WASHINGTON

FEDERAL-AID

STEWARDSHIP AGREEMENT

2001

Approved By:

For the Washington State Department of Transportation

Douglas B. MacDonald

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Secretary of Transportation

May 14, 2001

Date

For the Federal Highway Administration

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Washington
Federal-Aid
Stewardship Agreement

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WASHINGTON
FEDERAL-AID
STEWARDSHIP AGREEMENT

I. Purpose

This agreement implements a revised process of program and project oversight and accountability, made possible by the Transportation Equity Act for the 21st Century (TEA-21). In particular, Section 1305 Project Approval and Oversight, sets forth opportunities for streamlining the program delivery processes. While the Certification Acceptance program was rescinded by TEA-21, this section allows current processes to continue with further program delivery improvements. This document establishes the respective roles and responsibilities of the Washington State Department of Transportation (WSDOT) and the Federal Highway Administration (FHWA), Washington Division Office, in providing stewardship of Federal-aid Highway Program activities under TEA-21. Certain applicable laws, regulations, standards, and procedures which govern those activities are included.

II. General Provisions

A. Project Approval and Oversight

1. Project Oversight

Oversight for project development and construction on Federal-aid projects is as follows:

National Highway System (NHS) Interstate New/Reconstruction – projects funded with Interstate Completion funds and new/reconstruction projects on the Interstate, regardless of Federal funding source, will be administered under full oversight, as presently provided by FHWA. Full FHWA oversight does not preclude further streamlining the program delivery process under Title 23 and non-Title 23 regulations.

NHS – Interstate 3R (resurfacing, restoration, rehabilitation) – projects will be administered by WSDOT. Regardless of Federal funding source FHWA will authorize PE, R/W, and construction. FHWA will in turn delegate to WSDOT authority for project development and construction to approve: design reports, design deviations, tied bids, proprietary items, State-furnished materials, PS&E's, award of contracts, claim settlements, all change orders, and other related traditional Title 23 FHWA approval actions. WSDOT-Olympia Service Center (OSC) and Regions will perform design reviews and construction inspections as necessary to insure compliance with Title 23 requirements.

NHS Non-Interstate – projects will be administered by WSDOT, regardless of Federal funding source, except for certain high cost or unique bridge projects. WSDOT is delegated approval authority for design reports, design deviations, concurrence in award, claim settlements, change orders, and other related Title 23 approval actions. WSDOT-OSC and Regions will perform reviews and inspections as necessary to insure compliance with Federal regulations. Regardless of Federal funding source, FHWA will authorize PE, R/W, and construction, and exercise oversight on Federal requirements through program reviews.

Non-NHS- projects are administered by both WSDOT and local agencies. Non-NHS projects, regardless of Federal funding source, will be administered in accord with this plan. FHWA will authorize PE, R/W, and construction, and exercise oversight on Federal requirements through program reviews. For projects directly administered by WSDOT this plan provides for an expanded delegation of authority. The Local Agency provisions of this plan support current delegations and procedures.

FHWA will determine project eligibility at PE or Construction authorization and approve NEPA compliance on all projects.

2. Standards

NHS - Design and construction standards for all new/reconstruction projects and for all 3R multi-lane limited access projects on the NHS shall meet or exceed AASHTO standards in accordance with Title 23 USC, Section 109(b) and Section 109(c). For other projects on the NHS, the currently approved standards stipulated in the WSDOT's Design, Construction, and Local Agency Guideline (LAG) manuals, as applicable, or subsequent approved revisions will be met. For 3R NHS projects, on other than multi-lane limited access facilities, regardless of funding, the minimum design standards will be the WSDOT Design Manual (M22-01 standards or approved revisions. These standards are applicable for both WSDOT administered and local agency administered (through WSDOT) projects.

Non-NHS – Per 23 USC 109(o), projects not on the NHS shall be designed, constructed, operated, and maintained in accordance with 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 Brooks Act). Design standards shall be uniform Statewide standards approved by WSDOT.

