

4/17/2015

**STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT  
BY AND BETWEEN  
FEDERAL HIGHWAY ADMINISTRATION, SOUTH DAKOTA DIVISION  
AND THE  
SOUTH DAKOTA 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 South Dakota Department of Transportation (SDDOT) on the roles and responsibilities of the FHWA and the SDDOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

The scope of FHWA responsibilities, and the legal authority for SDDOT 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), in accordance with Section III. For projects under Title 23, U.S.C. that are not on the NHS, the SDDOT 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), in accordance with Section IV.

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 SDDOT 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 SDDOT in accordance with Section III and IV 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 SDDOT to enter into an agreement relating to the extent to which the SDDOT 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 South Dakota Division Office (FHWA or Division) and SDDOT 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.

The Project Action Responsibility Matrix, Appendix B 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 SDDOT 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, Appendix B shall be controlling and except as specifically noted in Appendix B, no other agreements, attachments, or other documents shall have the effect of delegating or assigning FHWA approvals to SDDOT on a program-wide basis under 23 U.S.C 106 or have the effect of altering Appendix B.

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

- A. The SDDOT *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 SDDOT and FHWA determine that assumption of responsibilities is appropriate.
- B. Approvals and related activities for which the SDDOT has assumed responsibilities as shown in Appendix B 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 SDDOT may not assume responsibilities for Interstate projects that are in high risk categories as defined in Section IX. (23 U.S.C. 106(c)(1))
- D. The SDDOT is to exercise any and all roles of the Secretary's responsibilities for Federal-aid projects on the NHS in accordance with Federal laws, regulations and policies, as identified in Appendix B.

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

- A. The SDDOT *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)*, as identified in Appendix B, unless the SDDOT 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 SDDOT is to exercise the Secretary's approvals and related responsibilities on these projects in accordance with Federal laws.
- C. The SDDOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as "State" in Appendix B on a program-wide basis. For a project specific request, the State may request FHWA carry out any approval or related responsibility listed in Appendix B 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 SDDOT may permit local public agencies (LPAs) to carry out the SDDOT's assumed responsibilities on locally administered projects. The SDDOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements.

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

SDDOT 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, and 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 SDDOT**

- A. Any approval or related responsibility not listed in Appendix B 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 SDDOT:
  - 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, 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);

- Provide pre-approval for preventive maintenance (preservation eligible) projects (until FHWA concurs with SDDOT procedures or activity);
  - 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 Appendix B, unless otherwise approved by the FHWA, including the Office of Chief Counsel.
- B. For all projects and programs, the SDDOT 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**

Appendix B, 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 and will notify SDDOT of the Secretary's determination that the State has been placed in a high risk category in accordance with 23 U.S.C. 106(c) as per Section IX.A.

#### **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 SDDOT's financial management system in accordance with 23 U.S.C. 106(g)(2)(A). FHWA will periodically review the SDDOT'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 SDDOT, which elements may include one or more activities that are involved in the life cycle of a project from conception to completion of the project. The FHWA will also evaluate the practices of the SDDOT 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 FHWA and SDDOT staffing resources, available funding, and the State's transportation needs. The FHWA may work collaboratively with the SDDOT to assess the risks inherent with the FAHP and funds management, and how that assessment will be used to align either FHWA or SDDOT resources to develop appropriate risk response strategies.

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

- Program Assessments;
- 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 relating to program assessments, FIRE, program reviews, CAP, etc.

Any combination of the following techniques and processes will be used by the Division to carry out the requirements of 23 U.S.C. 106(g):

## **1. Program Assessments**

This technique may take many forms, including joint risk assessments, self-assessment and program assessments. All of these tools are based on the common concepts of identifying strengths, weaknesses and opportunities, and the identification and sharing of ‘best’ practices to continually improve the program. Program assessments may be triggered by national requirements, national initiatives, or the desire to strive for continual improvement.

## **2. Program Reviews**

Program reviews may be referred to as program improvement reviews, process reviews, program reviews, product evaluations, or continuous process improvement initiatives. A program review is a thorough analysis of key program components and the processes employed by SDDOT in managing the program. Program reviews are often triggered by risk assessments or performance indicators or measures that suggest a need for improvement. Reviews may be initiated by FHWA or SDDOT and may occur at any time during the year, if an immediate need is identified.

The review may be conducted by joint teams from FHWA, SDDOT, and other stakeholder groups or organizations. The review will:

- Ensure compliance with Federal requirements and established procedures and policies;
- Identify opportunities for greater efficiencies and improvements to the program;
- Identify exemplary practices; or
- Identify areas that need attention and make recommendations for improvement.

## **3. Compliance Assessment Program (CAP) Reviews**

The FHWA CAP uses a statistical approach to establish minimum compliance review requirements for Federal-aid highway projects. CAP reviews are one element of a comprehensive and data-driven approach to project oversight. The purpose of the CAP is to provide reasonable assurance, at both the national and local level, that Federal-aid highway construction projects are in compliance with key Federal requirements.

Each April FHWA Headquarters will randomly populate a list of projects from all projects authorized in FMIS for construction within the last year. The Division will conduct the CAP reviews with the assistance of the SDDOT, when necessary. The CAP review results will be evaluated nationally and at the Division level. The CAP review results will assist in identifying compliance issues or trends that need immediate attention, and identifying potential risk areas that could inform our corporate risk assessment and strategic planning process moving forward.

Annually, the Division will share a summary of the CAP evaluation results with the SDDOT. When needed, the Division will work with the SDDOT

in developing a plan to address compliance issues or trends that need immediate attention, or mediate potential risk areas.

**4. Risk-based stewardship and oversight of PoDIs and PoCIs:**

Annually, FHWA will initiate the process for selection of projects, as shown in Appendix E, that will be administered as FHWA projects of Projects of Corporate Interest (PoCI) or Projects of Division Interest (PoDI) and identify oversight areas for each project for each year in a matrix as shown in Appendix E. The selected PoDI/PoCI projects will have increased oversight and approval authority by FHWA.

All other Federal-aid projects will be delegated to the SDDOT. The delegation of projects to SDDOT does not preclude the FHWA from conducting project level activities as warranted. These projects will be monitored by FHWA through performance measures, program assessments, program oversight, process reviews, or spot checks.

E. Program Responsibility Matrix

Appendix C to this S&O Agreement is the Program Responsibility Matrix that identifies all relevant FHWA program actions, and Division and SDDOT program contact offices.

F. Manuals and Operating Agreements

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

G. Stewardship and Oversight Indicators

The Division and SDDOT may jointly establish Stewardship and Oversight Indicators (Indicators). The Indicators should set targets, track trends, and implement countermeasures and actions when the data is moving away from the desired target direction. Indicators can provide documented evidence that the SDDOT assumption of responsibilities is functioning appropriately. Stewardship and Oversight Indicators should be reviewed on an annual basis. The Stewardship and Oversight Indicators are contained in the Appendix D.

**SECTION XI. SDDOT OVERSIGHT AND REPORTING REQUIREMENTS**

A. SDDOT Oversight and Reporting Requirements

Unless FHWA is the identified responsible agency in the executed Agreement or approved PoDI or PoCI plan, the SDDOT is to exercise responsibilities shown to be assigned to the Secretary in compliance with Federal laws, Federal regulations, Federal-aid program requirements, and other mandates or requirements.



The SDDOT 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 SDDOT will comply with all aspects of this Agreement and appendices.

