Federal-Aid Highway Program Stewardship and Oversight Agreement

Washington State Department of Transportation
&
Federal Highway Administration Washington Division

Date: 02-19-08

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Washington
Federal-Aid Highway Program
Stewardship and Oversight Agreement

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Washington
Federal-Aid Highway Program
Stewardship and Oversight Agreement

I. Background

Congress has charged the Federal Highway Administration (FHWA) with administering the Federal-aid Highway Program (FAHP) under Title 23 United States Code (USC), and other associated laws. In addition FHWA responsibility for administering the FAHP has been clearly outlined in the following legislation: the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991; the Transportation Equity Act for the 21st Century (TEA-21) of 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. These laws allow States to assume delegated responsibilities for FHWA in certain National Environmental Policy Act (NEPA) approvals and in the design, construction, award and inspection of delegated Federal-aid projects. While States may assume certain project approval authorities (in accordance with 23 USC 106), the FHWA is ultimately accountable for ensuring that the FAHP is delivered consistent with established requirements. The FHWA retains overall responsibility for the FAHP. Delegation of authority of certain project approvals does not alter the fact that the FHWA is the federal agency responsible for ensuring compliance with federal requirements in the delivery of the FAHP.

The FAHP has been administered jointly by the FHWA and the State departments of transportation and other highway program fund recipients for many years. Over the years, the overall program has evolved requiring a more comprehensive Stewardship Agreement that covers all aspects of the FAHP. The Stewardship Agreement is intended to formalize delegated responsibilities (on how the FAHP will be administered in the State), result in the efficient and effective management of public funds, and ensure that the FAHP is delivered consistent with laws, regulations, and policies.

II. Purpose

This Stewardship and Oversight Agreement clarifies the roles and responsibilities of both the FHWA and Washington State Department of Transportation (WSDOT), as well as Local Agencies (LAs) in administering the FAHP. Since Title 23 does not recognize LAs as direct recipients of Federal-aid funds, LAs cannot take the place of WSDOT in the administration of the FAHP in Washington State. The WSDOT is permitted, under 23 CFR 1.11 and 23 CFR 635.105, to delegate certain activities under its supervision to LAs. However, the WSDOT accepts responsibility for those delegated activities.

This Agreement does not replace the provisions of 23 USC nor does it modify the FHWA's non-Title 23 program oversight and project approval responsibilities for activities such as those required under the Clean Air Act, NEPA of 1969 and other related environmental laws and statutes; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended); and the Civil Rights Act of 1964 (as amended) and related statutes, unless expressly permitted by SAFETEA-LU Section 6004-6005.

Notwithstanding the Agreement, the FHWA retains overall responsibility for all aspects of the FAHP. As noted above, the Stewardship Agreement does not preclude the FHWA's access to and review of any Federal-aid project at any time. On the broader program level, the FHWA will continue to provide stewardship and oversight of the FAHP through a rigorous risk management process and through general actions and concurrences in its day-to-day activities, including improvements to program procedures and program and/or project approvals.

This Stewardship Agreement replaces the May 2001 Agreement between the FHWA Washington Division and the WSDOT. The Division has established and will continue to work with WSDOT to develop performance/compliance indicators that periodically gauge the effectiveness of the delegated authority outlined in this document.

III. State and Division Roles & Responsibilities

A. Project Oversight

FHWA will determine project eligibility at Preliminary Engineering (PE), Right of Way (ROW) or construction authorization and approve NEPA compliance on all projects. Oversight for project development and construction on Federal-aid projects is as follows:

i. Major Projects

The SAFETEA-LU Section 1904(a) requires Project Management Plans (PMP) and an annual Financial Plan (FP) for projects with an estimated cost of more than $500 million. In addition, SAFETEA-LU requires that annual FPs be prepared for projects with an estimated cost from $100-500 million.

WSDOT will prepare the initial PMP prior to initiating the project's environmental study. FHWA will review and approve the initial PMP. Prior to issuing the Record of Decision (ROD) or Finding of No Significant Impact (FONSI), WSDOT will update the PMP and FHWA will review and approve the updated PMP. Prior to the authorization of federal funds, WSDOT will update the PMP and FHWA will review/approve the updated PMP. The PMPs will be updated by WSDOT and reviewed and approved by the FHWA accordingly.

FHWA review and approval of the initial FP for projects over $500 million is required prior to authorization of Federal-aid funds. WSDOT will provide annual updates to the FPs. FHWA will review and approve the FP annual updates.

ii. National Highway System (NHS) Interstate New and/or Reconstruction Projects (Full Federal Oversight)

New and reconstruction projects on the Interstate, regardless of the category of Federal-aid funds, will be administered under full oversight, as presently provided by FHWA. Full FHWA oversight does not preclude further streamlining of the program delivery process under Title 23 and non-Title 23 regulations. FHWA has design approval regardless of funding source if the project is on the Interstate.

iii. NHS – Interstate other than New and/or Reconstruction Projects (Non-full Federal Oversight)

These projects will be administered by WSDOT. Regardless of the category of Federal-aid funds, FHWA will authorize PE,

ROW, and construction. FHWA has in turn delegated to WSDOT authority for project development and construction to approve: design reports, design deviations, tied bids, proprietary items, State-furnished materials, PS&E's, concurrence in the award of contracts, claim settlements, all change orders, and other related traditional Title 23 FHWA approval actions. WSDOT Headquarters (HQ's) and Regions will perform design reviews and construction inspections as necessary to insure compliance with Title 23 requirements. FHWA will exercise oversight through program and limited project reviews such as construction inspections and design stewardship reviews. FHWA has design approval regardless of funding source if the project is on the Interstate.

iv. NHS Non-Interstate (Non-full Federal Oversight)
These projects will be administered by both WSDOT and LAs, regardless of the category of Federal-aid funds, except for certain high cost or unique projects. WSDOT and LAs are delegated certain approval authority for design reports, design deviations, concurrence in award, claim settlements, change orders, and other related Title 23 approval actions. WSDOT and LAs will perform reviews and inspections as necessary to insure compliance with federal regulations. Regardless of the category of Federal-aid funds, FHWA will authorize PE, ROW, and construction, and exercise oversight on federal requirements through program and limited project reviews such as construction inspections and design stewardship reviews. The LA provisions of this plan support current delegations and procedures.

v. Non-NHS (Non-full Federal Oversight)
These projects are administered by both WSDOT and LAs. The Non-NHS projects, regardless of the category of Federal-aid funds, will be administered in accordance with this plan. FHWA will authorize PE, ROW, and construction, and exercise oversight on federal requirements through program and limited project reviews such as construction inspections and design stewardship reviews. The LA provisions of this plan support current delegations and procedures.

B. Standards
Two categories of standards are established for design and construction purposes:

i. NHS – Title 23 USC, Section 109(b) and Section 109(c) specify that the design and construction standards for all Interstate

projects shall meet or exceed AASHTO standards. The standards stipulated in WSDOT's Design, Construction, and Local Agency Guidelines (LAG) manuals, have been developed to meet or exceed these standards. These standards are applicable for both WSDOT administered and LA administered (through WSDOT) projects on the NHS (including Interstates).

ii. **Non-NHS** – Per 23 USC 109(o), projects not on the NHS shall be designed, constructed, operated, and maintained in accordance with AASHTO Standards, State laws, regulations, directives, safety standards, design standards, and construction standards, except for requirements pertaining to contracts (bid proposal content including Davis Bacon and DBE) and procurement procedures (competitive bidding and the Brooks Act). Design standards shall be in accordance with the WSDOT Design or LAG manuals, as applicable.

C. Methods of Oversight

The FHWA Washington Division Office and WSDOT will utilize a balanced approach involving several stewardship and oversight techniques to ensure Federal-aid funds are used effectively in Washington State. FHWA's oversight responsibilities will be primarily programs and systems oriented rather than project directed. Process review procedures are an integral and essential part of the stewardship process. It does not, however, preclude the use of other program monitoring techniques, including project specific activities, when appropriate. Risk Assessment procedures will be one of the tools used to set priorities and determine the scope of reviews. Other factors to be considered include: level of federal interest; technical complexity; local circumstances; statutory requirements; current emphasis areas; and findings of prior problems and/or cyclical requirements. Joint FHWA/WSDOT oversight reviews will be encouraged in those areas where both offices have responsibility for insuring compliance.

At the beginning of each Federal Fiscal Year (FFY), the Washington Division Office will work with WSDOT in developing reviews for the forthcoming year.

FHWA and WSDOT will jointly administer the FAHP through methods of oversight that include Performance Indicators/Measures, Program Assessments, Program Reviews, and Program Management and contribute to the development of a Risk-Based Action Plan. The following is a detailed description of each technique used in providing stewardship and oversight of the FAHP.

i. **Performance Indicators**

Performance indicators/measures are incorporated and used in this agreement to help assess performance in administering

FAHP requirements and to help determine whether funds are being effectively utilized to improve the transportation system. The indicators/measures will also serve as a tool in conducting annual risk assessments and may trigger program reviews or program management techniques such as project inspections and/or project document reviews. Indicators/measures will be updated monthly, quarterly, or annually depending on the indicator/measure.

Maintaining, updating, and improving the performance indicators/measures are the continuous responsibility of FHWA and WSDOT. These performance indicators/measures are subject to modification or change as business measures change. Measures can be evaluated at any time by FHWA and WSDOT. Target indicators are included to track how well targets are being met on previously selected criteria.

ii. Program Assessments

This technique may take many forms including joint risk assessments, self-assessments 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.

iii. Program Reviews

These reviews are a thorough analysis of key program components and the processes employed by WSDOT in managing the program. The reviews are conducted to: 1) ensure compliance with Federal requirements (e.g., mandatory reviews); 2) identify opportunities for greater efficiencies and improvements to the program; and/or 3) identify exemplary practices. They can be referred to, or known as, program improvement reviews, program assessments, process reviews, program/product evaluations, or continuous process improvement initiatives.

iv. Program Management

Program management includes the daily stewardship of Federal-aid programs, including project and program oversight and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value in the course of routine program approval actions, participating on joint task forces, joint committees and joint quality improvement teams, and aiding and assisting the State and other transportation stakeholders in

answering questions on program issues. FHWA division offices manage programs by completing required program level activities, promoting new program initiatives and concepts and continually assessing the program through routine involvement in program activities.

v. Risk Assessment

Risk assessment techniques will be used (where appropriate) to determine areas for review. Techniques used will be an overall consistent risk-based approach for FHWA Washington Division and WSDOT to effectively and efficiently manage the public funds and to ensure the FAHP is delivered in accordance with laws, regulations, policies, and good business practices.

vi. Peer Reviews

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

vii. Partnering Activities

Partnering is an effective management technique used to improve communications and enhance the resolution of conflicts during project development and construction. Active participation in partnering activities has resulted in high payoffs in areas such as improved communications and working relationships with FHWA, WSDOT, Federal and State resource agencies, and industry.

viii. Task Force Activities

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

IV. Updates or Changes to this Stewardship Agreement

When an update or change to the Stewardship Agreement is needed both parties will meet and discuss the change. After consensus, an update to the Stewardship Agreement will be issued by FHWA and WSDOT.

V. Stewardship and Oversight Program Areas

This Stewardship and Oversight Agreement contains 11 chapters on broad program areas that address most of the main elements of the Federal-aid highway program, based on regulations and national policies.

A. Bridge & Structures
B. Civil Rights
C. Construction and Contract Administration
D. Design and Pre-construction
E. Environment
F. Finance and Accounting
G. Intelligent Transportation Systems/Mobility
H. Planning and Programming
I. Research, Technology Transfer and Local Technical Assistance Program
J. Right-of-Way
K. Safety

A. Bridges & Structures

Program Overview

FHWA is responsible for administering the Highway Bridge Program (HBP). The purpose of the HBP is to improve the condition of public highway bridges over highways, railroads, waterways, or other topographical barriers. Bridges determined to be deficient because of structural or physical deterioration, or functional obsolescence, may be replaced or rehabilitated, while systematic preventive maintenance strategies may be applied to all bridges.

The FHWA is responsible for administering the National Bridge Inspection Standards (NBIS) and National Bridge Inventory (NBI). The NBIS requires that all highway bridges over 20 feet in length be inspected at least once every two years. Certain structures, with good performance history, may be inspected at a lesser frequency if past experience, favorable design considerations and site conditions justify the increased interval of inspection. The NBIS also requires the State to ensure that all bridges within its borders, including county and municipal owned bridges, are inspected in accordance with the NBIS. Federal HBP funds may be used for eligible bridge inspection related costs.

Applicable Laws and Regulations

- 23 USC 144, Highway Bridge Program
- 23 USC 151, National Bridge Inspection Program
- 23 CFR 650, Bridges, Structures and Hydraulics
- FHWA ORDER 5520.1, Preliminary Plan Review & Approval
- 23 USC 109, Standards

Approved Procedures / Agreements / Manuals

- WSDOT Bridge Design Manual
- WSDOT Bridge Inspection Manual
- WSDOT Hydraulics Manual
- WSDOT Geotechnical Design Manual
- WSDOT Local Agency Guidelines Manual
- AASHTO LRFD Bridge Design Specification
- AASHTO Manual for the Condition Evaluation and Load and Resistance Factor Design (LRFD) of Highway Bridges
- FHWA Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges
- 03/15/2005 FHWA Approval of WSDOT Video Bridge Deck Inspection
- 12/20/2002 FHWA Approval of WSDOT Preventive Maintenance Program for State Bridges
- 04/23/2003 FHWA Approval of Preventive Maintenance Program for Local Bridges
- 05/7/1998 FHWA Approval of Criteria for Four-Year Bridge Inspection Intervals

- 10/6/1997 FHWA Memo Requiring Coordination of Design Exceptions from the 16-ft Vertical Clearance Standard Over the Interstate System

Monitoring - Activities

The FHWA Washington Division Office will monitor overall WSDOT and LA compliance with the NBIS through day-to-day contacts with WSDOT personnel, analysis of NBI data, an annual field review of bridges and agencies, reviewing semi-annual performance indicator reports, supplemented by other special reviews of specific program elements as appropriate.