B. Applicable Laws, Regulations, and Directives

In general, Federal-aid projects on the NHS will be governed by Federal laws, regulations, and directives. For non-NHS Federal-aid projects, state laws, regulations, and directives will govern in lieu of those Federal project development and construction requirements in Title 23 USC. All non-Title 23 requirements (e.g., NEPA and other environmental laws, Uniform Relocation Assistance Act, and Buy America) will remain in full effect for non-NHS projects. Local laws, regulations, and directives will not be substituted for State requirements except where specifically approved by FHWA.

The WSDOT will notify the FHWA promptly of all major policy changes in State laws, regulations, and directives affecting Federal-aid projects.

C. Monitoring

The WSDOT and FHWA will monitor activities and exercise controls, as necessary, within their respective areas of responsibility to ensure that all Federal-aid projects are carried out in compliance with applicable laws, regulations, directives, and standards as further identified in Part III below.

To the extent required by law, FHWA will take necessary approval actions on a project-by-project or item-by-item basis. Where the law permits, FHWA will make programmatic approvals and monitor activities on a program-wide basis using Quality Improvement and Accountability (QI&A) Reviews and other program monitoring techniques. These are further defined under Section VI and in the paper **Process Review/Product Evaluation, A Statement of Region 10 Philosophy** which is included by reference.

The WSDOT-OSC and Regions will employ project monitoring techniques and controls in carrying out their delegated responsibilities under this plan and will extend such techniques and controls to the monitoring of projects under the jurisdiction of local agencies. In addition, the WSDOT will participate with the FHWA in the joint conduct of QI&A Reviews.

III. Specific Provisions

A. Finance Accounting

1. Applicable Laws, Regulations, and Procedures

- Title 23 – United States Code (USC) Highways
- Title 23 – Code of Federal Regulations (CFR)
- Federal Aid Policy Guide (FAPG)

- OMB Circular A-133, Single Audit Act of 1984
- OMB Circular A-87 – Cost Principles for State and Local Governments
- OMB Circular – A-102 Common Rule for Governments
- Title 49 – Code of Federal Regulations – USDOT Common Rule Application
- Cash Management Improvement Act of 1990
- Current Billing Agreement dated May 4, 1988

2. Program Approval Actions

- FHWA will approve the accounting process used to develop rates utilized by WSDOT and local agencies including payroll additive, Transportation Equipment Fund (TEF) rates, materials lab, etc.
- FHWA will approve the resolution of OIG and State audit findings.
- FHWA will approve weekly progress billings.
- FHWA will approve amendments to the STP Programmatic Match Agreement.

3. Project Approval Actions

FHWA will approve final vouchers, project agreements, and modified project agreements on all projects.

4. Monitoring

FHWA will monitor all financial management and accounting activities primarily through daily contacts and program level Quality Financial Management Initiative (QFMI) reviews. Reviews will encompass both WSDOT and Local Agencies. 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. FHWA will, to the maximum extent possible, utilize the work of State and WSDOT auditors to limit the scope of FHWA reviews. Risk assessment techniques will be used where appropriate to determine areas for review.

B. Planning and Programming

1. Applicable Laws, Regulations, and Procedures

- Title 23 USC
- Title 1, Clean Air Act Amendment of 1990
- Title VI, Part B ISTEA, Intelligent Vehicle Highway Systems Act (IVHS)

- 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

2. Program Approval Actions

- FHWA will approve Statewide and Metropolitan Planning Work Programs, special studies, and the PL allocation formula, with exceptions.
- FHWA will approve air quality conformity, the State Transportation Improvement Program (STIP), and certification of TMA's, jointly with Federal Transit Administration (FTA).
- FHWA will approve the Highway Performance Monitoring System (HPMS).
- FHWA will approve urban boundaries and roadway functional classifications defining the Federal-aid highway network.

3. Project Approval Actions

- FHWA will approve ITS projects and other special studies and projects of TEA-21.
- Planning projects using capital funding, such as the Surface Transportation Program (STP) funds, will be authorized by FHWA (i.e., construction authorization) only after inclusion in the approved Statewide Planning Work Program.

4. Monitoring

QI&A Reviews and other methods (see Reference G – A Statement of Region 10 Policy) 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 TEA-21. Through monitoring FHWA will also encourage more innovative planning and systems operations.