- B. SDDOT Oversight of Locally Administered Projects will be as indicated below unless otherwise required in Federal regulations:
- B.1. SDDOT is required to provide adequate oversight of sub-recipients including oversight of any assumed responsibilities the SDDOT delegates to a Local Public Agency (LPA).
  - B.2. Pursuant to 23 U.S.C. 106(g)(4), the SDDOT shall be responsible for determining that sub-recipients of Federal-aid funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The SDDOT 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 SDDOT 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 CFR 200.331 requirements for Pass-thru Entities). The SDDOT shall carry out these responsibilities using the following actions, programs, and processes:

The SDDOT will provide adequate oversight of sub-recipients including oversight of any assumed responsibilities the SDDOT delegates to a LPA. The SDDOT distributes and has oversight over MPO Planning funds allocated to sub-recipients according to 23 CFR 420 and 450, but retains the administration of all components of the LPA construction projects with Federal-aid except Emergency Relief, Right-of-Way (ROW) and Utility certification. The SDDOT enters into an Agreement with the sub-recipient LPA or utilizes a resolution from the LPA for sub-recipient Federal-aid funds.

The SDDOT utilizes the 'Local Roads Plan' as a guide for LPA use. The SDDOT may delegate ROW acquisition to LPAs and does provide the LPA with 'Required forms and Procedures for Acquisition of Right of Way for Federally-Assisted Projects' for their use. For ROW, which is accomplished by LPAs, ROW certification reviews will be accomplished by SDDOT LGA program for all projects to ensure that the Uniform Act requirements are met. SDDOT ROW program will conduct an

annual review of Right-of-Way LPA acquisitions and submit the report to the Division for review.

The SDDOT will provide training to LPAs through formal scheduled training or individual LPA training on the Federal grant requirements and LPA responsibilities, as conditions warrant. The training activities may be accomplished with SDDOT, LTAP, or other specialized staff.

- B.4. The SDDOT shall assess whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects, using the following actions, programs, and processes:

The SDDOT will ensure adequate project delivery systems and adequate accounting controls exist by providing procedural or audit reviews on selected LPA project billings.

- B.5. The SDDOT 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-aid project(s).

The SDDOT retains the administration of all components of the LPA construction projects with Federal-aid except Emergency Relief, Right-of-Way (ROW) and Utility certification.

- B.6. The SDDOT shall assess whether sub-recipient projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications.

The SDDOT retains the administration of all components of the LPA construction projects with Federal-aid except Emergency Relief, Right-of-Way (ROW) and Utility certification.

- B.7. The SDDOT shall ensure that when LPAs elect to use consultants for construction 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.

- B.8. The SDDOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations. The SDDOT will use the following process on required approvals on sub-recipient projects, and approved on sub-recipient administered projects.

SDDOT is permitted to delegate certain activities, under its supervision, to LPAs under Federal regulation 23 CFR 1.11 and 635.105 and SDDOT accepts responsibility for delegated activities. FHWA is required by Federal legislation to conduct

verification activities to assure that SDDOT and the local agencies' implementation of the Federal highway programs conform with laws, regulations and policies. The SDDOT conducts verification activities to assure that local agency Federal-aid projects and programs are implemented in conformance with Federal-aid requirements. The SDDOT retains the administration of all components of the LPA construction projects with Federal-aid except Emergency Relief, Right-of-Way (ROW) and Utility certification.

The SDDOT requires that the following LPA processes are conducted by the LPA or SDDOT staff in accordance with the SDDOT process and procedures:

- 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. Utility and Railroad certification;
- h. Construction monitoring, including Quality Control/Quality Assurance (QC/QA); and
- i. Contract administration including the SDDOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding.

- B.9. The SDDOT shall document its oversight activities for LPA-administered projects and findings, and how they will share this information with the FHWA.

The SDDOT will resolve all findings from reviews within the agreed upon time.

The SDDOT will review all Metropolitan Planning vouchers for Federal compliance. The SDDOT will submit an annual report from each Metropolitan Planning Organization to the FHWA Division to ensure compliance, per 23 CFR 420 and 23 CFR 450.

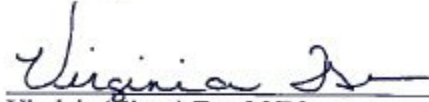
## **SECTION XII. IMPLEMENTATION AND AMENDMENTS**

- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA South Dakota Division Administrator, who shall sign this S&O Agreement last.
- B. The Division and SDDOT 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 SDDOT or FHWA; or
  - Priorities shift as a result of audits, public perception, or changes in staffing at either the SDDOT or Division Office.
- C. The Division and SDDOT agree that changes may occur to the contents of the Appendices to this S&O Agreement and documents incorporated by reference into the S&O Agreement, except as provided in Section XII.D and E below, and will not require the Division and SDDOT 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 business days of the effective date.
- D. Any changes to the high risk categories, Section IX.B, must be documented by an amendment to this S&O Agreement.
- E. Any changes to the Project Action Responsibility Matrix (Appendix B) must be approved by the FHWA Office of Infrastructure in writing and documented by an amendment to this S&O Agreement.

**EXECUTION BY THE FHWA SOUTH DAKOTA DIVISION OFFICE**

Executed this 4<sup>th</sup> day of June, 2015



Virginia (Ginny) Tsu, M.Ed.  
FHWA Division Administrator

**EXECUTION BY THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION**

Executed this 1<sup>st</sup> day of June, 2015



Darin Bergquist  
SDDOT Secretary

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**STEWARDSHIP AGREEMENT**

**APPENDIX A**

**FHWA/SDDOT COMMUNICATION PLAN AND CONFLICT RESOLUTION**

  
\_\_\_\_\_  
Darin Bergquist  
SDDOT Secretary

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Virginia Tsu  
FHWA Acting Division Administrator

  
\_\_\_\_\_  
Date

## DOT/FHWA COMMUNICATION PLAN

South Dakota Department of Transportation (SDDOT) & the South Dakota Division of Federal Highway Administration (FHWA) share a common fundamental goal, which is to provide a safe and efficient transportation system. Both entities have different roles in delivering the transportation system to our customers. The purpose of this document is to improve relationships, product quality, and timeliness of transportation projects by strengthening the communication process.

SDDOT & FHWA jointly agree that in order to continue to provide a quality product, the relationship between both offices must continually improve. Proper and open communication between offices is fundamental to the relationship and trust between entities. Communication and project decisions should be made at the appropriate level. Figure 1 as noted on page 5 of this document is intended to guide each office on the lines of proper communication when utilizing the conflict resolution process.

Conflicting thoughts or ideas are inevitable in transportation delivery, which is why it's critical that each organization adhere to the following rules of communication:

1. Early identification and discussion of concerns
2. Decisions should be made at the appropriate level
3. Document decisions and provide an opportunity for each organization to review
4. Be timely with responses
5. Respect opinions
6. Raise concerns at the appropriate time

Through proper, timely, and respectful communication each organization will improve product delivery resulting in reaching the goal of a safe and efficient transportation system. All members of each organization play a critical role in the success of the transportation system. Through continual improvement of communication, we will ensure our success into the future.

To ensure that both agencies have the most up-to-date information on each other's roles and responsibilities, SDDOT will post the following on its intranet site:

- FHWA's Organizational Chart
- FHWA's Order of Succession
- FHWA's List of Duties

FHWA will post SDDOT's Organizational Chart on its intranet (SDNet) site.

