a risk event, determining the likelihood of the event happening, determining the impact (positive or negative) of the event on the delivery of the FAHP, and identifying an appropriate risk response strategy.

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

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

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

Unit Performance Plan – The annual performance plan prepared by an individual FHWA unit that address unit responsibilities and priorities taking into account the National Performance Objectives and National Initiatives identified in the FHWA's Strategic Implementation Plan (SIP) as well as specific initiatives identified at the unit level based on risk.

## **Appendix B: Project Oversight Designation Requirement in the Fiscal Management Information System (FMIS)**

**PoDI/State Administered** – Projects of Division Interest that are administered by the State DOT. If specific 106(c) responsibilities are assumed by the State DOT, the responsibilities assumed should be noted in the project description and/or remarks fields. (Projects where all six 106(c) responsibilities are retained by FHWA would need no such notation.) These are projects where FHWA will review and approve actions pertaining to one or more of the following (design; plans, specifications, and estimates; contract awards; and project inspections) and may also include additional areas of focus by the division.

**PoDI/Locally Administered** – Projects of Division Interest that are locally administered. If specific 106(c) responsibilities are assumed by the State DOT, the responsibilities assumed should be noted in the project description and/or remarks fields. (Projects where all six 106(c) responsibilities are retained by FHWA would need no such notation.) These are projects where FHWA will review and approve actions pertaining to one or more of the following (design; plans, specifications, and estimates; contract awards; and project inspections) and may also include additional areas of focus by the division.

**Assumed/State Administered** – Projects where *responsibility for all six Section 106(c) items* is assumed by the State DOT and the project is administered by the State DOT. These are projects where the State DOT has assumed responsibility for review and approval actions pertaining to all of the following: design; plans, specifications, and estimates; contract awards; and project inspections.

**Assumed/Locally Administered** - Projects where *responsibility for all Section 106(c) items* is assumed by the State DOT and the project is administered by a local agency. These are projects where the State DOT has assumed responsibility for review and approval actions pertaining to all of the following: design; plans, specifications, and estimates; contract awards; and project inspections.

**Other** – There may be situations that do not fit the previous categories. In cases where the project is identified as “Other,” additional details should be provided in the project description and/or remarks fields. Examples could include non-State DOT direct recipients.