C. Environment

1. Applicable Laws, Regulations, and Procedures

- Federal environmental laws and regulations apply to all Federal actions and all phases of Federal-aid highway projects, 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 as amended (P.L. 91-190)(P.L. 94-83)
- 23 USC 109(h). FHWA Environmental Guidelines
- 49 USC 303 and 23 USC 138, Section 4(f) and 6(f)
- 23 CFR 771, FHWA Environmental Regulations
- Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991
- Executive Order 11990, Protection of Wetlands
- Other applicable Federal environmental laws
- Title 1, Clean Air Act Amendments of 1990

2. Program Approval Actions

WSDOT has been delegated programmatic approval authority for specific categorical exclusion and Section 106 actions. WSDOT also acts as FHWA's non-Federal representative for informal Section 7 ESA consultation. FHWA will participate with the other signatory agencies to develop and approve a revised NEPA/SEPA/404 merger agreement.

3. Project Approval Actions

The FHWA will take all environmental actions and approvals for all Federal-aid projects, as well as those non-Federal-aid projects requiring an FHWA approval (e.g., access approval) regardless of project oversight responsibilities. The WSDOT will notify the FHWA of its intent to use Federal-aid funds on a project, and its proposed environmental classification, at the earliest possible time in the project development process. Sufficient information will be submitted to support the proposed environmental classification.

- Preparation of Notice of Intent (NOI)
- Requesting Cooperating Agencies
- Approval of Categorical Exclusions (CE's). All WSDOT projects not classified a categorical exclusions (CE's) under the FHWA/WSDOT Memorandum of Understanding, included in the references, will be classified by the use of WSDOT Form 220-010, Environmental Classification Summary (ECS) and approved by FHWA. For local agency projects, the ECS or similar documentation should be submitted for FHWA approval.
- Approval of Environmental Assessments (EA) and Revised Environmental Assessments (REA)
- Preparation of Findings of No Significant Impact (FONSI)
- Approval of Draft Environmental Impact Statements (DEIS)
- Approval of Final Environmental Impact Statements (FEIS)

- Issuing Record of Decision
- Reevaluation of environmental documents.

4. Monitoring

The FHWA will monitor compliance with Federal environmental requirements through project-by-project approval actions. Additional monitoring may be done on a program-wide basis using QI&A Reviews.

D. Right-of-Way

1. Applicable Laws, Regulations, and Procedures

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

- 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 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

2. Program Approval Actions

WSDOT is required by 23 CFR 710.201(c) to develop and maintain a Right-of-Way Manual which specifies the manner in which the State will apply the right-of-way related requirements of Title 23 and Title 49 in accordance with its State law. The Right-of-Way Manual will include the procedures and requirements for **all projects which utilize Federal funds in any phase of the project** and will address any procedural differences on Interstate and non-Interstate projects. For local agency projects, the procedures and requirements will be in the Local Agency Guidelines.

In order to implement clear lines of authority between WSDOT and FHWA and to streamline the stewardship process, all Federal authorizations outlined in Title 23 CFR will remain as published, except that projects not on the Interstate system will be administered by the WSDOT Office of Real Estate Services. FHWA approval will still be required for all projects and program actions on the Interstate system.

3. Monitoring

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 QI&A Reviews. Monitoring of compliance with 23CFR requirements will b limited to the Interstate system unless specific instances of non-compliance are called to the FHWA's attention, or FHWA assistance is specifically requested by the WSDOT.

- Right-of-Way Manual

  In compliance with 23 CFR 710.201[c], WSDOT shall submit in duplicate to the FHWA for acceptance prior to January 1, 2001, a manual which clearly describes WSDOT's right-of-way 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 right-of-way personnel in complying with both 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 right-of-way 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 Right-of-Way manual is current and in compliance with Federal and State laws and regulations.

E. Design

1. Applicable Laws, Regulations, and Procedures

- 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.

- 23 USC, applies to all NHS projects regardless of oversight responsibilities.
- 23 USC, certain provisions including bid proposal content and procurement procedures apply to all Federal-aid projects.
- 23 CFR, applies to all NHS projects, regardless of oversight responsibility.
- AASHTO "A Policy on Geometric Design of Highways and Streets" 1994 are required standards for Interstate and multi-lane limited access NHS facilities.
- Local Agency Guidelines (LAG M 36-63) and WSDOT/APWA *Standard Specifications* apply to local agency administered non-NHS projects.
- WSDOT Design Manual (M 22-01) and the LAG (M 36-63) will apply to State administered non-NHS as well as State and local agency administered non-limited access NHS facilities.