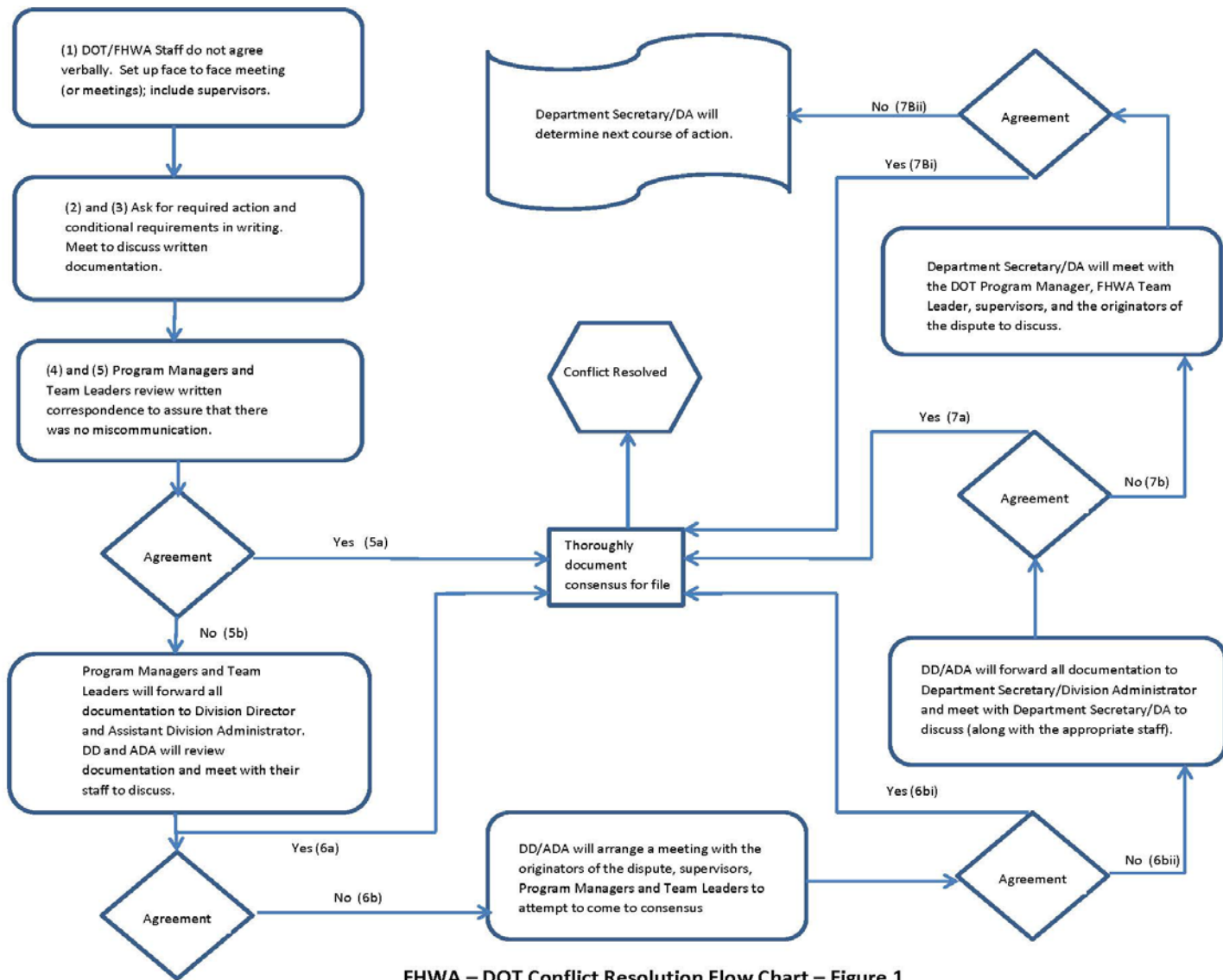


## FHWA / SDDOT CONFLICT RESOLUTION

*The intent of the Conflict Resolution process is to resolve issues at the lowest level possible.  
See Figure 1 for a flowchart of the information below.*

1. If FHWA and SDDOT staff encounters an issue that they cannot agree on, they shall initiate a face- to-face meeting which includes the appropriate supervisors.
2. If the issue cannot be resolved at face-to-face meetings, the parties involved shall document required actions and conditional requirements in writing, along with any supporting documentation. This will help assure that there is no mis-communication as to what is being requested and why.
  - a. If issue is resolved through written correspondence, concurrence shall be sent to the other party in writing or via email.
  - b. If resolution does not occur, staff shall provide the reasons why in writing, including supporting documentation. This again will help assure that there is no mis-communication as to why staff disputes the required actions.
3. FHWA and DOT staff shall verbally discuss to attempt to come to consensus on the issue.
4. If there is no consensus, FHWA and DOT staff will forward the written correspondence to the DOT Program Manager and FHWA Team Leader for their review and concurrence.
5. DOT Program Manager and FHWA Team Leader will review written documentation.
  - a. If the Program Manager and Team Leader concur with required actions, concurrence shall be sent to FHWA and DOT staff in writing or via email.
  - b. If the Program Manager and Team Leader do not concur, they shall arrange a meeting with the originators of the dispute to attempt to come to consensus on the issue.
    - i. If there is consensus on the issue, consensus shall be thoroughly documented for file.
    - ii. If there is no consensus on the issue, the Program Manager and Team Leader will forward all written documentation to the Division Director (DD) and the FHWA Assistant Division Administrator (ADA) for review.
6. The DD and the ADA will review the written documentation and meet with the appropriate DOT and FHWA staff.
  - a. If DD and ADA concur, concurrence shall be sent to FHWA and DOT staff in writing or via email.
  - b. If DD and ADA do not concur, they shall arrange a meeting with the DOT Program Manager and FHWA Team Leader and the originators of the dispute to attempt to come to consensus on the issue.
    - i. If there is consensus on the issue, consensus shall be thoroughly documented for file.

- ii. If there is no consensus on the issue, the DD and ADA will forward all written documentation to the Department Secretary and the Division Administrator (DA) for review.
- 7. The Department Secretary and the DA will review the written documentation and meet with the DD, ADA, DOT Program Manager, FHWA Team Leader, and the originators of the dispute.
  - a. If the Department Secretary and the DA concur, concurrence shall be sent to FHWA and DOT staff in writing or via email.
  - b. If Department Secretary and DA do not concur, the Department Secretary shall arrange a meeting with the DA, DD, ADA, DOT Program Manager , FHWA Team Leader, and the originators of the dispute to attempt to come to consensus on the issue.
    - i. If there is consensus on the issue, consensus shall be thoroughly documented for file.
    - ii. If there is no consensus on the issue, the Department Secretary and DA will determine next course of action.



FHWA – DOT Conflict Resolution Flow Chart – Figure 1

**APPENDIX B**  
**PROJECT ACTION RESPONSIBILITY MATRIX**  
**(As of February 6, 2015)**

**Last Revision: 4/17/2015 rwm**

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.

Except as expressly stated in notes to the matrix below, the State cannot assume any item marked only as “FHWA” in either column. Any item marked only “FHWA” is reserved to FHWA because it is outside the the scope of 23 U.S.C. 106(c), or otherwise is reserved to FHWA by law. 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 a State unless authorized by law, FHWA may authorize a State DOT to perform work needed to reach the decision point, or to implement the decision.

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.

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.