The Washington Division Office will also monitor the programming, selection of projects and proper use of funds for the HBP. This may include periodic participation in on-site field reviews to verify eligibility and condition of bridges, review site information, and evaluate scope of work. Adequate implementation and utilization of bridge management system tools for improved program and project decisions will also be evaluated.

FHWA will monitor design and construction of structural projects through daily contact with WSDOT personnel and provide technical assistance as needed. In addition to specific project related activities identified in the Agreement, the Washington Division Office will also utilize participation in joint task forces, industry teams, local research, meetings and training to assess and provide technical input into these areas. Special process reviews of specific program elements such as design or construction of bridges, hydraulic features, or geotechnical features will be conducted on a periodic basis.

In particular, structural oversight of major projects throughout the project development and construction phases will be in accordance with any project specific stewardship agreements. Periodic meetings with project personnel will be used to monitor progress, as well as technical review of specific documents such as structural design criteria, value engineering reviews, preliminary plans or technical reports, Type, Size and Locations (TS&L) reports, etc.

Specific monitoring activities include:

- Review bridge plans, specifications, special provisions, and estimates for projects with Full FHWA Oversight.
- Review Type, Size and Location reports.
- Provide oversight of bridge construction.
- Review Critical Damage Bridge Repair Reports.
- Review semi-annual Performance Reports for inspection frequencies and critical bridge damage.
- Review annual Performance Reports for all performance indicators.
- Conduct special process reviews of specific program elements such as bridge design, hydraulics, and geotechnical or bridge construction on a periodic basis.
- Review Bridge Construction Unit Costs submittal.

- Provide training and technical assistance in accordance with FHWA Division Office priorities.
- Provide technical assistance and coordination for research related to structures.

Monitoring - Performance Indicators

- Number of routine bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percentage, for State-owned structures, and reported semi-annually.
- Number of fracture critical bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percent, for State-owned structures, and reported semi-annually.
- Number of underwater bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percentage, for both State and locally-owned structures, and reported semi-annually.
- Number of bridges with up-to-date load ratings, and number of bridges needing updated load ratings. First indicator will be expressed as a percentage, and the second as an actual count, for State-owned structures, and reported annually.
- Number of bridges with accurate and legal load posting signs in place, and number of bridges that need to be posted but the posting is not yet legally implemented. Both indicators will be expressed as an actual count, for State-owned structures, and reported annually.
- Number of records with data errors as reported by FHWA Headquarters for WSDOT's annual submittal of bridge data for the NBI. This indicator will be expressed as a percentage and rounded to the nearest tenth of a percent, and reported annually.
- Number of bridges with critical deficiencies for the past six months, number reported to FHWA Division within five days, and current status of recommended repair or remedy. This indicator will be reported semi-annually, for State-owned structures.
- Number of bridges designed by AASHTO Load and Resistance Factor Design (LRFD), number designed by another method, and number of bridge design deviations processed with a brief description of the justification. This will be reported annually for all bridges that have gone to Ad in the last year for State projects.
- Number of bridge projects with structural change orders that total more than five percent of the original engineer's estimate for the bridge work. This will include ongoing projects and those completed within the last year. The measure will be expressed as a percentage and be reported annually, for State-owned bridge construction projects.
- Percentage of HBP project costs spent on bridge items versus all other non-bridge items, for WSDOT and locally-owned structures. This will be reported annually for all bridges that have gone to Advertisement (Ad) in the last year, for both State and locally owned structures. (Data available from Washington Division sources)
- The performance indicators for local-agency owned bridges will be included in the Local Agency Bridge Inspection Annual Report. Included in the report will be:
  - Number of routine bridge inspections performed and whose interval exceeded 24 months.
  - Number of bridges with up-to-date load ratings and number of bridges needing up-to-date load ratings

- Number of bridges with legal load posting signs in place and with postings not yet legally implemented.
- Number of bridges with critical deficiencies, number reported to FHWA Division Office within five days.
- Number of bridges designed by AASHTO LRFD, number designed by another method, and number of bridge design deviations processed with a brief description of the justification. This will be reported annually for all bridges that have gone to Ad in the last year.
- Number of fracture critical bridge inspections performed within the past 12 months and within the required frequency. The indicator will be expressed as a percent.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Unusual or complex bridge projects on the Interstate System, or other such projects designated for full oversight will require FHWA Headquarters review and approval of the preliminary Type, Size and Location (TS&L) report.	Prepare and submit TS&L report.	Division Office review and recommend to FHWA HQ, and coordinate HQ approval.
Review bridge plans, specifications, special provisions, and estimates for projects with full FHWA oversight.	See Design Section of this agreement.	See Design Section of this agreement.
Structural oversight of major projects throughout the project development and construction phases.	See individual project supplemental stewardship agreement if applicable. If none, full FHWA oversight actions apply.	See individual project supplemental stewardship agreement if applicable. If none, full FHWA oversight actions apply.
Any Interstate System vertical clearance deficiencies proposed to remain will be coordinated with the military's Surface Deployment and Distribution Command (SDDC) by FHWA for Federal-aid projects with full oversight.	Prepare design deviation request and justification and submit to FHWA.	FHWA review request and coordinate design deviation with the SDDC. FHWA approve design deviation if warranted.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Provide oversight of bridge construction	See Construction Section of this agreement.	See Construction Section of this agreement.
PROGRAM ACTIONS		
Annual compliance determination with the NBIS	WSDOT participates in annual field review and provides data as requested throughout the year.	FHWA conducts field review and determines compliance based on the field review and other contacts, and information received throughout the year.
Annual submission of Washington NBI data	WSDOT checks data for accuracy and submits to FHWA HQ every April 1.	FHWA Division Office monitors submission timeliness and coordinates any follow-up necessary to correct errors identified by HQ.
Annual submission of Washington bridge construction unit cost data used for HBP apportionment calculations.	WSDOT prepares and submits data after verifying accuracy to the Division Office by March 1 of every year.	FHWA Division Office reviews data for accuracy and eligibility criteria and then enters data into HQ's on-line database by April 1.
Identify and insure follow-up on critical bridge deficiencies	WSDOT prepare Critical Damage Bridge Repair Reports (CDBRR) for each critical damage incident and submit within five days to FHWA Division Office. Each incident is logged for monitoring and follow-up. Semi-annual report of status is provided to Division Office.	FHWA Division Office receives CDBRRs, and reviews semi-annual status reports. Follow up is performed as necessary. Assessment of this area is included in annual compliance determination.
Local Agency Bridge Inspection Annual Report	WSDOT prepares and submits annual report to FHWA Division Office every year.	Division reviews

WSDOT MANUAL	FHWA ACTION
WSDOT Bridge Design Manual	Review and approve changes
WSDOT Bridge Inspection Manual	Review and approve changes
WSDOT Hydraulics Manual	Review and approve changes
WSDOT Geotechnical Design Manual	Review and approve changes
WSDOT Local Agency Guidelines Manual	Review and approve changes

B. Civil Rights

Program Overview

As stewards for national highway programs, FHWA is committed to effectively implement and enforce applicable Civil Rights laws/statutes/policies in planning, location, design, construction and operation of the multi-modal transportation system. As a recipient/sub-recipient of Federal financial assistance, the WSDOT and LAs are obligated to ensure nondiscrimination in all of their programs and activities (and in the provision of services and benefits) – whether those programs, activities, services and benefits are Federally-funded or not. For programs/projects that are administered by LAs, WSDOT shall be responsible for ensuring that sub-recipients have adequate staffing and project delivery systems in which to carry out their Civil Rights responsibilities.

While certain Civil Rights activities are performed by WSDOT (such as conducting Equal Employment Opportunity (EEO) contractor compliance reviews, assigning & monitoring of training goals, establishing Disadvantaged Business Enterprise (DBE) goals and monitoring participation), the law does not allow FHWA to delegate its Civil Rights program oversight/approval responsibilities. This Agreement describes key Civil Rights program/project actions of both WSDOT and FHWA, along with performance and compliance indicators. It does not, however, modify FHWA's Civil Rights program/project oversight/approval responsibilities.

The Division Civil Rights Program Manager will provide technical assistance, national policy guidance and training to WSDOT and its sub-recipients, as requested by WSDOT and/or deemed appropriate by FHWA.

The FHWA Civil Rights Program is comprised of ten (10) key focus areas – Title VI, including Limited English Proficiency (LEP) and Environmental Justice (EJ); DBE; On-the-Job Training/Training Special Provisions (OJT/TSP); Supportive Services (for both DBE & OJT programs);EEO Contractor Compliance; State Internal EEO; Tribal Employment Rights Ordinance (TERO); Section 504 of the Rehabilitation Act/Americans with Disabilities Act (504/ADA); Complaint Investigations; and Special Emphasis Programs such as the Summer Transportation Internship for Diverse Groups (STIPDG), Construction Career Days (CCD), and Historically Black Colleges & Universities/Minority Institutions of Highway Education (HBCU/MIHE).

Applicable Laws and Regulations

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d)
- Civil Rights Restoration Act of 1987 (Public Law 100-209)
- Nondiscrimination on the Basis of Sex (23 USC 324)
- Equal Employment Opportunity (EEO) under the Civil Rights Act of 1964 (23 USC 140)
- Age Discrimination Act of 1975 (42 USC 6101-6107)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794)
- Americans with Disabilities Act (ADA) (42 USC 12101-12213)

- 49 CFR Parts 21, 24, 26, 27, 37-Appendix A (USDOT Regulations)
- 23 CFR Parts 200, 230, 633 (FHWA Regulations)
- 28 CFR Part 35 (Department of Justice ADA Regulations)
- Executive Order 12898 (Environmental Justice)
- Executive Order 13166 (Limited English Proficiency)
- Executive Orders 13021 & 13270 (Minority Institutions of Higher Education & Tribal Colleges & Universities)
- FHWA Order 6640.23 (Environmental Justice)
- FHWA Notice 4720.6 (Impacts of the Civil Rights Restoration Act of 1987 on FHWA Programs)

Approved Procedures / Agreements / Manuals

- WSDOT DBE Program Plan
- WSDOT EEO Assurances (Parts I Contractor Compliance & II Internal Employment)
- WSDOT Title VI Program Plan
- WSDOT Standard Specifications & General Special Provisions (DBE, OJT & EEO)
- WSDOT Design Manual (Chapters relating to designing pedestrian facilities - ADA design requirements)
- WSDOT Local Agency Guidelines Manual (Chapters relating to DBE, OJT, Title VI (EJ) & EEO)
- WSDOT Construction Manual
- ADA Transition Plan(s)

Monitoring – Activities

The FHWA Washington Division will monitor implementation of the Civil Rights programs (of WSDOT and its recipients) on an on-going basis. Monitoring activities include, but are not limited to, the following:

- Daily contacts
- Review of required program plans/updates prepared by WSDOT (providing feedback and need for corrective actions (as deemed necessary) before granting approval)
- Analyzing progress reports submitted by WSDOT to identify trends/provide feedback and recommendations
- Process/Program reviews (including Planning Certification Reviews, environmental document reviews, et al)
- Participation in WSDOT-initiated contract compliance reviews, goal-setting teams, process improvement work groups, other meetings as necessary/appropriate

Monitoring - Performance Indicators

In addition to the monitoring activities noted above, the Division has identified the following performance indicators from which we will use to measure WSDOT's (Civil Rights) program effectiveness and determine compliance.

- Percent DBE participation on Federal-aid contracts.
- Number of DBE firms certified, graduated, and decertified. (data reported by OEO)
- Number of DBE Commercially Useful Function (CUF) reviews performed and outcomes. (Data reported by OEO)
- Number of complaints received (formal/informal) regarding prompt payment/return of retainage and actions taken.
- Number of EEO Contractor Compliance Reviews performed and percent with violations.
- Number of training hours assigned (per OJT-Training Special Provisions); number of hours accomplished; number of minority, female and white male trainees approved; number of minority, female and white male trainees who have reached journey-level.
- Number of complaints filed in all areas affecting Civil Rights and the actions taken of the accommodations made.
- Timeliness of reporting. (Program Plan/Update submissions)

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Review of DBE CUF (Crediting DBE Participation)	Determine CUF of DBE firm(s) participating on Federal-aid contracts (in order to credit DBE participation toward WSDOT's annual overall goal). Semi-annual report on number of reviews completed and outcomes (violations found, suspected fraud). (Include with DBE Participation Report due December 1 and June 1.)	Monitor and report to FHWA HQ (as appropriate).