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>			
<b>Action Number</b>	<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
		<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
1	Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
2	Identify proposed funding category	STATE(1)	STATE(1)
3	Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
4	Authorize current bill (SDDOT Payment Request) (Note: this action cannot be assumed by State)	FHWA	FHWA
5	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
6	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

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS
7	Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE
8	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(2)	FHWA(2)
9	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(2)	FHWA(2)
10	Consultant Contract Selection	STATE (3)	STATE (3)
11	Sole source Consultant Contract Selection	STATE (3)	STATE (3)
12	Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
13	Approve consultant agreements and agreement revisions (Federal non-Major Projects)(23 CFR 172.9)	STATE	STATE
14	Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
15	Approve exceptions to design standards [23 CFR 625.3(f)]	STATE (5)	STATE
16	Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A
17	Interstate System Access Justification Report [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e))	FHWA	N/A

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS
18	Airport highway clearance coordination and respective public interest finding (if required)[23 CFR 620.104]	STATE	STATE
19	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
20	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
21	Provide pre-approval for preventive maintenance (preservation eligible) project (until FHWA concurs with STATE procedures or activity) (Note: this action cannot be assumed State)	FHWA	FHWA
22	Provide approval of preliminary plans for unusual/complex bridges or structures (Interstate and non-Interstate). [23 USC 109(a) and FHWA Policy]	FHWA (4)	STATE
23	Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	FHWA	FHWA
24	Approve use of local force account agreements (award other than competitive bid) [23 CFR 635.104 & 204]	FHWA	FHWA
25	Approve use of publicly owned equipment [23 CFR 635.106]	STATE	STATE
26	Approve the use of proprietary products, processes [23 CFR 635.411]	STATE	STATE
27	Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE
28	Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	STATE	STATE

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS
29	Make public interest finding (SDDOT Conditional ROW Certification) 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)]	STATE	STATE
30	Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	STATE	STATE
31	Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA
32	Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A
33	Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA	STATE
34	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
35	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 (3)	STATE (3)
36	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
37	Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA
38	Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS
39	Accept Transportation Management Plans (23 CFR 630.1012(b))	FHWA	STATE
40	Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	FHWA	STATE
41	Approve PS&E [23 CFR 630.201]	STATE	STATE
42	Authorize advance construction and conversions (SDDOT-292 form) [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA
43	Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE	STATE
44	Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE
45	Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE	STATE
46	Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE
47	Authorize (approve) advertising for bids [23 CFR 635.112, 309]	STATE	STATE
48	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
49	Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 & .204]	STATE	STATE
50	Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE
51	Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA	STATE
52	Approve addenda during advertising period [23 CFR 635.112]	STATE	STATE
53	Concur in award of contract [23 CFR 635.114]	STATE	STATE
54	Concur in rejection of all bids [23 CFR 635.114]	STATE	STATE
55	Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE	STATE



**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS
56	Approve changes and extra work [23 CFR 635.120]	STATE	STATE
57	Approve contract time extensions [23 CFR 635.120]	STATE	STATE
58	Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE
59	Accept materials certification [23 CFR 637.207]	STATE	STATE
60	Concur in settlement of contract claims [23 CFR 635.124]	STATE (6)	STATE
61	Concur in termination of construction contracts [23 CFR 635.125]	FHWA	STATE
62	Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
63	Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE
64	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
65	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 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE	STATE
66	Equal Employment Opportunity (EEO) Contract Compliance Review (DELETE- Approval) [23 CFR Part 230, Subpart D)].	STATE	STATE
67	Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE
68	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

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)**  
**(Excluding PoDIs, which are subject to separate PoDI Plans)**

Action Number	ACTION	AGENCY RESPONSIBLE	
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS

**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) State's process and modifications to, or variation in process, require FHWA approval.
- (4) 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).
- (5) Design exception on Interstate requires FHWA approval.
- (6) Federal-aid eligibility determination required by FHWA on all Federal-aid projects.

**APPENDIX C  
PROGRAM RESPONSIBILITY MATRIX**

Last Update: 3/30/2015 rwm

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
1	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	Project Development	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.
2	Approval of Indirect Cost Allocation Plans (ICAPs)	2 CFR Part 200 Subpart E; ASMBC-10	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Finance	The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E. Currently, SDDOT does not have an ICAP.
3	FIRE Program Activities	FHWA Order 4560.1C (or as superseded)	Ongoing		Office of Chief Financial Officer	Finance	Finance/Project Development	FHWA Division office will provide areas of review which is based upon SDDOT submittal of FIRE documentation and identified areas of risk by FHWA. FHWA Division office will provide recommendations to SDDOT for implementation consideration.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
4	Audit Coordination/FHWA Financial Statement Audit/State External Audit Reviews/State Internal Audit Reviews	FMFIA, 49 CFR 18.26; 2 CFR Part 200 Subpart F; GAAP, CFO Act of 1990; DOT Order 8000.1C	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Finance/Audits	Audit Coordination – Upon SDDOT being audited by South Dakota Legislative Audit, a copy of that audit report is provided to FHWA. If there are written findings, a corrective action plan is established and state assures corrective action is taken to resolve audit findings. FHWA monitors activities to ensure implementation. These corrective actions are coordinated through Marliss Dean and she works with our Audit staff.
5	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	Finance	Upon request from FHWA Division office, the State will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms. These reviews are handled by Marliss Dean in Finance and the Area Office and occur sometimes on an annual basis if SD is selected for the audit.
6	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	Project Development	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.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
7	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	Finance	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).
8	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	Administration/Audits/Project Development	
9	Periodic Reviews of States Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Finance	Administration/Project Development	
10	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	Finance	A letter is provided from Finance every 3 years for additional share usage. (Finance) SDDOT provides annual report. 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.
11	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	Civil Rights	SDDOT prepares accomplishment report, Title VI program plan, and next years goal to Division office for review, comment, and approval.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
12	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	Civil Rights	SDDOT reviews annually which contractors will have a review and Division office reviews and comments.
13	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	Civil Rights	SDDOT prepares accomplishment report, EEO affirmative action plan, and goals and submits to Division office for review, comment, and approval
14	Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Operations Support	SDDOT prepares revisions as necessary. Division gathers necessary approvals from HCR as appropriate.
15	Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Civil Rights	Operations Support	SDDOT prepares reports and submits to FHWA Division for review and submittal to HCR.
16	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	Operations Support	SDDOT prepares corrective action plan and submits to FHWA Division Office for approval. Division submits HCR.
17	Prepare / State DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Civil Rights	Operations Support/Project Development	SDDOT develops goal and submits to FHWA Division. Division reviews and gathers necessary approval from HCC & HCR as necessary.
18	Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Civil Rights	Civil Rights	SDDOT establishes training goals (slots), reports annually and prepares accomplishment report annually and submits to Division office for review and comment

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
19	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	Civil Rights/Operations Support	Division recommends approval submits to HCR for final approval. SDDOT currently does not participate in OJT/SS.
20	Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights/Operations Support	Division works with HCR and CFO
21	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	Civil Rights/Operations Support	SDDOT submits quarterly and annual reports to Division office for review and comment.
22	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	Civil Rights	SDOT prepares and submits the Form PR-1392 to FHWA Division for recommendation to HQ for approval.
23	Prepare / Review State DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	1-Dec	Office of Civil Rights	Civil Rights	Civil Rights	SDDOT prepares report at the end of every other state fiscal year and the report is sent to HQ for informational purposes.
24	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	Civil Rights	FHWA Division office prepares and submits data to HCR who prepares report for DOCR
25	Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Civil Rights	Division office reviews, FHWA HQ approves and issues finding. SDDOT is only involved if the complaint is on SDDOT system.
26	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	Civil Rights	SDDOT develops the ADA Transition Plan for Division office review and comment.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
27	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	Civil Rights	Divisions work with HCR and CFO. Currently none at this time in SD.
28	Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights	Divisions recommend approval. HCR gives final approval. Currently none at this time in SD.
29	Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Civil Rights	Civil Rights	Divisions provide to HCR. Currently none at this time in SD.
30	Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	Planning	Civil Rights/Project Development	Annual meetings with each Tribe where STIP consultation is conducted and the annual Tribal STIP meeting. The process is found in the public involvement procedures which is coordinating by Civil Rights and is for Informational Purposes.
31	Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	Contract Administration	Administration/Audits	SDDOT provides copy of Policy #DOT-FM-LTP-2.2 for FHWA Division Office Approval.
32	Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Division Administrator	Secretary	Office of Program Administration determines national categories and must concur on any State designations.
33	Approval of State 3R Program (Standards)	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	Design	Project Development	SDDOT provides to FHWA Division Office for approval of Policy DOT-P&E-PD-6.0 ( Definition of standards for construction/reconstruction, resurfacing, restoration, and rehabilitation of Highways and Bridges under State Jurisdiction).



Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
34	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	Design/Structures	Road Design/Bridge	FHWA HQ regulatory action to adopt NHS standards. Division approves the SDDOT Road Design Manual.
35	Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	Structures	Bridge	Director of HIBS has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
36	Approval of State Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Pavement	Operations Support	SDDOT revises specifications as needed and submits to FHWA Division for approval.
37	Verify State Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Design	Project Development	SDDOT provides to FHWA Division Office for approval of Policy DOT-P&E-PD-6.0 ( Definition of standards for construction/reconstruction, resurfacing, restoration, and rehabilitation of Highways and Bridges under State Jurisdiction).
38	Approval of State Standard Detail Plans (SDDOT Std. Plates)	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Design	Project Development/Operations Support	SDDOT provides changes to Standard Plates to FHWA Division Office for Approval.
39	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	Design	Project Development	SDDOT provides procedures for FHWA Division Office Review.
40	Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	Design	Project Development	SDDOT provide a FFY summary of project and findings(generally January) to FHWA Division Office collects, reviews, and submits to HQ for review and reporting.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
41	Review and Approval of Interstate Access Requests (IJR's)	23 USC 111, 23 CFR 710, 74 FR 43743-43746 (Aug. 27, 2009)	As needed	Not Applicable	Office of Infrastructure	Planning	Project Development	FHWA Division Office approval with concurrence from HQ for new or modified system to system interchanges and new or modified partial interchanges.
42	Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	Pavement	Operations	SDDOT develops rates and submits to FHWA Division Office for Approval.
43	Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Pavement	Materials & Surfacing	State administrators. The Division Office approves all changes to the SDDOT Quality System and Materials Manuals.
44	Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Pavement	Materials & Surfacing	State administrators. The Division Office approves all changes to the SDDOT Quality System and Materials Manuals.
45	Assure Non-STD 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	Pavement	Materials & Surfacing	State administrators. The Division Office approves all changes to the SDDOT Materials Testing & Inspection Certification Manual.
46	Assure Non-STD 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	Pavement	Materials & Surfacing	State administrators. The Division Office approves all changes to the SDDOT Materials Testing & Inspection Certification Manual.
47	Review Independent Assurance Annual Report	23 CFR 637.207	Annually	1-Mar	Office of Infrastructure	N/A	N/A	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program. N/A - SDDOT uses a project approach instead of a system approach.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
48	Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	Contract Administration	Legal	SDDOT's Labor Compliance Program monitors and enforces the contractors' and subcontractors' compliance of the payment of Davis-Bacon wages & also SDDOT assists the U.S. DOL by conducting their DBA wage surveys. The U.S. DOL approves & publishes DBA wage decisions. Semi-annual Labor Compliance Enforcement Reports are submitted to U.S. DOL and cc'd to FHWA-SD Division every April and October.
49	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	Pavement	Project Development	SDDOT prepares and submits project type request memo to FHWA Division Office for Approval
50	Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	Utility	Road Design	FHWA Division Office Approval - Currently none. If SDDOT elects to pursue alternate procedures an application will be provided to FHWA Division Office for Approval
51	Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	Utility	Operations Support	SDDOT prepares procedures and submits to FHWA Division for review and approval.
52	Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Structures	Bridge/Materials & Surfacing	SDDOT submits TS&L's for Division review and comment.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
53	Review Plans of Corrective Action established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Structures	Bridge/Administration	Division office performs annual compliance review and reports results to HQ. If FHWA determines through the 23 bridge inventory metrics that SDDOT is in need of corrective action, SDDOT and FHWA prepare a corrective action plan and submits to FHWA Division office for approval.
54	Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	1-Apr	Office of Infrastructure	Structures	Bridge/Administration	SDDOT submits NBI data to FHWA HQ and if errors are identified FHWA Division resolves errors with State.
55	Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	1-Apr	Office of Infrastructure	Structures	Bridge	SDDOT compiles summary of annual cost for structurally deficient structures replacement and submits data to FHWA Division for submittal to HQ.
56	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	Environmental	Bridge/Environmental	SDDOT reviews and requests FHWA division office determination on US Coast Guard Bridge permits for projects involving structures on navigable waters.
57	Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Division Administrator	Secretary	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.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
58	Determination on Adequacy of State's Asset Management Plan	23 USC 119(5)	Annually beginning second fiscal year after establishment of the process		Office of Infrastructure	ITS	Administration	SDDOT will provide copy to FHWA Division Office.
59	Certification and Recertification of States Process for Development of State Asset Management Plan	23 USC 119(6)	Recertification every four years after establishment of the process		Office of Infrastructure	ITS	Administration	SDDOT will provide copy to FHWA Division Office.
60	Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Division Administrator	Director of Planning & Engineering	State prepares asset management plan and identifies performance targets. Division Director of P&E provides report to FHWA Division Administrator
61	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(7)	Required if State does not achieve targets (or significant progress) for 2 consecutive reports		Office of Infrastructure	Division Administrator	Director of Planning & Engineering	If needed SDDOT Division Director of P&E prepares an achievement plan and submits to FHWA Division Administrator.
62	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	Division Administrator	Secretary/Administration	FHWA Division Administrator provides written notice to SDDOT Secretary.
63	Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Emergency Relief	Administration	State declares disaster, then damage inspection are completed, and request for funds submitted to FHWA Division.
64	Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	N/A	N/A	State will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request. N/A - No toll roads in SD.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
65	Local Public Agency (LPA) Oversight	2 CFR 200.331; 23 USC 106(g)(4); 49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Infrastructure	Safety	Administration/Project Development	States are responsible to ensure that LPAs that are subrecipients 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."
66	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	N/A	N/A	Division Office reviews and submits for Office of Program Administration for Administrator Approval. N/A - No Ferry Boats in SD.
67	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 . N/A - No Territorial Highway Program
68	TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Finance/Project Development	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary
69	GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Finance/Project Development	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
70	State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Finance	Finance/Project Development	SDDOT submits FHWA template document annually (generally 1st week in February) to FHWA Division which sends copy of report to OIPD. SIB submits annual report to Division Office.
71	Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	N/A	N/A	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review. N/A - No tolling authorities in SD.
72	Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	N/A	N/A	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review. N/A - No tolling authorities in SD.
73	Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)	As needed	Not Applicable	Office of Innovative Program Delivery	N/A	N/A	Requests submitted to HIN to coordinate review; approval by the Administrator. N/A - No tolling authorities in SD.
74	Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	N/A	N/A	Applications submitted to HIN to coordinate review; approval by the Administrator. N/A - No tolling authorities in SD.
75	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	N/A	N/A	Division Office to receive the reports. N/A - No tolling authorities in SD.
76	Project Management Plan (Major Projects - >\$500M)	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. Currently, no major projects in SD.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
77	Financial Plan (Major Projects >\$500M)	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. Currently, no major projects in SD.
78	Financial Plan (Other Projects >\$100M)	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. Currently, no major other projects in SD.
79	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	Project Development	SDDOT provides comments to FHWA Division office. This is currently under development, initial PFN designation scheduled for Spring 2014 completion.
80	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	Project Development	Office of the Secretary of Transportation lead. SDDOT will provide comments and information as needed.
81	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	Project Development	Office of the Secretary of Transportation lead. SDDOT will provide comments and information as needed.
82	Review HOV Operations Report for Tolloed Use and Low Emission and Energy-Efficient Vehicle Use	23 USC 166(d)	Annually		Office of Operations	N/A	N/A	N/A - SD does not have any HOV operations.
83	Congestion Partnerships Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	N/A	N/A	Complete with partners and forward to HQ. N/A - No congestion partnerships in SD.



Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
84	Traffic Incident Management Self-Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	ITS	Operations Support/Research	SDDOT, SDDPS and FWHA Complete self assesment and forward to HQ.
85	Work Zone Self-Assessment	Annual Memo from HQ	Annually	7/1/2013, This project is currently on hiatis and has not been determined whether it will be reestablished or not.	Office of Operations	Safety	Operations Support	SDDOT/FHWA performs joint assesment, Operations Support completes the review and submits to FHWA for information.
86	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	N/A	N/A	SDDOT has adopted the National MUTCD for all activiities.
87	Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	1-Oct	Office of Operations	ITS	Highway Patrol/Operations Support	South Dakota Department of Public Safety (DPS) provides annually updated plan to FHWA Division Office
88	Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1-Jan	Office of Operations	ITS	Highway Patrol/Operations Support	South Dakota Department of Public Safety (DPS) provides annually updated certification to FHWA Division Office
89	Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Planning	Project Development	SDDOT reviews and modifies as needed and provides to FHWA for approval.
90	Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	ITS	Research	SDDOT develops ITS architecture and standards and provides to FHWA Division
91	Approval of Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Safety	Operations Support	SDDOT to make determination in accordance with Work Zone Safety and Mobility Plan.
92	Approval of Exceptions to Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Safety	Operations Support	SDDOT to request exceptions as necessary.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
93	Approval of Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Safety	Operations Support	SDDOT to work with FHWA Division to review as appropriate.
94	Process Review of 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	Safety	Operations Support/Project Development	SDDOT to review procedures and submit to FHWA Division Office.
95	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	Project Development	SDDOT provides copy of SPR work program to FHWA Division Office for Approval.
96	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	Project Development	SDDOT provides a copy of State Research program to FHWA Division Office for Approval by FHWA Planning staff with concurrence from ITS & Research staff.
97	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	Project Development	SDDOT provides recommendation after decennial census is completed or as needed to FHWA Division Office for Approval.
98	Review of State Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development/Legal	SDDOT develops and provides to FHWA Division Office for review to Assure Compliance.
99	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	Project Development	SDDOT updates the rural consultation plan and provides to FHWA for Informational Purposes. (Generally every 5 years)
100	Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	SDDOT updates the Long-Range Statewide Transportation Plan as needed and provides to FHWA Division Office for Review to Assure Compliance. (Generally every 5 years)

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
101	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	Project Development	SDDOT provides a copy of the STIP to FHWA and FTA for approval. Division Administrator approves. (Generally every year)
102	Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	Per SDDOT/FHWA STIP Revision Guidelines (Agreement number 910963), Joint FHWA and FTA approval on revisions that includes both Highway and Transit. Otherwise, FHWA approves Highway only revisions and FTA approved Transit only revisions.
103	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	Project Development	FHWA and FTA issue a joint finding concurrent with STIP approval.
104	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	Project Development	SDDOT and MPO's provides a letter of self certification with STIP submittals.
105	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	N/A	N/A	N/A - No TMA's in SD.
106	Approval of Non-TMA UPWP	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	MPO's provide annual planning document to SDDOT and FHWA for approval. May use simplified work statement.
107	Approval of UPWP Revisions and Amendments (All MPO's)	23 CFR 420.115	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	MPO's provide revisions and amendments to SDDOT and FHWA for approval.
108	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	Project Development	MPO provides reports to SDDOT and FHWA.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
109	Approval of Report of Activities using FHWA Planning Funds Before Publication (All MPO's)	23 CFR 420.117(e)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	FHWA Waiver granted.
110	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	Project Development	After consultation with MPOs, SDDOT would request approval to use MPO Planning funds outside the Metropolitan Planning Area boundaries.
111	Review of Metropolitan Planning Area Boundary (Establishment and Changes)	23 CFR 450.312	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	SDDOT submits after Approval by MPO and the Secretary of Transportation on behalf of the Governor, shape files forwarded to HQ. (Comment: No action is required by FHWA/FTA).
112	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	Project Development	Require agreement between Governor and local governments. SDDOT to submit to Division.
113	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	Project Development	Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314(d)).
114	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	N/A	N/A	Between MPO/State DOT/State AQ Agency. No non-attainment areas in SD.
115	Review of MPO Public Participation Procedures	23 CFR 450.316(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	Plan is submitted to SDDOT and FHWA for review and must be developed and published.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
116	Review of Metropolitan Transportation Plan (MTP) in Attainment Areas (and Updates)	23 CFR 450.322	Every 5 yrs	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	Long range plan is completed every 5 years and is submitted to SDDOT and FHWA for review.
117	Review of MTP in Non-Attainment and Maintenance Areas (and Updates)	23 CFR 450.322	Every 4 yrs	Not Applicable	Office of Planning, Environment & Realty	N/A	N/A	No non-attainment or maintenance areas in SD.
118	Review of MTP Amendments	23 CFR 450.322(c)	As Needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	MPO submits amendments on the long range plan to DOT and FHWA for review.
119	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	N/A	N/A	After receipt of MPO determination; Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA). N/A - SD does not have any Non-Attainment or Maintenance Areas.
120	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	Project Development	No Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
121	Review of TIP Amendments	23 CFR 450.324(a); 23 CFR 450.328(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	No Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP amendment approval process.
122	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	N/A	N/A	Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA). N/A - SD does not have any Non-Attainment or Maintenance Areas.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
123	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	Project Development	At least every four years, joint finding with FTA when TIP is submitted. (generally annually)
124	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	Project Development	SDDOT reviews and approves the self certification which is required for all MPO's. May be included in the STIP, TIP, or UPWP, at least every 4 years. (generally annually)
125	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 yrs		Office of Planning, Environment & Realty	N/A	N/A	Joint FHWA and FTA Certification. N/A - SD does not have any TMA areas.
126	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	Project Development	SDDOT reviews and modifies based upon decennial census or when updated by census bureau and submits to FHWA for approval
127	Approval of Revision of Functional Classification	23 CFR 470.105 (b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Project Development	SDDOT reviews and modifies as needed (generally after a census or upon request) and provides to FHWA for approval
128	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	Division Administrator	Secretary	SDDOT proposes changes to FHWA for Approval by HQ – Administrator.
129	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	Project Development	SDDOT proposes changes to FHWA for Approval by HQ – Administrator.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
130	Review of CMAQ Annual Report	CMAQ Guidance Memo October 31, 2006	Annually	1-Mar	Office of Planning, Environment & Realty	Planning	Project Development	SDDOT compiles information and provides it to FHWA. 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.
131	Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	31-Mar	Office of Planning, Environment & Realty	Safety	Research	FHWA HQ approval delegated to the Divisions. SDDOT provides a copy of the SD LTAP calendar year plan and budget to FHWA Division for approval.
132	Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	Civil Rights	SDDOT develops and provides to FHWA Division Office Review to Assure Compliance.
133	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	Environmental	Environmental	
134	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	Environmental	Environmental	FHWA approves State' noise abatement policy.
135	EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Environmental	Environmental	Monitor time required to complete EIS's. Determine projects which have exceeded recommended timeline (3 years). Identify projects which should be listed as dormant. Submit to HEPE.
136	Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	SDDOT develops and provides the ROW manual to FHWA Division Office for Review to Assure Compliance.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
137	Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	Process is in accordance with the ROW manual
138	Approval of Highway Facility Relinquishment	23 CFR 620.203	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	SDDOT Process is in accordance with the ROW manual If the ROW for a facility was originally purchased with federal funds, the FHWA will need to approve if the ROW is to be transferred to another federal agency, such as the National Parks System.
139	Approval of ROW Disposal Authorization Request	23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	SDDOT Process is in accordance with the ROW manual
140	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 law	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	SDDOT develops and provides the ROW manual to FHWA Division Office for Review to Assure Compliance.
141	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	ROW	ROW	Process is in accordance with the ROW manual
142	Approval of Interstate Real Property Use Agreements	23 CFR 710.405	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	Process is in accordance with the ROW manual
143	Approval of Request for Federal Land Transfer	23 CFR 710.601	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	Process is in accordance with the ROW manual
144	Approval of Request for Direct Federal Acquisition	23 CFR 710.603	As needed	Not Applicable	Office of Planning, Environment & Realty	ROW	ROW	Process is in accordance with the ROW manual
145	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	Safety	Operations Support	
146	Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.503	As needed	Not Applicable	Office of Planning, Environment & Realty	Safety	Operations Support	



Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
147	Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	Safety	Project Development	SDDOT will submit request to FHWA if alternate procedures will be pursued
148	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	ROW	ROW	Process is in accordance with the ROW manual and requests are reviewed and approved by HEPR Office Director.
149	Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	15-Nov	Office of Planning, Environment & Realty	ROW	ROW	SDDOT provides a summary report which is submitted to FHWA Division office then to FHWA Headquarters (HQ).
150	Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	15-Nov	Office of Planning, Environment & Realty	ROW	ROW	SDDOT provides a summary report which is submitted to FHWA Division office then to FHWA Headquarters (HQ).
151	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	Research	Research	SDDOT certifies that its research procedures meet requirements of 23 CFR 420 for FHWA Division Office Approval.
152	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	Research	Research	FHWA Division Office Periodic Review. SDDOT periodically initiates a peer echange and provides a summy report to FHWA Division office. (minimum of evey 5 years)

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
153	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	Research	Research	SDDOT submits an estimate of expenditures as a part of the SPR work program for FHWA Division Office Approval (usually July to April actual expenditures with estimate of remaining SFY expenditures).
154	Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Research	Research	FHWA Division Office Approval is waived.
155	Annual Traffic Reports	Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting	When Published	As needed	Office of Highway Policy information	Planning	Transportation Inventory Management	TIM submits directly to Vehicle Travel Information System (VTRIS) submitted annually.
156	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	Transportation Inventory Management	FHWA Planning Engineer completes report based upon field review.
157	Approval of Certified Public Road Mileage	23 CFR 460.3(b)	Annually	1-Jun	Office of Highway Policy information	Planning	Transportation Inventory Management	Each year, the Governor or a designee (Secretary of Transportation) 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.
158	Approval of Data Submittal	23 CFR 420.105(b), HPMS Field Manual	Annually	15-Jun	Office of Highway Policy information	Planning	Transportation Inventory Management	TIM submits data directly through FHWA Information System.
159	Highway Statistics Reports	Guide to Reporting Highway Statistics			Office of Highway Policy information	Planning	Finance	State DOT sends directly to HQ.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
160	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	Finance	SDDOT finance submits data monthly through Fuels and FASH portal. (FHWA systems). Data approved by HQ.
161	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	Finance	SDDOT finance uses excel template provided by FHWA HQ. Template is uploaded through Fuels and FASH portal and approved by HQ
162	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	Finance	SDDOT finance inputs data for 531 and 532 annually through Fuels and FASH and are approved through HQ. 541, 542, and 543 are not applicable to SDDOT
163	Transportation Bond Referendums	A Guide to Reporting Highway Statistics, Chapter 9	When Published	When Published	Office of Highway Policy information	Planning	Finance	Pending publication but not applicable for SDDOT.
164	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	N/A	N/A	Annually, Due as soon as available but not applicable for SDDOT.
165	Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	30-Sep	30-Sep	Office of Highway Policy information	Planning	Finance	Biennially for odd-numbered years. Due nine months after end of reporting year. SDDOT finance uses FHWA HQ template, and surveys locals to compile data. Template uploaded via fuels and FASH.
166	Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	15-Jun	15-Jun	Office of Highway Policy information	Planning	Finance	SDDOT finance uses excel template provided by FHWA HQ. Template is uploaded through Fuels and FASH portal and approved by HQ.
167	Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning	Finance	Pending publication.
168	State DOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning	Finance	Pending publication.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
169	Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Planning	Finance	SDDOT finance reviews prior year motor fuel data for accuracy and makes any changes in Fuels and FASH.
170	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	N/A	N/A	Division Office sends to HQ. N/A - No toll facilities in SD.
171	Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	15-Jun	15-Jun	Office of Highway Policy information	Planning	Transportation Inventory Management	Part of Annual HPMS submittal.
172	Highway Use Tax Evasion Grant Awards	23 USC 143	Annual	Not Applicable	Office of Highway Policy information	Planning	Finance/Department of Revenue	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.
173	Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669.7	Annual	1-Jan	Office of Highway Policy information	Planning	Finance/Department of Revenue	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.
174	Heavy Vehicle Use Tax (HVUT) – Triennial review of State program	23 CFR 669.21	Triennial	Not Applicable	Office of Highway Policy information	Planning	Finance/Department of Revenue	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.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
175	Permanent ATR Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning	Transportation Inventory Management	TIM submits monthly through VTRIS, within 20 days after the close of the month for which the data were collected.
176	Continuous Automatic Vehicle Classifier Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning	Transportation Inventory Management	TIM submits monthly through VTRIS, within 20 days after the close of the month for which the data were collected.
177	Weight 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	Transportation Inventory Management	TIM submits monthly through VTRIS, within 20 days after the close of the month for which the data were collected.
178	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	Safety	Project Development	SDDOT develops SHSP in coordination with FHWA and provides to FHWA. Division Offices provide copy of SHSP process approval letter to HQ.
179	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	Safety	Project Development	SDDOT drafts reports as per MAP-21 guidance. Reports are due to FHWA Division Office by August 31st, and to the Office of Safety by September 30.
180	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	Safety	Project Development	Per MAP-21, States and MPOs must set targets for established measures. Targets must be assessed for achievement
181	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	Safety	Project Development	SDDOT & SDDPS provides certification to FHWA Division Office by January 1st each year.