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
On-the-Job Training-Training Special Provisions (OJT/TSP)	Assign OJT/TSP goals to Federal-aid projects, as appropriate. Review and approve union contractors' training program submittals & accompanying trainee requests for consistency with OJT/TSP program requirements; submit all non-union contractor programs to FHWA Division for review and approval.	Review and approve/disapprove non-union contractors' training program submittals. Periodically monitor WSDOT's process for compliance with OJT/TSP regulations.
PROGRAM ACTIONS		
DBE Semi-annual Report Awards/Commitment	Prepare and submit to FHWA Division by December 1 (for the first half of fiscal year April 1 – September 30) and June 1 (for the second half of fiscal year October1 – May 31).	Review and approve. Submit to FHWA HQ.
DBE Program Plan Revisions	Prepare and submit to FHWA Division (as they arise).	Review and approve. Submit to FHWA HQ for concurrence if significant change.
DBE Program Goals & Methodology	Prepare and submit to FHWA Division (no later than August 1).	Review and approve. Submit to FHWA HQ for legal sufficiency review.
DBE Contract Goals – Quarterly Report on Project Award Issues (i.e., goal challenges, awards based on Good Faith Efforts, et al)	Prepare and submit to FHWA Division on January 5 (quarter ending December 31), April 5 (quarter ending March 31), July 5 (quarter ending June 30), and October 5 (quarter ending September 30).	Review for trends.
State Internal EEO (Affirmative Action Plan – Part II of EEO Assurances)	Prepare and submit every five years (no later than August 30).	Review and approve.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
EEO Assurances (Part I Contractor Compliance) Procedural Document	Prepare and submit to FHWA Division (when significant changes occur).	Review and approve.
EEO Assurances Annual Updates (Part I and Part II)	Prepare and submit to FHWA Division (no later than August 30	Review and approve.
State Internal Employment Practice EEO-4 Report	Prepare and submit (no later than August 30).	Review for trends. Submit to FHWA HQ.
Title VI Program Plan/Annual Update	Prepare and submit (no later than November 10)	Review and approve.
Annual Contractor Employment Report – PR 1392	Prepare and submit (no later than September 25).	Review for trends. Submit to FHWA HQ.
Contractor Compliance Review Schedule and Reports	Prepare and submit Proposed Review Schedule (no later than October 10). Prepare and submit Individual Review Reports (upon completion).	Review and approve.
OJT/TSP Year-End Accomplishments and Goal Projections for Coming Year	Prepare and submit report to FHWA Division (no later than November 30).	Review and approve. Monitor trends. Report accomplishments to FHWA HQ.
DBE and OJT Supportive Services Work Plans/Reports	Prepare and submit Work Plans to FHWA Division by July 25 (in response to annual request for proposals). If approved, progress reports are due on a quarterly basis and an overall report is due at the completion of the one-year projects).	Review and approve. Submit to FHWA HQ for funding approval. Advise WSDOT of funding decision. Monitor progress reports.
Section 504/ADA Transition Plan (WSDOT Only)	Prepare and submit Annual Progress Report to FHWA Division by September 1.	Review accomplishments for compliance.

C. Construction and Contract Administration

Program Overview

FHWA is required to assure compliance with Federal-aid contract provisions on all projects that utilize Federal funds. Federal responsibility includes the inspection of construction projects utilizing Federal-aid funds. The primary purpose of FHWA review and administration in construction is to protect the public investment, assure effective quality controls, and to verify that the project is completed in accordance with the plans, specifications, and special provisions. ISTEA and TEA-21 allow the delegation of FHWA construction review, oversight and administration responsibilities, except those based on non-Title 23 Federal requirements to the State DOT. SAFETEA-LU does not substantially change this delegation. The FHWA specific construction monitoring responsibilities include stewardship in the following areas:

- Quality Control and Improvement
- Contract Claims
- Change Orders
- Payment to Contractor
- Time Extensions
- Incentives & Disincentives
- Davis-Bacon Act
- Training Program
- Disadvantaged Business Enterprise (DBE) Program

Applicable Laws and Regulations

- 23 USC, 102, 106, 112, 114, 117, 121
- 40 USC 276 (a) Davis-Bacon Act
- 23 CFR 635 Construction and Maintenance
- 23 CFR 637 Construction Inspection and Approval
- 29 CFR Parts 1,2,5,6, & 7

Approved Procedures / Agreements / Manuals

- WSDOT Standard Specifications and General Special Provisions (GSPs)
- WSDOT Construction Manual
- WSDOT Local Agency Guidelines Manual

Monitoring – Activities

The FHWA Washington Division will monitor implementation of the Construction and Contract Administration programs on an on-going basis. Monitoring activities include, but are not limited to:

- Daily Contacts
- Construction Inspections

- Participation in various specification committees such as the Association of General Contractors/WSDOT Administration team, WSDOT/Washington Aggregate and Concrete Association (WACA) meetings, WSDOT/The International Association of Foundation Drilling (ADSC) meetings, WSDOT/American Concrete Pavement Association (ACPA) meetings. FHWA will assess the performance of individual specifications through program or project reviews conducted in accordance with this Agreement.
- Evaluation of WSDOT's construction program and contract administration processes, including their staffing levels, procedures, and controls for assuring transportation improvements are constructed in accordance with approved standards and acceptable contracting methods.
- Process and program improvement reviews of various construction processes
- Compliance reviews of various construction processes
- Analyzing stewardship reports for trends, etc.

Monitoring – Performance Indicators

In addition to the monitoring activities noted above, the Washington Division has identified the following performance indicators which we will use to determine how well Federal funds are being spent in the Construction and Contract Administration Program Areas.

- WSDOT will report on the types of work or contract items found to be ineligible for Federal-aid participation on an annual basis. (WSDOT projects only-Does not include Local Agencies)
- WSDOT will annually report on the number of projects that meet contract closure requirements. Those requirements include: 1) final contract voucher within 90 days of physical completion of a project and 2) Stewardship report complete within 90 days of final contract voucher. (WSDOT projects only)
- WSDOT will report on Change Orders of Federal-aid projects that exceed five percent of the contract amount on an annual basis. (WSDOT projects only)
- LA performance indicators will be included in the Project Management Review (PMR) Annual Report.

Business Activities

WORK ACTIVITY	WSDOT ACTIONS	FHWA ACTIONS
PROJECT ACTIONS		
Claims Settlement	Full Federal oversight: Coordinate with AG's office and forward to FHWA. Non-full Federal oversight: approve.	Full Federal oversight: review and approve.

WORK ACTIVITY	WSDOT ACTIONS	FHWA ACTIONS
Change Orders	Full Federal oversight (a cost or credit over $200,000, or those that alter the termini, or character, or scope of work.): Prepare and forward to FHWA. Non-full federal oversight: review and approve.	Full Federal oversight (a cost or credit over $200,000 or those that alter the termini, or character, or scope of work): FHWA review and approve major changes and claims.
Time Extensions greater than 30 days or change in contract time unrelated to a any change order and Suspension of Work not related to a winter shut down.	Full Federal oversight: prepare and forward Non-full Federal oversight: review and approve.	Full Federal oversight: FHWA review and approve.
Construction Inspections	Non-full Federal oversight: prepare report based on sampling of projects (See Appendix B).	Full Federal oversight: prepare report.
Labor Compliance	Check payrolls on all projects.	Spot check payrolls.
Buy America Waiver	Prepare and forward to FHWA.	Approve
Added Access Points to Existing Limited Access Control on Interstate Facilities	Prepare and forward to FHWA.	Approve
PROGRAM ACTIONS		
Standard Specifications, Amendments, General Special Provisions (GSP), and APWA Division 1 GSPs	Prepare changes and forward to FHWA.	Approve
Construction Manual	Prepare changes and forward to FHWA.	Concur
Qualified Testers	Write annual report and forward to FHWA. (Materials Lab)	Review

D. Design and Pre-construction

Program Overview

On the program level, the FHWA Washington Division Office approves design standards for new construction, reconstruction, resurfacing, restoration, or rehabilitation of the Interstate System and other highways on the NHS. FHWA provides guidance to WSDOT and other public agencies on the implementation of and conformance to Federal laws, regulations, and policies pertaining to preliminary and detailed design activities. FHWA also shares technical information and provides training opportunities to facilitate professional development of engineering staffs from both the public and private sectors. Jointly, WSDOT and FHWA staffs conduct concentrated Design Stewardship Reviews of specific elements of design produced at the project level.

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

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

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

Applicable Laws and Regulations

- Title 23 USC, Chapter 1, Subchapter I, Section 109 – Standards
- 23 USC 109 Limitation on Federal Participation
- 23 CFR 172 Administration of Engineering and Design Related Service Contracts
- 23 CFR 620 Engineering
- 23 CFR 625 Design standards for highways

- 23 CFR 627 Value engineering
- 23 CFR 630 Preconstruction procedures
- 23 CFR 636 Design-build contracting
- 23 CFR 645 Utilities
- 23 CFR 646 Railroads
- 23 CFR 470 Highway Systems
- 23 CFR 650 Bridges, structures, and hydraulics
- 23 CFR 652 Pedestrian and bicycle accommodations and projects
- 23 CFR 655 Traffic Operations (MUTCD)
- 23 CFR 658 Truck Size and Weight, Route Designations – Length, Width, and Weight Limitations
- 23 CFR 710 Right-of-Way and Real Estate
- 23 CFR 752 Landscape and Roadside Development
- 28 CFR 35 Nondiscrimination on the Basis of Disability in State and Local Government Services
- 28 CFR 36 Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
- 49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, applies to all Federal-aid projects, regardless of oversight responsibility.
- 49 CFR 27 Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- 49 CFR 37 Transportation Services for Individuals with Disabilities (Americans with Disabilities Act)

Approved Procedures / Agreements / Manuals

WSDOT's Design, Construction, and LAG Manuals have been developed to meet or exceed current AASHTO design standards, approved by FHWA Headquarters Office, and will apply to all projects on NHS facilities. As revisions to these documents are developed, the WSDOT will request approval from the FHWA Division Office prior to adoption by the department. As applicable AASHTO standards are revised, the WSDOT will incorporate applicable changes that represent a higher level standard. These standards apply to all NHS projects regardless of the category of funding source. FHWA Division Office approval is required for all standard plans, amendments, and GSPs, including LA/American Public Works Association (APWA) Division 1 GSPs intended for use on all Federal-aid projects.

On non-NHS highways, design standards shall be in accordance with the WSDOT Design or LAG manual, as applicable. These need not be approved by FHWA. However, the WSDOT agrees to notify FHWA promptly of all major policy changes to its standards.

Applicable AASHTO Standards and WSDOT Design Standards:
- AASHTO "A Policy on Design Standards Interstate System January 2005"
- AASHTO "A Policy on Geometric Design of Highways and Streets 2004"
- WSDOT Design Manual

- WSDOT Local Agency Guidelines
- WSDOT Plans Preparation Manual
- WSDOT Standard Plans
- FHWA MUTCD (FHWA approved Washington State Modifications to the MUTCD)
- WSDOT Work Zone Traffic Control Guidelines

Monitoring - Activities

The FHWA Washington Division will monitor implementation of the Design Programs of WSDOT and its sub-recipients on an on-going basis. Monitoring activities include but are not limited to:

- Design monitoring of all Federal-aid projects will be accomplished by FHWA through the project-by-project monitoring of eligibility determinations and environmental document approvals.
- FHWA will exercise design oversight on all Interstate new and reconstruction projects and will monitor project design through the use of individual project approval actions and project design reviews. All other monitoring of design will primarily be done on a program-wide basis using Process Review procedures.
- FHWA will exercise design oversight on all Interstate new and reconstruction design/build projects.

Monitoring - Performance Indicators

- Design Standards - Report on Design Variances. (number, type, description, justification) (WSDOT Projects Only)
- State-furnished material justification – Report number of State-furnished Materials approvals. (WSDOT Projects Only)
- Proprietary item, public interest finding – Report number of Proprietary Product approvals. (WSDOT Projects Only)
- Value Engineering (VE) – Submit Annual VE Report. (WSDOT Projects Only)
- Tied Bids – Report number of Tied Bids. (WSDOT Projects Only)
- State Forces Work – Report number of State Forces Work approvals. (WSDOT Projects Only)
- LA performance indicators will be included in the Project Management Review Annual Report. The annual report will include the following:
  - Design Standards – report on design deviations.
  - Report on VE studies performed by local agencies.

Business Activities

WORK ACTIVITY	WSDOT ACTION (State or Local)	FHWA ACTION
PROJECT ACTIONS – ALL		
Funds Authorization & Modifications *	Prepare and submit	Approve
Experimental Work Plans *	Prepare and submit	Approve
Buy America *	Prepare and submit	Approve
ADDITIONAL PROJECT ACTIONS – Full Federal Oversight		
Deviations from Design Standards	Prepare and submit	Approve
Project Development Approval	Prepare and submit	Approve
Design Approval	Prepare and submit	Approve
PS&E Approval	Prepare and submit	Approve
State-furnished material and cost-effective determination	Prepare and submit	Approve
Proprietary items w/ public interest finding	Prepare and submit	Approve
Concurrence in Award	Prepare and submit	Approve
Tied Bids	Prepare and submit	Approve
State/Local Force Account	Prepare and submit	Approve

* Applies to all projects regardless of oversight responsibility

WORK ACTIVITY	WSDOT ACTION (State or Local)	FHWA ACTION
Design/Build Contracts		
Design Approval	Prepare and submit	Approve
Design Development Approval	Prepare and submit	Approve
ADDITIONAL PROJECT ACTIONS – State/Local Oversight		
Deviations from Design Standards	Approve (State)	Process Review
Project Development Approval	Approve	Process Review
Design Approval	Approve	Process Review
PS&E Approval	Approve	Process Review
State or LA furnished material cost effective determination	Approve	Process Review
Proprietary items w/ public interest finding	Approve	Process Review
Concurrence in Award	Approve	Process Review
Tied Bids	Approve	Process Review
State/Local Force Account	Approve	Process Review
Design/Build Contracts		
Design Approval	Approve	Process Review
Project Development Approval	Approve	Process Review

WORK ACTIVITY	WSDOT ACTION (State or Local)	FHWA ACTION
PROGRAM ACTIONS – Interstate System		
Interchange Addition or Modification	Prepare and submit Interchange Justification Report	Approve
Permanent Access Control Changes	Prepare and submit access change request	Approve
Gated Access Control	Prepare and submit access change request	Approve
Temporary Construction Access Control Changes including temporary median crossovers	Prepare and submit temporary access change request	Approve
Change in lane use or operation	Prepare and submit lane change request	Approve
Use of Right-of-Way with Air Space Agreements	See Right-of-Way	See Right-of-Way
Multi-modal (rail, etc.) use of Right-of-Way	Prepare and submit access request	Approve
PROGRAM ACTIONS – Other Systems		
Interchange Addition or Modification	State approve	None
Permanent Access Control Changes	State approve	None
Change in lane use or operation	State/Local approve	None
Multi-modal (rail, etc.) use of Right-of-Way	State	None

WORK ACTIVITY	WSDOT ACTION (State or Local)	FHWA ACTION
PROGRAM ACTIONS		
Annual VE Report	Prepare and submit by October 30.	Review and forward to FHWA HQ
Design Manual	Prepare and submit	Approve
Standard Plans	Prepare and submit	Approve

E. Environment

Program Overview

For projects using Federal highway trust funds or requiring an FHWA approval action, FHWA is the lead Federal agency in integrating the full range of environmental requirements under a single, unified process that results in effective and sound transportation decisions. The FHWA Washington Division and WSDOT will work together to ensure compliance with NEPA and other applicable laws before an alternative is selected. The level of FHWA involvement is commensurate with the level of the environmental impacts, controversy or project complexity. WSDOT has an Environmental Procedures Manual and a LAG Manual for preparing environmental documentation that will outline the process for each class of actions.

The FHWA Washington Division Office has delegated approval authority to WSDOT for certain categorical exclusions (CEs), for informal consultation under Section 7 of the Endangered Species Act (ESA), and for initiation of Section 106 consultation. These delegations are described in the Programmatic CE Memorandum of Understanding between FHWA and the WSDOT (05/24/1999) and the First Amended Section 106 Statewide Programmatic Agreement (03/21/07). FHWA retains its stewardship and oversight responsibility for these projects through process improvement reviews.

The Table below shows a list of WSDOT and FHWA project actions related to the environmental process. The successful administration of the FAHP is predicated upon WSDOT's commitment to the preparation and submittal of fully completed documents in accordance with established guidelines, formats, and procedures. Environmental documents prepared by LAs and their consultants will first be reviewed and accepted by WSDOT prior to being forwarded to FHWA, except where FHWA and WSDOT agree that the reviews will be concurrent. FHWA's goal is to respond to all submissions as soon as possible.

Applicable Laws and Regulations

Federal environmental laws and regulations apply to all Federal actions and all phases of FAHPs, regardless of oversight responsibilities, even if only one phase involves the use of Federal funds. These include, but are not limited to:

- 42 USC 4321-4347, National Environmental Policy Act (NEPA) as amended (P.L. 91-190)(P.L. 94-83)
- 40 CFR 1500, Council on Environmental Quality (CEQ) NEPA Regulations
- 23 USC 109(h). FHWA Environmental Guidelines
- 23 CFR 771, 772, and 777, FHWA Environmental Regulations
- 23 USC 128 and 23 CFR 140, Public Hearings/Public Involvement
- 49 USC 303 and 23 USC 138, Section 4(f)
- 16 USC 4601 Land & Water Conservation Fund Act, Section 6(f)

- Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991
- Executive Order 11990, Protection of Wetlands
- SAFETEA-LU Sections 6001, 6002, 6007, & 6009, and implementing guidance and regulations
- Title 1, Clean Air Act Amendments of 1990
- Section 404 of the Clean Water Act (CWA)
- Section 7 of the Endangered Species Act (ESA)
- 36 CFR 800 Section 106 of the National Historic Preservation Act
- Other applicable Federal environmental laws
- Title VI of the Civil Rights Act of 1964 (42 USC 2000d)
- 49 CFR Parts 21
- 23 CFR 200 Title VI Program and Related Statutes
- Executive Order 12898 (Environmental Justice)

Approved Procedures / Agreements / Manuals

- WSDOT's Environmental Procedures Manual
- WSDOT Local Agency Guidelines Manual – Chapter 24
- WSDOT Highway Runoff Manual
- Section 106 Statewide Programmatic Agreement of March 2007
- Categorical Exclusion Memorandum of Understanding of May 1999
- 23 CFR 771.111(c) - FHWA/FTA co-lead process.
- Individual Tribal Agreements
- May 10, 1999 Letter to NOAA designating WSDOT as FHWA's non-Federal representative on informal ESA consultations

Monitoring - Activities

FHWA will monitor compliance with Federal environmental requirements through project-by-project approval actions and through day to day contact providing guidance and technical assistance on environmental issues. Additional monitoring may be done on a program-wide basis using process reviews.

Monitoring - Performance Indicators

Timely completion of NEPA Documents

- WSDOT will report to FHWA annually on the percentage of active NEPA Environmental Assessments (EA) and (Environmental Impact Statements) EIS documents that are meeting their negotiated timeframe.

Compliance with environmental commitments

- WSDOT will share with FHWA its regular agency accountability report on non-compliance events.

Document Quality

- Number of Documented CEs (DCEs) that are returned to WSDOT for more information. (data available from FHWA Project Action Tracking Database)

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Determination of NEPA Classification for all projects using Federal-aid funds and all those requiring an FHWA approval.	Make preliminary determination. Consult FHWA.	Make final decision on appropriate NEPA classification.
Categorical Exclusions (CE) delegated to WSDOT per the May 1999 MOU	Prepare and approve.	Periodic process reviews.
Documented Categorical Exclusions (DCEs) not delegated to WSDOT per the May 1999 MOU	Prepare and submit for FHWA review and approval.	Review and approve.
Develop Negotiated Timeframe (for EA or EIS)	Prepare schedule, include in scoping notice to project stakeholders.	Concur.
Environmental Assessment (EA)	Prepare and submit to FHWA for approval.	Review and approve.
Finding of No Significant Impact (FONSI)	Prepare and submit to FHWA for approval.	Review, revise, and issue FONSI.
Notice of Intent (for EISs)	Prepare draft Notice of Intent and forward to FHWA.	Review and revise Notice of Intent and forward for publication in the Federal Register.
Invitations to Cooperating and Participating Agencies	Prepare draft letters. Send invitation letters to State and Local agencies.	Send invitation letters to Federal agencies and tribal governments.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
SAFETEA-LU 6002 (EIS projects) Comment Points – Purpose and Need, Range of Alternatives, Study Methodologies and Level of Detail.	Prepare requests for comments, coordinate any necessary meetings.	Assist WSDOT in the process and participate.
Preliminary Draft Environmental Impact Statement (PDEIS)	Prepare and submit to FHWA for review.	Review and comment.
Review of Camera-Ready Draft Environmental Impact Statement	Prepare and submit to Cooperating Agencies for review. Suggest review within 30 days.	Request review by FHWA legal counsel.
Draft Environmental Impact Statement (DEIS)	Prepare and submit to FHWA for approval.	Review and approve DEIS.
Preliminary Final Environmental Impact Statement (PFEIS)	Prepare and submit to FHWA for review.	Review and comment.
Review of Camera-Ready Final Environmental Impact Statement	Prepare and submit to FHWA.	Request legal sufficiency determination by FHWA legal counsel.
Final Environmental Impact Statement (FEIS)	Prepare and submit to FHWA for approval.	Review and approve.
Record of Decision (ROD)	Prepare Draft ROD and forward to FHWA	Review, revise, and issue ROD.
Supplemental Draft or Final Environmental Impact Statement (SDEIS or SFEIS)	Prepare and submit to FHWA for approval (same process as DEIS or FEIS above).	Review and approve SDEIS or SFEIS.
Statute of Limitations Federal Register Notice (applies to any Federal project approvals – ROD, FONSI, Corp Permit, CE, etc.)	Consult Attorney General's office and FHWA regarding decision to publish notice, draft notice.	Consult FHWA legal counsel if necessary, publish.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
Endangered Species Act (ESA) – No Effect Letter	Make “no effect” determination, submit letter to FHWA.	File copy of letter.
ESA – Informal Consultation	Prepare/Approve Biological Assessment (BA) and submit to US Fish & Wildlife Service and National Marine Fisheries Service (Services). Send FHWA copy of initiation of consultation (BA transmittal letter).	Receive copy of transmittal letter for files. Receive copy of concurrence letters from Services for files.
ESA – Formal Consultation	Send BA to FHWA, request initiation with Services.	Initiate consultation with Services (transmit BA). Participate in ongoing consultation based on the BA. Receive Draft Terms and Conditions and Reasonable and Prudent Measures, provide comments. Receive final Biological Opinion.
Section 106 Initiation of Consultation	Prepare letters and send with copy to FHWA.	Receive copy for project file.
Section 106 Effect Determination	Prepare and submit to FHWA (includes recommended effect determination).	Review and finalize effect determination in consultation with Washington’s State Historic Preservation Officer (SHPO).
Section 106 – No Historic Properties/No Adverse Affect determination.	Prepare in consultation with Washington SHPO.	Receive copy for project file. Determine if Section 4(f) evaluation is needed.
Section 106 - Adverse Affect notification to Advisory Council on Historic Preservation (ACHP)	Prepare draft letter with supporting documentation as required by 36 CFR 800.11 (e).	Send official notification to ACHP. Determine if Section 4(f) evaluation is needed.
Section 106 – Memorandum of Agreement (MOA)	Prepare draft in consultation with all consulting parties and sign.	Participate in consultation and sign.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
Determination that a Section 4(f) Use is *"de minimis"*	Consult with FHWA to determine applicability.	Make official *de minimis* finding (incorporated in NEPA document).
Draft Section 4 (f) Evaluation	Prepare and submit to FHWA for review. After FHWA signature, distribute to Department of Interior.	Review Draft Sec 4 (f) Evaluation. Comment and submit for a Legal Sufficiency review.
Final Section 4 (f) Evaluation	Prepare and submit to FHWA for approval. After FHWA approval, distribute to Department of Interior.	Approve Final Section 4 (f) Evaluation.
Programmatic Section 4(f) Evaluation	Consult with FHWA to determine appropriate programmatic, prepare and submit to FHWA for approval.	Review and approve.
PROGRAM ACTIONS		
Updates to chapters of the Environmental Procedures Manual (EPM) which include information on FHWA Regulations.	Prepare and submit to FHWA for review.	Review and approve.
Updates to Chapter 24 of the LAG Manual	Prepare and submit to FHWA for review	Review and approve.
Multi-project agreements between WSDOT, FHWA, and Tribes or other Federal and State Agencies.	Draft, review, and approve.	Draft, review, and approve.

F. Finance and Accounting

Program Overview

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEALU). SAFETEA-LU provides greater emphasis on financial integrity, project delivery, and major project oversight. Annual reviews are required of State DOT financial management systems, minimum standards for estimating project costs are to be developed, and annual reviews of State project delivery systems are to be conducted. All major projects exceeding $100 million in total cost are required to have finance plans. These new provisions are designed to strengthen the oversight of projects and increase the accountability of the State in the project delivery process. Additionally, SAFETEA-LU affords the WSDOT new financing options and greater fund transfer flexibility.

Applicable Laws and Regulations

- Title 23 – United States Code (USC) Highways or 23 USC
- Title 23 – Code of Federal Regulations (CFR)
- Title 49 – Code of Federal Regulations (CFR); 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, commonly referred to as the "Common Rule"
- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular – A-102, Grants and Cooperative Agreements with State and Local Governments
- OMB Circular A-123, Management Accountability and Control
- OMB Circular A-133, Single Audit Act of 1984
- Cash Management Improvement Act of 1990
- Improper Payments Information Act of 2002

Approved Procedures / Agreements / Manuals

- Cash Management Improvement Act Agreement
- FHWA Order 4560.1a, Financial Integrity Review and Evaluation (FIRE) Program, dated May 19, 2006.
- Department of Transportation (DOT) Order 8000.1C, Office of Inspector General Audit and Investigation Report Findings, Recommendations, and Follow-up Action, dated July 20, 1989.
- Fiscal Management Information System (FMIS) Interface Connection Security Agreement, dated February 7, 2003.
- Rapid Approval and State Payment System (RASPS) Interface Connection Security Agreement, dated January 29, 2003.
- Accounting Manual Chapter 9 – Federal Information
- WSDOT Local Agency Guidelines Manual

Monitoring - Activities

FHWA will monitor all financial management and accounting activities primarily through daily contacts and program level reviews. Through day-to-day contact with WSDOT personnel, FHWA will provide guidance and technical assistance in such areas as fiscal document processing, financial management and reimbursement issues. Input to State and WSDOT auditors in development of audit plans will be provided as requested.