Activity Number	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
182	Section 154/164 Compliance Status - Funds Reservation	23 USC 154 and 23 USC 164	Annually	30-Oct	Office of Safety	Safety	Project Development	SDDOT & SDDPS secretaries 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.
183	Review Safety Belt Compliance Status	23 USC 153, 23 CFR 1215.6	Annually	Annually	Office of Safety	Safety	Project Development	NHTSA - Accomplished by SDOHS.
184	High Risk Rural Roads (HRRR) Special Rule	23 USC 148(g)(1)	Annually	Annually	Office of Safety	Safety	Project Development	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.
185	Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	Safety	Project Development	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.
186	FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	ITS	Operations Support	National Programs.

## ACRONYMS

Date: 3/2/2015 rm

Abbreviation	Acronym
3R	Resurfacing, Restoration, Rehabilitation
AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disability Act
ATR	Automated Traffic Recorder
CEQ	Council on Environmental Quality
CFO	Chief Financial Office
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
DBE	Disadvantage Business Enterprise
DOCR	Departmental Office of Civil Rights
EEO	Equal Employment Opportunity
EIS	Environmental Impact Study
EPA	Environmental Protection Agency
ER	Emergency Relief
FIRE	Financial Integrity Review and Evaluation
FTA	Federal Transit Authority
GARVEE	Grant Anticipation Revenue Vehicles
HCR	Headquarters Civil Rights
HEPR	Headquarters Environment Planning Research
HIBS	Headquarters Office of Bridges and Structures
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HQ	Headquarters
HRRR	High Risk Rural Roads
HSIP	Highway Safety Improvement Plan
HVUT	Heavy Vehicle Use Tax
ICAP	Indirect Cost Allocation Plan
ISTEA	Intermodal Surface Transportation Efficiency Act
LPA	Local Public Agency
LRTP	Long Range Transportation Plan
LTAP	Local Transportation Assistance Program
MAP-21	Moving Ahead for Progress in the 21st Century Act
MOE	Maintenance of Effort
MOU	Memorandum of Understanding
MPA	Metropolitan Planning Agreement
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
MUTCD	Manual on Uniform Traffic Control Devices
NA	Not Applicable
NBI	National Bridge Inventory
NBIS	National Bridge Inventory System
NEPA	National Environmental Policy Act

Abbreviation	Acronym
NHS	National Highway System
NSTI	National Summer Transportation Institute
OIPD	Office of Innovative Program Delivery
OJT	On-the- Job Training
OMB	Office of Management and Budget
OST	Office of the Secretary of Transportation
PFN	Primary Freight Network
PL	Planning
RHCP	Railway-Highway Crossing Program
SHSP	Strategic Highway Safety Plan
SIB	State Infrastructure Banks
SOW	Statement of Work
SPR	State Planning and Research
STD	State Transportation Department
STIP	Statewide Transportation Improvement Program
TBA	To Be Announced
TEA-21	Transportation Equity Act for the 21st Century Act
TIFIA	Transportation Infrastructure Finance and Innovation Act
TIP	Transportation Improvement Program
TMA	Transportation Management Area
TPM	Transportation Performance Management
UPACS	User Profile and Access Control System
UPWP	Unified Planning Work Program
USC	United States Code



## Appendix D

3/26/2015 – rwm

### SDDOT/FHWA Stewardship and Oversight Indicators

(Based on Federal Fiscal Year)

#### **Bridges:**

- Annual measure the percentage of Deck Area of NHS bridges in Good Condition
- Annual measure the percentage of Deck Area of NHS bridges in Poor Condition

#### **DBE:**

- DBE goal and quarterly report to ensure annual achievement

#### **Construction:**

- Annual percentage of change from the original construction contract amount to final contract amount for all projects finalized that year

#### **Financial** (Provided by FHWA Finance):

- Quarterly measure total dollars inactive obligations as a percentage of the current fiscal year's Federal-aid apportionment.
- Quarterly measure percent of obligations expended on open (active) projects
- Quarterly measure number of projects and their unexpended expenditure balances with no expenditure change for 1 year
- Quarterly measure the project close-out rate. The project close-out rate is the average number of days from last expenditure until project is closed.

#### **Pavements:**

- Annual measure the percentage of Interstate Pavement in Good Condition
- Annual measure the percentage of Interstate Pavement in Poor Condition
- Annual measure the percentage of NHS Pavement in Good Condition (excluding Interstate System)
- Annual measure the percentage of NHS Pavement in Poor Condition (excluding Interstate System)

#### **Project Delivery:**

- Annual measure the percentage of the current fiscal year number of Federal-aid STIP projects authorized

#### **Safety:**

- Annually measure the number of Fatal Crashes (FARS)
- Annually measure the Fatality Rate per 100M VMT (FARS)
- Annually measure the number of Serious Injury Crashes (FARS)
- Annually measure the Serious Injury Crash Rate per 100M VMT (FARS)

## **Appendix E - PoDI/PoCI SD Program**

Date: 2/18/2015

### **PoDi/PoCI Project Selection Process:**

Annually, the Division will review the program of scheduled projects to determine which projects will be administered as FHWA projects of Projects of Corporate Interest (PoCI) or Projects of Division Interest (PoDI). PoDIs and PoCIs may be either SDDOT or LPA administered projects. As explained in Section III of the Stewardship Agreement, PoDI and PoCI projects are not high risk categories. A PoCI may include Major Projects >\$500 million, Executive Order Projects, TIGER projects, Projects of National and Regional Significance and Other Division Office/HQ Significant Projects. PoDIs are similar in nature to projects previously designated as full oversight projects. However, PoDIs are selected via a risk-based process and may be selected for one or more risk-based project feature, activity, or phase of interest. FHWA will initiate this action by providing a list of suggested PoDI/PoCI projects and identify oversight areas for each project for each year in the 'Projects' tab of this appendix. Projects shall be considered for the PoDI/PoCI list prior to preliminary engineering (PE) or contract authorization. PoDI/PoCI projects will be identified based on one or more of the following criteria: Complexity, Cost, Schedule, urgency, Environmental Considerations/Stakeholders, Funding, Project Administration, National/Regional Significance, Corporate Action, or Local Considerations.

In June through July of each year, FHWA will review the list of upcoming Federal projects and select PoDI/PoCI projects, identify activities or phases of projects for Federal oversight. The list will be shared with SDDOT between August and September.



**APPENDIX F  
CONTROL DOCUMENTS**

**(MANUALS AND OPERATING AGREEMENTS)**

3/23/2015 - rwm

The SDDOT has numerous manuals, agreements, and other control documents that are used in various program areas. The SDDOT website contains most of the documents and the links are as indicated below:

**SDDOT Manuals/Documents:**

<http://www.sddot.com/resources/manuals/Default.aspx>

**SDDOT Environmental Agreements:**

<http://www.sddot.com/business/environmental/agreements/Default.aspx>

**SDDOT Local Government Manuals/Documents:**

<http://www.sddot.com/business/local/forms/Default.aspx>

<http://www.sddot.com/business/local/er/Default.aspx>

**SDDOT Standard Operating Procedures with FHWA:**

<http://sddot.com/resources/reports/StewardshipAgreementPart2.pdf>

## **Appendix G: 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.

Compliance Assessment Program (CAP) Reviews – A statistical approach to establish minimum compliance review requirements for Federal-aid highway projects. CAP reviews are one element of a comprehensive and data-driven approach to project oversight. The purpose of the CAP is to provide reasonable assurance, at both the national and local level, that Federal-aid highway construction projects are in compliance with key Federal requirements.

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 H:

### 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.