FHWA has implemented the Financial Integrity Review and Evaluation (FIRE) Program (FHWA Order 4560.1a) that requires each Federal-aid Division Office to establish an effective oversight program to ensure that Federal-aid funds are properly managed and effectively used in accordance with Federal policies, and that safeguards are in place to minimize fraud, waste, and abuse. The FIRE Program is a review and oversight program that each Federal-aid Division Office is required to perform in support FHWA's annual certification of internal and financial controls to support the financial statements. In addition, the FIRE program ensures that proper internal controls are established and followed, with objectivity and a separation of financial duties in conducting the agency's day-to-day operations. This program incorporates the following activities:

- Financial Management Process Review – A comprehensive review of a key process or system employed by the State in managing Federal-aid funds. The topic will be chosen based on a risk assessment performed by the Division Office.
- Improper Payments Information Act Review – A review of payments made by a State on Federal-aid projects. The sample will be randomly chosen by FHWA Headquarters.
- Quarterly Inactive Project Monitoring – A review of Federal-aid projects for which no costs have been billed to FHWA for a specified period of time. This activity is based on the requirements of 23 CFR Part 630 as amended by the Final Rule on Project Authorizations and Agreements published in the Federal Register on January 31, 2006.
- Single Audit Finding Resolution Plan Review.

In addition, other reviews will be conducted as deemed necessary by the Division Office or as requested by WSDOT. FHWA will, to the maximum extent possible, utilize the work of State and WSDOT auditors to limit the scope of FHWA reviews.

Monitoring - Performance Indicators

- Percent of annual apportion that is inactive. (data available from FMIS)
- Amount of lapsed funds. (data available from FMIS)
- Percent cost escalation between Engineer's Estimate, Award Amount, and Final Cost. (WSDOT projects only)

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Project Authorization/ Agreement, Modification, and Final Voucher	Submit electronic authorization request via FMIS.	Approves project agreement in accordance with current standard operating procedure.
Major Projects	Submit annual Financial Plans for major projects ($500 million or more) to FHWA.	Review and forward financial plan to Office of Infrastructure in Washington, D.C. for approval.
PROGRAM ACTIONS		
Current Billing	Submit electronic request via RASPS for Federal reimbursement as often as desired.	Financial Management Team (FMT) approves electronically
Transfer of Funds between categories and between agencies.	Submit request for approval of transfer request to other categories of funds or to other Federal Agencies.	Review, approve, and forward funds transfer request to appropriate HQ personnel to adjust funding records.
Project Funds Management/Monitoring of Inactive Obligations	Review inactive projects for potential release of funds. Report in accordance with Final Rule, 23 CFR Part 630.	Review justifications of unexpended obligations on inactive projects and approve or deny.
Improper Payments	Assure that adequate controls are in place to detect improper payments.	Conduct review of improper payments in accordance with the FIRE program.
Audit Findings	Assure that audit findings relating to Transportation are resolved in a timely manner.	Monitor activities to ensure that corrective actions are taken.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
Indirect Cost Rate	Certify that the Washington Department of Transportation indirect cost plan was prepared in accordance with OMB Circular A-87 and that they have not modified their calculation procedures. Provide summary information for the current indirect cost rate and documentation of their reconciliation of prior year expenditures.	Review and file.
Rates such as payroll additive, Transportation Equipment Fund (TEF) rates, materials lab, etc	Certify that the WSDOT's cost recovery rates were calculated in accordance with agreed upon procedures.	Review and file.
State Infrastructure Bank (SIB) Biennial Report	Prepare biennial report within 90 days from the end of the FY.	Review and forward to Office of Chief Financial Officer in Washington D.C.
Toll Credit and Maintenance of Effort (MOE) Calculation	Calculate the amount of eligible toll credit and submit for approval.	Review and approve.

G. Intelligent Transportation Systems / Mobility

Program Overview

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

WSDOT and FHWA work cooperatively with the Metropolitan Planning Organizations (MPOs) and Rural Transportation Planning Organizations (RTPOs), to promote ITS planning, regional architecture use, and adoption and integration of ITS at the local level. Several organizations have a regional ITS architecture and are actively implementing planning studies related to ITS deployment. WSDOT and FHWA will work cooperatively to assure that ITS projects are consistent with the National ITS Architecture, incorporate ITS Standards and are fully integrated.

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

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

Applicable Laws and Regulations

- 23 USC Chapter 1
- SAFETEA-LU Title I Subtitle B section 1201, and Title V Subtitle C
- TEA - 21 Title V Subtitle C
- 23 CFR Part 630 Preconstruction Procedures
- 23 CFR Part 655 Traffic Operations
- 23 CFR Part 940 Intelligent Transportation System Architecture and Standards

Approved Procedures / Agreements / Manuals

- WSDOT Design Manual
- WSDOT Local Agency Guidelines Manual
- ITS Regional Architectures and Strategic Plans
- WSDOT Standard Specifications
- WSDOT Standard Plans
- WSDOT Maintenance Manual
- WSDOT Construction Manual
- WSDOT Supplemental Specifications and GSPs
- MUTCD-Washington Modifications

Monitoring - Activities

- FHWA will conduct routine project and final inspections of traffic operations aspects on FHWA oversight projects. For all other projects, FHWA may conduct process reviews.
- FHWA will provide ongoing technical assistance in the area of traffic operations, will include this area in routine risk assessment evaluations, and will work cooperatively with WSDOT to use process reviews to assess and improve processes and procedures.
- FHWA will participate in annual work zone traffic control reviews with WSDOT.
- FHWA will periodically review and approve WSDOT's work zone policies and standards for conformance with the FHWA Work Zone Final Rule on Safety and Mobility (23 CFR 630).

Monitoring - Performance Indicators (WSDOT Projects Only)

- Average daily vehicle hours of delay. (Puget Sound area and Statewide).
- Duration of peak period. (morning and evening for key commute routes).
- Percent of days that speeds fall below 35 mph (morning and evening for key commute routes).
- Number of incidents lasting over 90 minutes.
- Average duration of blocking incidents lasting over 90 minutes.
- Average incident clearance time.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROGRAM ACTIONS		
Regional ITS Architectures	Prepare and approve ready for use.	Concurrence
Update of Regional ITS Architectures	Prepare and approve ready for use.	Concurrence
Traffic Incident Management Self Assessment	Perform jointly with FHWA.	Perform jointly with WSDOT.
Congestion Partnership Self Assessment	Perform jointly with FHWA.	Perform jointly with WSDOT.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS – State/Local Oversight		
Oversight responsibilities are the same for ITS projects as for any other Federal-aid project	Prepare and submit projects.	Approval for Federal oversight projects. Concurrence (as appropriate) for State/Local oversight projects.

H. Planning and Programming

Program Overview

Transportation planning activities are legislated under SAFETEA-LU Section 6001–Transportation Planning. The most current implementing regulations that apply are found in 23 CFR 450. The FHWA and the Federal Transit Administration (FTA) Region Ten Office are jointly responsible for required approval actions such as: Certification of the metropolitan planning process in each Transportation Management Area at least once every four years and review and approval of the State Transportation Improvement Program (STIP) and its amendments.

Transportation Planning also includes data collection and reporting, which is included under Section 420 of 23 CFR. Section 420.105(b)(2) requires that "…State Transportation Agencies shall provide data that support FHWA's responsibilities to the Congress and to the public. These data include, but are not limited to, information required for: preparing proposed legislation and reports to the Congress; evaluating the extent, performance, condition, and use of the Nation's transportation system; analyzing existing and proposed Federal-aid funding methods and levels and the assignment of user cost responsibility; maintaining a critical information base on fuel availability, use, and revenues generated; and calculating apportionment factors."

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

Applicable Laws and Regulations

- Title 23 USC
- Title 1, Clean Air Act Amendment of 1990
- Title 23 CFR Part 450, Statewide Planning and Programming and Metropolitan Planning and Programming
- Title 23 CFR Part 420, Planning Program Management and Coordination
- Title 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments

Approved Procedures / Agreements / Manuals

- State Planning and Research (SPR) Work Program
- WSDOT Local Agency Guidelines Manual

Monitoring – Activities

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

FHWA provides technical expertise and assistance through participation in meetings set up by the MPOs that address data collection and analysis issues as well as coordination on individual topics of interest. In addition, FHWA conducts reviews of planning processes and products such as Highway Performance Monitoring System (HPMS) data, Heavy Vehicle Use Tax (HVUT) enforcement, Motor Fuel Tax (MFT), etc.

Process reviews and other methods of oversight will be utilized, as appropriate, to support FHWA approval actions and to monitor those programs and products which have an FHWA interest. Monitoring will be the basis for "accepting" several new products required by SAFETEA-LU. Through monitoring FHWA will also encourage more innovative planning and systems operations.

Monitoring - Performance Indicators

Planning

- The percentage of projects in the STIP that are authorized (annual list of project authorizations by month). (Data available from Washington Division sources)
- The annual number local government projects planned compared to the number of contracts bid. (Data available from Washington Division sources)

Air Quality

- Percentage of areas in Air Quality (AQ) Conformity
- Kilograms of pollutant removed per dollar of CMAQ funds invested.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROGRAM ACTIONS		
Statewide 20-Year Long Range Transportation Plan	Prepare as outlined in 23 CFR 450.214 and forward to FHWA and FTA.	Use as basis for STIP approval per 23 CFR 450.216.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
Metropolitan 20-Year Long Range Transportation Plans	Review the MPO approved plan (per 23 CFR 450.322) and Forward to FHWA and FTA.	Use as basis for STIP approval per 23 CFR 450.324.
Statewide Transportation Improvement Program (STIP) Approval	Submit STIP and required documentation by December.	Joint approval with FTA by January 1.
Planning Finding for STIP	Review and certify planning process in accordance with Federal requirements at time of STIP submittal.	Review and make joint planning finding with FTA as part of STIP approval per 23 U.S.C. 135 and 23 CFR 450 Subparts A,B,&C.
STIP Amendments	TIP/STIP amendments are accepted once a month for inclusion in a monthly STIP amendment package. This schedule applies to all months except November and December. (December is the time for review of the next year's STIP.)	Joint approval with FTA, if needed.
State Planning & Research (SPR) Work Program	Prepare and Submit Annual Program Draft - submitted by May 15 Final - submitted by June 15	Review, comment, and approve.
SPR Work Program Amendments	Submit to FHWA as needed.	Review, comment, and approve.
Highway Performance Monitoring System (HPMS) Data Submittal/Process Review	Prepare and submit per HPMS field manual; conduct annual Review; conduct three-year review. Data submitted by 06/15.	Review apportionment data and make approval recommendation. FHWA report by 11/01.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
500 Series Finance Reports/Process Review	Prepare and submit per "A Guide to Reporting Highway Statistics;" conduct annual review; conduct three year review.	Review and forward information. Annually certify fuel data.
FHWA Grant and Specialty Programs ▪ TCSP ▪ Ferry Boat ▪ Value Pricing ▪ Federal Lands ▪ Scenic Byways	Apply for and administer funds.	Review and approve grant applications. Submit to WSDOT identified lists of funded projects. Administer and authorize projects and obligate funds.
Public Road Mileage Certification	Prepare and submit certification as outlined in 23 CFR 460.3.	Review and recommend acceptance then forward to HQ.
Metropolitan Unified Planning Work Program (UPWP)	Cooperate with MPO in plan preparation, review adopted plan and forward to FHWA Draft – March 20 Final – June 1	Review and approve UPWPs per 23 CFR 450.314. Approval by June 30.
UPWP Amendments	Forward the MPO amendment and recommendation for approval.	Review comment and approve.
Annual DOT / MPO Self Certification	Review and recommend approval when UPWPs submitted to FHWA.	Concur with WSDOT's recommendation for approval of self-certification.
Certification of Transportation Management Areas (TMAs) (200,000+ population)	Participate and provide information for joint FHWA/FTA review every four years.	Jointly conduct with FTA a review every four years. Develop recommendations and report that details finding of certification status.
Congestion Management Process (CMP) in TMA areas	Participate with TMA in the development and implementation of CMP. (Per 23 CFR 450.320.)	Review for compliance during certification review and LRTP review.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
CMAQ Program Annual Report	Submit to FHWA (no later than February 1) per CMAQ regulations.	Approve report. Forward to FHWA HQ.
Metropolitan Planning Area Boundary Changes	Prepare and submit per 23 CFR 450.312. Copies to FHWA and FTA.	Review and coordinate with MPO and WSDOT to ensure that the boundaries meet statutory requirements.
Size and Weight Program	Prepare and submit per 23 CFR 657.	Review compliance and approve.
Highway Systems (NHS) Functional Classification, and Urban Area Boundary Changes.	Prepare and submit per 23 CFR 470.	Review and approve. Submit to HQ.
Traffic Monitoring System	Verify and update system components.	Review and recommend improvements.
Public Lands (PL) Distribution Formula and Update	Prepare and submit.	Approve

I. Research, Technology Transfer and Local Technical Assistance Program

Program Overview

1. Statewide Planning and Research (SPR) Program

The main requirements under 23 CFR 420 are to create a SPR Work Program, monitor planning and research activities, submit performance and expenditure reports, conduct peer exchanges, develop and maintain an FHWA approved research and development management process, and maintain program certification. The SPR Work Program consists of two parts; (1) Part I, Planning, which is prepared by WSDOT's Planning Division and (2) Part II, Research, which is prepared by WSDOT's Office of Research and Library Services. WSDOT is responsible for preparation and overall coordination of the Work Program in accordance with 23 CFR 420. The SPR Program operates on a State fiscal year basis with program approval every two years. Amendments and revisions are submitted periodically for approval.

2. Local Technical Assistance Program (LTAP)

LTAP was created to provide educational training, technical assistance and related support services for rural, small urban, tribal governments, consultants and contractors that do work for local agencies on roads, bridges, and public transportation. The LTAP program is regulated under 23 U.S.C. 504(b). The Washington LTAP center is located within the WSDOT Highways and Local Programs (H&LP) Division. The LTAP conducts surveys of local agency training needs. The survey results are used as the basis for developing the curriculum of technical workshops and deployment training courses offered during the next two years.

Applicable Laws and Regulations

- 23 USC applies to all research and technology transfer activities.
- 23 CFR, Parts 420 and 511 apply to State Planning and Research Program Administration
- WSDOT *Research Procedures Manual*, January, 1995

Approved Procedures / Agreements / Manuals

- WSDOT Research Manual

Monitoring - Activities

The FHWA exercises its oversight responsibilities through review of the annual program prior to approval actions, review of individual proposals, and review of annual reports. The Washington Division participates in ongoing program activities such as routine technical and policy meetings, peer exchanges, technology transfer events, etc. The technology transfer program will be monitored through the various oversight methods, including program reviews.

Monitoring - Performance Indicators

Research

- The biennial number of Research or Technology Transfer projects initiated and completed.
- The annual number of Research reports published and circulated.
- The annual number of seminars and workshops held on research topics.
- The annual number of peer exchanges conducted or in which WSDOT participated.
- The annual number of Research projects resulting in a viable implementation strategy.

Local Technical Assistance Program

- The annual top ten requests for technical assistance received by the LTAP Center.
- The annual number of classes offered by the LTAP Center.
- The annual number of people trained by the LTAP Center.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROGRAM ACTIONS		
Peer Exchange	WSDOT Office of Research and Library Services (ORLS) sponsors event or participates in other States' peer exchanges.	Participate and support.
Research Projects	Manage and participate in Research Advisory Committees. Manage research projects and provide technical input.	Participate and support Research Advisory Committees. Provide technical input to research projects.
SPR Work Program	Prepare and submit annual program Draft - submitted by May 15. Final - submitted by June 15.	Review, comment, and approve.
SPR Work Program Amendments	Submit to FHWA as needed.	Review, comment, and approve.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
WSDOT Research Manual	Prepares in coordination with FHWA as noted in 23 CFR 420.209.	Review, comment (if appropriate), and approve (60 days).
Certification of SPR Research Program	Prepare certification statement with SPR Work Plan submittal.	Review, comment, and approve with SPR Work Plan (30 days).
University Transportation Centers (UTC)	Participate in the Transportation Northwest's Advisory Committee. Provide information on agency research needs and match funding for project of value to WSDOT.	Provide information on USDOT Strategic Goals for research.
Projects Using Experimental Features	Collects and disseminates information about projects.	Disseminate information and encourage implementation of successful features.
Technology Transfer	Research reports readily available through the WSDOT Library and web site. Makes technical resources available through the WSDOT Library. Seminars and training conducted. Results shared throughout the agency and nation.	Assist with dissemination to FHWA staff. Recommend new audiences.
LTAP Program	WSDOT H&LP prepares work plan.	Review, comment, and approve.

J. Right-of-Way

Program Overview

The acquisition of private property for public use is governed by a host of State and Federal rules and regulations. The Right-of-Way (ROW) program has overall responsibility for the acquisition, management, and disposal of real property on Federal-aid projects. This responsibility includes assuring that acquisition and disposals are made in compliance with the legal requirements of the State and Federal laws and regulations.

The purpose of this section is to address the ROW functional areas of appraisal, acquisition and relocation, as well as cover the principal activities used to acquire real property for the construction, operation, or maintenance of Federally-funded highway projects. These ROW activities are covered in 49 CFR 24, which has no provision for exemptions under Title 23 U.S.C. Therefore, the rules of Title 49 and Title 23 CFR apply in situations where Federal-aid is being used to fund the ROW activity and/or if Federal-aid is being used to fund the project. The work activities listed below are covered under 23 CFR and require specific approval and/or oversight by FHWA:

- ROW certification
- ROW Operations Manual
- ROW authorization
- Air rights on the interstate, including airspace leases and joint use agreements
- Sale/transfer of excess ROW
- Advance acquisition, including protective buying and hardship acquisition
- Functional replacement
- Highway beautification

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

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

Applicable Laws and Regulations

The following Federal laws and regulations apply to all Federal-aid projects:

- 42 U.S.C. 61, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- 23 U.S.C. 108, Advance Acquisition of Real Property.
- 23 U.S.C. 111, Agreements relating to Use of and Access to Rights-of-Way – Interstate System.
- 23 U.S.C. 156, Proceeds from the Sale or Lease of Real Property
- 23 U.S.C. 323, Donations and Credits

- 49 CFR 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.
- 49 CFR 18, Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments.
- 23 CFR 1.23, Use of Right-of-Way
- 23 CFR 620, Subpart B, Relinquishment of Right-of-Way Access Control
- 23 CFR 635.309, Right-of-Way Certification
- 23 CFR 710, Right-of-Way and Real Estate
- 23 CFR 750, Highway Beautification
- 23 CFR 751, Junkyard Control and Acquisition

Approved Procedures / Agreements / Manuals

- ROW Manual
  In compliance with 23 CFR 710.201[c], WSDOT shall submit in duplicate to FHWA for acceptance prior to January 1, 2001, a manual which clearly describes WSDOT's ROW organization and the policies, procedures, and practices it will follow in implementing the delegated approvals contained in this agreement. In general, the manual may be updated periodically for WSDOT's internal use and will be designed to assist WSDOT ROW personnel in complying with State and Federal laws, regulations, directives, and standards. The manual must be in sufficient detail to adequately describe particular functions and the operational procedures through which those functions will be accomplished. It should be in sufficient depth to guide operating ROW employees in how to perform their assigned duties.

  WSDOT is responsible for full compliance with FHWA requirements. Future changes to a manual, because of new FHWA requirements or changes in State law, etc., shall be submitted to FHWA for acceptance within a reasonable period of time. In-house administrative manual changes should be transmitted to FHWA for informational purposes.

  In accordance with 23 CFR 710.201[c], WSDOT shall certify to the FHWA every five years that the ROW manual is current and in compliance with Federal and State laws and regulations.

- WSDOT Local Agency Guidelines Manual

Monitoring - Activities

Except where specific approvals are to be made by the FHWA on an individual project of action basis, FHWA monitoring will primarily be done on a program-wide basis using process reviews. At least one review will be done annually.

Monitoring - Performance Indicators
Federal-aid projects comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

- Number of times ROW acquisition is not complete when projects are advertised for construction (Cert 3's).
- Number of times acquisition occurs through condemnation.

Financially Responsible Program

- Administrative settlements, legal settlements, and/or alternate dispute resolution techniques facilitate negotiations and result in optimal settlements.
- Airspace leases generate income based on fair-market value unless it is in the overall public interest for a reduced rental rate.

Outdoor Advertising Regulations

- Regular surveillance is performed. Maintenance forces will perform these duties as part of their regular surveillance and photograph any new signs found during the surveillance.
- Sign inventories are kept up to date. New illegal signs discovered by maintenance forces will be added to the database by the Regional Outdoor Advertising Control liaison.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
ROW Authorizations and Agreements (23 CFR 710.203)	Requests	Electronic signature – all projects (five days).
Waivers for comparable replacement dwellings available before displacement (49 CFR 24.204(b)	Requests	Review and approve.
ROW Certification (23 CFR 710.311 and 635.309)	Request (Interstate) Approve (non-Interstate)	Review and approve Interstate projects.
Air Rights (23 CFR 710.405)	Request (Interstate) Approve (non-Interstate)	Review and approve Interstate projects.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
Leases/Joint Use agreements (23 CFR 710.407)	Request (Interstate) Approve (non-Interstate)	Review and approve Interstate projects.
Disposal of Excess ROW (23 CFR 710.409)	Request (Interstate and less than Fair Market Value (FMV) Approve (non-Interstate)	Review and approve Interstate and less than FMV.
Access Control – Disposal or Changes (23 CFR 710.401)	Request (Interstate) Approve (non-Interstate)	Review and approve Interstate projects.
Functional Replacement (23 CFR 710.509)	Request and approve	Concurs it is in the public interest.
Federal Land Transfer (23 CFR 710.601)	File application with FHWA if Federal agency lacks authority to grant real property interests.	Review and approve.
Advanced Acquisition - Hardship Acquisition & Protective Buying (23 CFR 710.503)	Request	Review and approve
PROGRAM ACTIONS		
ROW Operations Manual (23 CFR 710.201(c))	Submit manual or changes.	Review and approve
Highway Beautification/Outdoor Advertising Control Manual (23 CFR 750.304)	Submit manual or changes.	Review and approve
FHWA Annual Acquisition and Relocation Statistics (previous form FHWA 1434 and 1424, FHWA Order 6540.1	Submit statistics	Submit information annually to HQ by November 15

K. Safety

Program Overview

Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) includes the program and policy language for implementing the new "core" Highway Safety Improvement Program (HSIP), which is codified as the new Section 148 of Title 23 of the United States Code (23USC148).

WSDOT has the responsibility for carrying out the State's HSIP in accordance with Section 148 of Title 23 of the United States Code (23USC148). FHWA exercises its oversight responsibilities through review of the annual programs, review of program processes, and review of annual reports. FHWA and the WSDOT will work together on safety issues related to geometric design, roadside safety, safety appurtenances, the highway safety improvement program, work zone safety and traffic control, pedestrian safety and bicycle safety, safe routes to school program, High Risk Rural Road Program, and the Washington Strategic Highway Safety Plan (SHSP). In each instance, sharing of knowledge occurs through discussions, meeting/committee/task force participation, and by performing periodic reviews. FHWA and WSDOT will utilize the "4-E's" of Engineering, Education, Enforcement, and Emergency Operations to address safety issues with the purpose of reducing fatalities and serious injuries on Washington's roadways.

The following is a general description of the new "core" HSIP codified in 23 USC 148 that identify program requirements.

The purpose of the HSIP shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads. To obligate "core" safety funds WSDOT must have in effect an HSIP under which the State: 1) develops and implements a SHSP that identifies and analyzes highway safety problems and opportunities to reduce fatalities and serious injuries, 2) produces a program of projects or strategies to reduce identified safety problems, 3) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements, 4) submits an annual report to the FHWA Division.

In accordance with 23 USC 148, WSDOT has developed an SHSP, entitled *Target Zero*, that; 1) analyzes and makes effective use of State, regional or local crash data; 2) addresses engineering, management, operation, education, enforcement, and emergency medical services in evaluating highway projects; 3) considers safety needs, and high fatality segments of public roads in the State; 4) considers results of State, regional or local transportation and highway safety planning processes; 5) describes a program of projects or strategies to reduce or eliminate fatal and disabling collisions; 6) is approved by the Governor or responsible State agency; and, 7) is consistent with the requirements of the statewide planning process, sec. 135(g).

As part of the SHSP, the State shall: have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis; identify hazardous locations sections or elements that constitute a danger to motorists, bicyclists, and

pedestrians; establish the relative severity of these locations; adopt strategic and performance-based goals; advance the capabilities of the State for traffic records data collection, analysis, and integration; determine priorities for the correction of hazardous road locations, sections, and elements as identified through crash data analysis; establish an evaluation process to assess results achieved by improvement projects.

As a condition for obligating HSIP funds, under Section 148(c)(I)(D), WSDOT will prepare an annual report, in addition to the HSIP and rail-highway crossing safety report, that describes not less than five percent of their public road locations exhibiting the most severe safety needs.

Applicable Laws and Regulations

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

Approved Procedures / Agreements / Manuals

- 10-year Safety Strategies for Program Building, see Appendix 1
- Washington Strategic Highway Safety Plan – *Target Zero*
- WSDOT Design Manual
- WSDOT Plans Preparation Manual
- WSDOT Standard Plans
- FHWA Manual on Uniform Traffic Control Devices (MUTCD) (approved WSDOT Traffic Manual Washington State Modifications to the MUTCD)
- WSDOT Work Zone Traffic Control Guidelines
- WSDOT Local Agency Guidelines
- Local Agency Safety Management System - January 1998

Monitoring - Activities

- FHWA participates as a team member in WSDOT-led task forces and teams that are formed as needed to address perceived needs or problems, specifically as a member of the Highway Safety Issues Group (HSIG). FHWA participates as a member of the WSDOT Traffic Control Review Team that is responsible for assessing work zone traffic control practices and safety, as well as new traffic and safety-related technology and devices. FHWA may conduct inspections, including finals, on a statewide sampling basis through annual and process reviews.
- FHWA will provide ongoing technical assistance in the planning, implementation, and evaluation components of the HSIP, and will work cooperatively with WSDOT to use process reviews to assess and improve procedures.
- FHWA will support the National Highway Traffic Safety Administration (NHTSA) in monitoring of Section 402 Program activities by participating in periodic management reviews conducted by NHTSA and by working cooperatively with WSDOT.

Monitoring - Performance Indicators

- Reduce fatal and disabling highway collisions, annually, in accordance with SHSP the (*Target Zero*).
- Reduction of fatal highway collisions consistent with the SHSP (*Target Zero*) with an emphasis on any category where Washington State exceeds the national average.
- Percent of HSIP funds obligated.

Business Activities

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
PROJECT ACTIONS		
Safety Projects	Submit projects for authorization	FHWA will verify that projects are in the current HSIP, and approve project authorizations, modified project agreements and final vouchers on all Section 130 and 148 projects.
PROGRAM ACTIONS		
HSIP	WSDOT will develop an HSIP consisting of components for planning, implementing, and evaluation of safety programs and projects and submit to FHWA.	FHWA will provide ongoing technical assistance in the planning, implementation, and evaluation components of the HSIP, and will work cooperatively with WSDOT to use process reviews to assess and improve procedures. FHWA will monitor expenditures and obligations. FHWA will approve the HSIP.
23 USC Section 148	WSDOT will report modifications of SHSP to FHWA.	FHWA will review and concur.

WORK ACTIVITY	WSDOT ACTION	FHWA ACTION
23 USC Section 148	WSDOT will prepare and submit an implementation plan for each emphasis area of Washington's SHSP for approval.	Review the implementation plans to ensure that they meet both State and national emphasis areas.
23 USC Sections 130 and 148: HSIP Report (including HRRP) Rail-Highway Crossing Report Five Percent Report SHSP Progress Report	Prepare annual program and report, and submit to FHWA. (no later than by August 31 annually)	Review and comment on the program and annual report. Submit to HQ by Sept. 30.
Annual State All-roads Collision Report	Prepare annual report and submit to FHWA.	Review and submit to HQ.
23 USC 159: (Drug Offenders License Suspension Certification)	Submit Governor's annual certification to FHWA no later than January 1.	Review certification and forward to FHWA HQ.
National Cooperative Highway Research Program (NCHRP) 350 (NCHRP 350 Testing Criteria)	Comply with NCHRP 350 and AASHTO/FHWA agreement.	Actions and process reviews.
MUTCD (Traffic Control Devices on all public roads)	WSDOT and local agency practices comply with MUTCD.	Actions and review of MUTCD issues ongoing.
Work Zone Traffic Control	FHWA & WSDOT participate in Annual WZ reviews.	WSDOT send final report to FHWA.

VI. Control Documents

These documents are used by FHWA and WSDOT to implement the Federal-aid highway program and to ensure effective and efficient oversight.

WSDOT Manual	FHWA Approval	FHWA Concurrence
Ad and Award Manual (M 27-01)		
Agreement Manual (M 22-99)		
Bridge Design Manual (M 23-50)	X	
Bridge Inspection Manual (M 36-64)	X	
Construction Manual (M 41-01)		X
Consultant Service Procedures Manual (M 27-50)	X	
Design Manual (M 22-01)	X	
DBE Program Plan	X	
EEO Assurances (Parts 1 and 2)	X	
Emergency Procedures Manual (M 3014)		
Environmental Procedures Manual (M 31-11)	X	
Geotechnical Design Manual (M 46-03)	X	
General Special Provisions	X	
Highway Runoff Manual (M 31-16)		
Hydraulics Manual (M 23-03)	X	
Local Agency Guidelines Manual (M 36-63)	X	
Maintenance Manual (M 51-01)		
Materials Manual (M 46-01)		
MUTCD-Washington Modifications	X	
Plans Preparation Manual (M 22-31)		
Programming and Operations Manual (M 12-51)		
Right of Way Manual (M 26-01)	X	
Roadside Manual (M 25-30)		
Standard Plans (M 21-01)	X	
Standard Specifications (M 41-10)	X	
Title VI Program Plans	X	
Traffic Manual (M 51-02)		
Utilities Manual (M 22-87)		

Work Zone Traffic Control Guidelines (M 54-44)		
WSDOT Research Procedures Manual		

VII. Appendices

Appendix A

WSDOT Safety Strategies for Program Building, 2009-2019

1. In the SHSP, WSDOT has identified that the majority of the fatal and disabling accidents occur as either;
    a. Head-on collisions
    b. Run-off the road
    c. Intersection related

Consequently WSDOT will continue to invest in reducing these types of accidents by investing at least $100 m per biennium (adjusted for inflation) using an incremental implementation approach that would emphasize reducing risk with a balance of low cost projects and higher cost projects.

Lower cost projects types would include;

    a. Centerline rumble strips on rural two lane roadways
    b. Removing fixed objects or installing guardrail to reduce the potential for vehicles striking fixed objects or rolling over on steep slopes
    c. Improved lighting at rural intersections
    d. Low cost intersection improvements such as channelization (see 2 below)

Higher cost projects would include;

    e. Passing lanes on rural two lane highways with a high cross-over incidence
    f. Slope flattening
    g. Curve realignment (would be consistent with curvature rates for the corridor or as agreed upon in a corridor study)
    h. Higher cost intersection improvements such as signalization and roundabouts (see 2 below)
    i. Highway widening

2. WSDOT will develop a methodology for optimizing investments at intersections by implementing a broad range of solutions from low cost channelization to full reconstruction.
3. Invest in safety improvements on the Interstate System beyond what is currently programmed in large mobility projects. WSDOT will invest at least $25 million per biennium on these safety improvements based upon the results of research conducted by Penn State. This approach would be used in lieu of companion safety work associated with concrete replacement projects.
4. Continue replacement of existing safety features that have worn out in our Pavement Preservation Program (See Chapter 410 of the Design Manual for a list of the required elements identified as part of Basic Safety on paving projects).
5. Replace existing bridge barriers in our Structures Preservation Program that have weakened due to freeze thaw deterioration.
6. Seismic Retrofit of structures in the High & Moderate Risk Zones (emphasis will be placed on critical life-line to ensure emergency supplies and equipment can get to communities following a disaster).
7. Mitigate unstable slopes to reduce risk of accidents (current investment plan is at $20 m/biennium plus a $1 m companion rock scaling program to reduce the risk until slopes can be programmed).
8. Rehabilitate rest areas to keep in good operating condition.

Appendix B

FHWA/WSDOT STEWARDSHIP AGREEMENT (2007) Construction Monitoring Plan

Introduction

Webster defines "steward" as "one who acts as a supervisor or administrator, as of finances and property, for another or others." The designated steward of all Federal highway funds is the United States Department of Transportation, acting through the Federal Highway Administration (FHWA). In Washington State, FHWA is represented by its Washington Division. The Washington Division has delegated a portion of its stewardship responsibility (and the corresponding authority) to the Washington State Department of Transportation (WSDOT) through this FHWA/Stewardship Agreement.

This document constitutes further agreement between FHWA and WSDOT concerning the details of the part of the stewardship agreement that applies to Construction. The subject matter of this sub-agreement is monitoring of construction performed on behalf of WSDOT by independent contractors.

Scope of Construction Monitoring Plan

This plan deals specifically with Federally-financed construction performed under contracts with WSDOT and administered through the WSDOT Headquarters Construction Office. It is not intended to be all-encompassing. Contracts for work on ferries and ferry facilities are not included. Contracts for work through local agencies are not included. Federally-financed utility agreements are not included. Emergency Relief work performed by contractors and administered by WSDOT Maintenance is not included.

Program-wide Specification and Process Approvals

FHWA has retained for itself the approval of all contract plans and specifications for all Federal full-oversight projects. For other objects, the stewardship agreement delegation leaves these approvals to WSDOT. To avoid confusion, WSDOT has decided to make approval decisions for work under its delegated authority that conform exactly to approvals in the same situation by FHWA for work under authority that has not been delegated.

To accomplish FHWA approval of specifications, a collection of standard specifications has been developed by WSDOT and pre-approved for use by FHWA. An accompanying set of General Special Provisions (GSP), applicable to specific contracts depending on defined circumstances, has also been developed and approved. Contract provisions from either of these sources are pre-approved. Provisions modifying or expanding the standards, which are created in WSDOT

satellite offices for specific projects, are not pre-approved and must be reviewed and approved, either by FHWA, HQ Construction or as delegated to the WSDOT Regions by HQ Construction. This approval shall be during the plan approval process for the individual project.

To accomplish FHWA approval of process, WSDOT has developed the Construction Manual and has sought and received FHWA concurrence of its contents. To qualify for Federal funding, all inspection, documentation and administration work done must be done in accordance with the provisions of this pre-approved manual. Exceptions to the requirements of the manual may be sought, but the manual represents agreement between WSDOT and FHWA. Its requirements can not be changed by modifying the contract between WSDOT and its contractor. The points of contact for revisions to Construction Manual requirements are the WSDOT Headquarters Materials Laboratory (for Chapter 9) and the Headquarters Construction Office for all other parts of the manual.

As part of its management responsibilities, WSDOT agrees to seek out and identify areas where approved specifications were not met, where unapproved specifications were used, where approved procedures were not followed or where unapproved procedures were implemented and refrain from billing FHWA for the value of associated work.

Project Responsibility

The FHWA, Washington Division, has delegated to WSDOT (and through the WSDOT delegation of authority to the Headquarters Construction Office) stewardship responsibility and authority for all Federally-funded construction except those designated as full-oversight. The special selections are made by FHWA and include significant demonstration projects, special funding agreements and projects of high interest. Past selections have included the Hood Canal Bridge Retrofit, the SR 18 Maple Valley project, and the Mt. St. Helens emergency relief (ER) reconstruction.

The Construction Office has further delegated the stewardship reporting responsibility for projects with a contract value less than $6.0 million to the various WSDOT Regions. The delegation of stewardship authority from Headquarters to the Region is through the Construction Manual.

FHWA has also delegated to WSDOT the authority to complete the final inspection and acceptance of Federal-aid projects that are not Federal full-oversight. The authority has been further sub-delegated to the Regions for projects with a contract value less than $6.0 million.

At least once per year, WSDOT will publish a list of all projects that have been started and not closed out for Federal funding. The list will be divided to show the responsibility for stewardship reporting for each project. In the past, a Final

Inspection and Acceptance of Federal-aid project report was required for each project financed in part or in whole with Federal dollars. In an effort to expedite contract closure and move unused obligated funds back into the various highway programs sooner, stewardship reporting will take the following course:

For projects with values between $1 and $500,000: 25% of the projects will be selected from each project office from each Region and an abbreviated Final Inspection and Acceptance of Federal-aid Project form will be required.

For projects with values between $500,001 and $6,000,000: 50% of the projects will be selected from each project office from each Region and a Final Inspection and Acceptance of Federal-aid Project form will be required.

For projects with values greater than $6,000,000: 50% of the projects will require a Final Inspection and Acceptance of Federal-aid Project form.

FHWA Review-Approval Actions & Related Processes

With the pre-approval of specifications and process and the extensive delegation of stewardship authority, there is relatively few approval actions needed from FHWA during actual construction.

For full Federal oversight FHWA has retained the oversight role of interim, or project, inspections and acceptance, and the approval of certain high-value change orders.

The following process will apply:

For project inspections, the WSDOT Project Engineer and the FHWA Area Engineer shall agree on the timing of such inspections. Typically, project inspections will take place quarterly; however, the Area Engineer may select other frequencies. The Project Engineer will advise the Area Engineer when agreed milestones or completion stages have been accomplished and the Area Engineer will schedule the review and prepare the report. (A similar process will be followed between the Project Engineer and the Headquarters Construction representative for delegated projects when the delegation has been retained at Headquarters. Regions will develop processes for those jobs delegated to them.)

For final inspections and acceptance, the review will be conducted in two parts. The first part will be a field review of the work and will be conducted at about the time of substantial completion, when the contractor is still available to make corrections or changed identified during the review. The second part of the process will be the final acceptance review. This will be conducted after WSDOT has accepted the contract and has assembled all costs and materials documents. The second part of the review (acceptance) may be conducted with an exchange of documents and with out a physical visit to the site. The Project Engineer will notify the Area Engineer when these times have arrived and the Area Engineer will schedule the reviews and will

prepare one final report summarizing both reviews. (A similar process will be followed between the Project Engineer and the Headquarters Construction representative for delegated projects when the delegation has been retained at Headquarters. Regions will develop processes for those jobs delegated to them.)

Change orders on FHWA stewardship projects may be approved by WSDOT unless they alter the termini, character or scope of work of the contract or unless they have a net value of more than $200,000. Note: Changes that adjust quantities without changing the work may be approved by WSDOT regardless of value. FHWA approval will normally be a written formal response, but may be verbal if the public interest is served by the more timely action. In all cases, the FHWA approval of a change order shall be obtained through the Headquarters Construction Office.

The FHWA Area Engineer may also choose to accompany the WSDOT reviewer during the review of any Federal-aid project. Such participation will be random and will be initiated by the Area Engineer. This participation by the FHWA will not change any delegation of oversight responsibility or authority in any way. When the Area Engineer has participated in a review, a copy of the summary report will be provided directly to the Engineer.

Notices & Submittals to FHWA

The Stewardship Agreement calls for certain information and documents to be provided to FHWA by WSDOT. Some of these are available electronically and WSDOT responsibility is to maintain the database that contains them (Completion Date, List of Change Orders, Acceptance Date and Comparison Quantities.)

Stewardship Summary Reports

It is important to note the difference between a steward and a stewardship reviewer/reporter. Stewardship on WSDOT Federal-aid projects is provided by a wide cross-section of employees who make stewardship decisions according to the requirements of the Construction Manual and their own delegated responsibilities and authorities. From the field inspector who observes contract work and prepares pay instructions, to the Project Engineer who reviews and approves a monthly progress payment, to the Region Construction Manager who executes a change order, to the Headquarters Construction Engineer who negotiates and approves a claim settlement, all are acting as stewards in their own job descriptions and assignments.

The stewardship reviewer/reporter, on the other hand, is acting as an overseer, observing and collecting information about all of the stewardship activities, evaluating that information, making recommendations concerning the qualification of the covered work for Federal funding and preparing reports to summarize the activities. Reviewers may be FHWA Area Engineers, Headquarters Construction Engineers, Region Managers or subordinate Region specialists in documentation or

contract administration. For the reports that it prepares, WSDOT may assign any person of the classification of Transportation Engineer 3 or above to this duty. The only restrictions are that the reviewer must not have been involved in the project-level administration and the report must be signed by someone with supervisory authority over the Project Engineer or management responsibility over the contract itself.

- Types of Reports

For projects requiring a report, the following shall apply:

Interim Reports (also known as Project Reports) are immediate summaries of stewardship activities on an uncompleted project. These will be performed on multi-season jobs at least annually. Interim reports may be submitted at a greater frequency or for a special purpose at any time, at the discretion of the stewardship reviewer. Interim reports may be submitted on single-season projects for special purposes, again at the discretion of the reviewer.

Abbreviated Final Inspection/Acceptance Reports are single page close-out reports for projects between $1 and $500,000 that summarizes the project in more of a checklist format with opportunity for comments. It will still be necessary for the Stewardship reviewer to review the project documentation and procedures, but not to the detail required for Final Inspection/Acceptance Reports.

Final Inspection/Acceptance Reports are single close-out reports that summarize the results of reviews conducted in two parts at the completion of all projects. The first part is a review of the field work conducted at a time when the contractor is still available to perform additional work or corrective work. The second part is after acceptance, when the final cost figures are known and the material certification is available. For FHWA-retained projects, the final inspection and acceptance will be conducted by the FHWA Area Engineer. For delegated projects with a greater value than $6.0 million, the final inspection and acceptance will be conducted by a representative of the Headquarters Construction Office. For projects further delegated to a Region, the final inspection and acceptance will be conducted by a Region representative. The final acceptance portion of the final review may be done with out a site visit, working from documents and computer data only.

- Timing of Reports

Interim reports will be performed at times that are appropriate for the nature and progress of the work and the seasonality of the project. These times that will be determined through the judgment of the reviewer. The objective for all reviewers will be to prepare and submit interim reports within 30 calendar days after the field review.

Final inspections will be conducted around the time of physical completion, while the contractor is still mobilized and able to perform corrective or added tasks. The Project Engineer is in the best position to identify this time and shall advise the reviewer that a final inspection is needed. Final acceptance reviews will be conducted after the State Construction Engineer's final acceptance of the contract itself and after receipt of the Region's Materials Certification. The objective for all reviewers will be to prepare and submit the final inspection/acceptance report within 60 calendar days after project final acceptance.

Copies of reports prepared by FHWA will be sent to the Headquarters Construction Office. Copies of reports prepared by any WSDOT reviewer will be collected by the Headquarters Construction Office and forwarded to FHWA. Contents of Final Inspection and Acceptance Reports are provided in the WSDOT Construction Manual.

Quality Improvement and Accountability

For all jobs, FHWA has retained the responsibility and authority for QI&A. As described above, much of the programmatic approval for construction lies in the review and approval of the Standard Specifications and the Construction Manual.

As part of the Construction Monitoring Plan, representatives of FHWA and the Headquarters Construction Office of WSDOT will meet annually in the autumn and plan the process reviews and emphasis areas for the coming year.

Emphasis areas will be defined and reviewed as possible during interim stewardship reviews. If an insufficient amount of review is accomplished in this manner, the Headquarters Construction Office will work with FHWA to identify and schedule special reviews of emphasis areas separate from the stewardship reviews.

Special reviews will be conducted by FHWA personnel. WSDOT will participate in the reviews by joining the review team and accompanying the team to all review sites.

Communication

Much of the day-to–day communication between WSDOT and FHWA is informal by nature. Verbal discussions, telephone consultations and e-mail notices (including digital photos when needed for clarity) are used extensively. Except where formal written notices are specifically required, staff from both agencies will attempt to utilize the simplest form of communication that accomplishes the needed communication in the least time. All reports and correspondence related to a project shall bear both the WSDOT contract number and the FHWA project number as identifiers.

Appendix C

Summary of all Performance Measures

Number	Program Area	Performance Measure
1	Bridge	Number of routine bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percentage, for State-owned structures, and reported semi-annually.
2	Bridge	Number of fracture critical bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percent, for State-owned structures, and reported semi-annually.
3	Bridge	Number of underwater bridge inspections scheduled for the past six months, and the number actually performed within the required frequency. Indicator will be expressed as a percentage, for both State and locally-owned structures, and reported semi-annually.
4	Bridge	Number of bridges with up-to-date load ratings, and number of bridges needing updated load ratings. First indicator will be expressed as a percentage, and the second as an actual count, for State-owned structures, and reported annually.
5	Bridge	Number of bridges with accurate and legal load posting signs in place, and number of bridges that need to be posted but the posting is not yet legally implemented. Both indicators will be expressed as an actual count, for State-owned structures, and reported annually.

Number	Program Area	Performance Measure
6	Bridge	Number of records with data errors as reported by FHWA Headquarters for WSDOT's annual submittal of bridge data for the National Bridge Inventory. This indicator will be expressed as a percentage and rounded to the nearest tenth of a percent, and reported annually.
7	Bridge	Number of bridges with critical deficiencies for the past six months, number reported to FHWA Division within five days, and current status of recommended repair or remedy. This indicator will be reported semi-annually, for State-owned structures.
8	Bridge	Number of bridges designed by AASHTO LRFD, number designed by another method, and number of design exceptions processed with a brief description of the justification. This will be reported annually for all bridges that have gone to Ad in the last year, for State-owned structures.
9	Bridge	Number of bridge projects with structural change orders that total more than five percent of the original engineer's estimate for the bridge work. This will include ongoing projects and those completed within the last year. The measure will be expressed as a percentage and be reported annually, for State-owned bridge construction projects.
10	Bridge	Percentage of Highway Bridge Program project costs spent on bridge items versus all other non-bridge items, for WSDOT and locally owned structures. This will be reported annually for all bridges that have gone to Ad in the last year, for both State and locally-owned structures. (data available from Washington Division sources)

Number	Program Area	Performance Measure
11	Bridge	The performance indicators for local agency-owned bridges will be included in the Local Agency Bridge Inspection Annual Report. Included in the report will be: • Number of routine bridge inspections performed and whose interval exceeded 24 months. • Number of bridges with up-to-date load ratings and number of bridges needing up-to-date load ratings • Number of bridges with legal load posting signs in place and with postings not yet legally implemented. • Number of bridges with critical deficiencies, number reported to FHWA Division Office within five days. • Number of bridges designed by AASHTO LRFD, number designed by another method, and number of design deviations processed with a brief description of the justification. This should be reported for all bridges that have gone to ad. • Number of fracture critical bridge inspections performed within the past 12 months and within the required frequency. Indicator will be expressed as a percentage.
12	Civil Rights	Percent DBE participation on Federal-aid contracts.
13	Civil Rights	Number of DBE firms certified, graduated, and decertified. (data reported by OEO)
14	Civil Rights	Number of DBE Commercially Useful Function reviews performed and outcomes. (data reported by OEO)
15	Civil Rights	Number of complaints received (formal/informal) regarding prompt payment/return of retainage and actions taken.
16	Civil Rights	Number of EEO Contractor Compliance Reviews performed & percent with violations.

Number	Program Area	Performance Measure
17	Civil Rights	Number of training hours assigned (per OJT/TSP); number of hours accomplished; number of minority, female and white male trainees approved; number of minority, female and white male trainees who have reached journey-level.
18	Civil Rights	Number of complaints filed in all areas affecting Civil Rights and actions taken/accommodations made.
19	Civil Rights	Timeliness of reporting (Program Plan/Update submissions).
20	Construction and Contract Administration	WSDOT will report on the types of work or contract items found to be ineligible for federal-aid participation on an annual basis. (WSDOT projects only)
21	Construction and Contract Administration	WSDOT will annually report on the number of projects that meet contract closure requirements. Those include: 1) Final Contract Voucher within 90 days of physical completion of a project, and 2) Stewardship Report complete within 90 days of Final Contract Voucher. (WSDOT projects only)
22	Construction and Contract Administration	WSDOT will report on Change Orders of Federal-aid projects that exceed five percent of the contract amount on an annual basis. (WSDOT Projects only)
23	Construction and Contract Administration	Local Agency performance indicators will be included in the Project Management Review. (PMR Annual Report)
24	Design and Pre-Construction	Design Standards - Report on design variances (number, type, description, justification) (WSDOT Projects Only)

Number	Program Area	Performance Measure
25	Design and Pre-Construction	State furnished materials justification – Report number of State furnished materials approvals (WSDOT Projects Only)
26	Design and Pre-Construction	Proprietary item, public interest finding – Report number of proprietary product approvals. (WSDOT Projects Only)
27	Design and Pre-Construction	Value Engineering – Submit annual VE report. (WSDOT Projects Only)
28	Design and Pre-Construction	Tied Bids – Report number of tied bids. (WSDOT Projects Only)
29	Design and Pre-Construction	State Forces Work – Report number of State forces work approvals. (WSDOT Projects Only)
30	Design and Pre-Construction	Local Agency performance indicators will be included in the Project Management Review Annual Report. The annual report will include the following: • Design Standards – report on design deviations • Report on value engineering studies performed by local agencies
31	Environment	Timely completion of NEPA Documents- WSDOT will report to FHWA annually on the percentage of active NEPA EA and EIS documents that are meeting their negotiated timeframe.
32	Environment	Compliance with Environmental Commitments-- WSDOT will share with FHWA its regular agency accountability report on non-compliance events.

Number	Program Area	Performance Measure
33	Environment	Document Quality- Number of DCEs that are returned to WSDOT for more information. (data available from FHWA Project Action Tracking Database)
34	Finance and Accounting	Percent of annual apportion that is inactive. (data available from FMIS).
35	Finance and Accounting	Amount of lapsed funds. (data available from FMIS)
36	Finance and Accounting	Percent cost escalation between Engineer's Estimate, Award Amount, and Final Cost. (WSDOT projects only)
37	ITS/Mobility	Average daily vehicle hours of delay (Puget Sound area and Statewide).
38	ITS/Mobility	Duration of peak period (morning and evening for key commute routes).
39	ITS/Mobility	Percent of days that speeds fall below 35 mph (morning and evening for key commute routes).
40	ITS/Mobility	Number of incidents lasting over 90 minutes.
41	ITS/Mobility	Average duration of blocking incidents lasting more than 90 minutes.
42	ITS/Mobility	Average incident clearance time.

Number	Program Area	Performance Measure
43	Planning and Programming	The percentage of projects in the STIP that are authorized. (Annual list of project authorizations by month). (data available from Washington Division sources)
44	Planning and Programming	The annual number local government projects planned compared to the number of contracts bid. (data available from Washington Division sources)
45	Air Quality	Percentage of areas in AQ Conformity.
46	Air Quality	Kilograms of pollutant removed per dollar of CMAQ funds invested.
47	Research	The biennial number of Research or Technology Transfer projects initiated and completed.
48	Research	The annual number of Research Reports published and circulated.
49	Research	The annual number of seminars and workshops held on research topics.
50	Research	The annual number of peer exchanges conducted or in which WSDOT participated.
51	Research	The annual number of Research projects resulting in a viable implementation strategy.

Number	Program Area	Performance Measure
52	Local Technical Assistance Program	The annual top ten requests for technical assistance received by the LTAP Center.
53	Local Technical Assistance Program	The annual number of classes offered by the LTAP Center.
54	Local Technical Assistance Program	The annual number of people trained by the LTAP Center.
55	Right of Way	Federal-aid projects comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970: • Number of times right-of-way acquisition is not complete when projects are advertised for construction (Cert 3's). • Number of times acquisition occurs through condemnation.
56	Right of Way	Financially Responsible Program • Administrative settlements, legal settlements, and/or alternate dispute resolution techniques facilitate negotiations and result in optimal settlements. • Airspace leases generate income based on fair-market value unless it is in the overall public interest for a reduced rental rate.

Number	Program Area	Performance Measure
57	Right of Way	Outdoor Advertising Regulations • Regular surveillance is performed. Maintenance forces will perform these duties as part of their regular surveillance and photograph any new signs found during the surveillance. • Sign inventories are kept up to date. New illegal signs discovered by maintenance forces will be added to the database by the Regional Outdoor Advertising Control liaison.
58	Safety	Reduce fatal and disabling highway collisions in accordance with the SHSP (*Target Zero*).
59	Safety	Reduction of fatal highway collisions consistent with the SHSP (*Target Zero*), with an emphasis on any category where Washington State exceeds the national average.
60	Safety	Percent of HSIP funds obligated.