2. Program Approval Actions

FHWA will approve amendments to the STP Programmatic Match Agreement.

3. Project Approval Actions

Project related approval actions will be taken by the FHWA (F), the State (S), or Local CA Agency (L) as shown below. These actions apply to the NHS and non-NHS, regardless of Federal project funding source. For purposes of this plan new/reconstruction (N/R) includes HOV, park-and-ride, and PCC pavement rehabilitation projects (except dowel bar retrofit projects).

Action	I'state IC,N/R	I'State 3R	State NHS	State Non-NHS	LA Cert'd Non-NHS	LA Not Cert'd Non-NHS	LA** NHS
a. PE Fund Auth. & Modif F	F	F	F	F	F	F	F
b. Exceptions to Design Stds.	F	S	S	S	S	S	S
c. Design Appr. (incl. Prelim. & adv. Detail br plan app)	F	S	S	S	L	S*	S
d. Experimental Work Plans	F	F	F	F	F	F	F
e. PS&E Approval	F	S	S	S	L	S	S
f. State furnished matl., cost-effective determination	F	S	S	S	L	S*	S
g. Prop. Item, pub int fdg.	F	S	S	S	L	S*	S
h. Concurrence in Award	F	S	S	S	L	S	S
i. Buy America Exemption	F	F	F	F	F	F	F
j. Tied Bids	F	S	S	S	S*	S*	S
k. State Forces Work	F	S	S	S	S*	S*	S

* or Certified Local Agency
** Requires FHWA prior approval for Interstate

4. Non Project Related Approval Actions

	Action	Interstate System	Other NHS	Non-NHS
a.	Interchange Addition or Modification	F	S	S
b.	Access Control Changes	F	S	S
c.	Change in lane use or operation	F	S	S

5. Standards

- AASHTO design standards, approved by the FHWA Headquarters Office, will apply to all new construction and reconstruction projects, and all resurfacing, restoration, and rehabilitation (3R) multilane limited access highway projects on the NHS. State design standards approved by the FHWA Division Office, i.e., the WSDTO Design Manual (M 22-01), will apply to all other NHS highways. These standards apply to all NHS projects regardless of funding sources. FHWA approval is required for all standard plans, amendments, and general special provisions, intended for use on Federal-aid construction projects on the NHS.

- State standards apply to all work on non-NHS highways. Separate State standards may be developed for local agency administered projects on non-NHS highways. These shall be uniform Statewide standards approved by WSDOT. These need not be approved by the FHWA. However, the

WSDOT agrees to notify the FHWA promptly of all major policy changes to its standards.

6. Monitoring

Design monitoring of all Federal-aid projects will be accomplished by the FHWA through the project-by-project monitoring of eligibility determinations and environmental document approvals. In addition, all Interstate new and reconstruction projects will be monitored 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 QI&A procedures.

F. Construction and Maintenance

1. Applicable Laws, Regulations, and Procedures

a. Construction

- 23 USC 106, 114, 121 apply to all Federally funded NHS projects
- 23 CFR 635, 637,640 apply to all Federally funded NHS projects
- 23 CFR, certain provisions apply to Federally funded non-NHS projects

b. Maintenance

- 23 USC 116
- 23 CFR 635

2. Program Approval Actions (Not Applicable)

3. Project Approval Actions

In accordance with Title 23 and this Stewardship Agreement, oversight of Federal-aid highway projects in the State of Washington is shared between FHWA, WSDOT, and the local agencies. Per the criteria established for each of these procedures, the following chart establishes the contract administration and oversight responsibilities for the FHWA (F), the WSDOT (S), and the Local Agencies (L):

Action	I'state IC,N/R	I'State 3R	State NHS non-NHS	LA[1] NHS	LA Non-NHS	LA non-NHS Not Cert'd Agency
Construction Fund Auth.	F	F	F	F	F	F
Changes/Extra Work/ Claims/Eligibility	S[2]	S	S	L	L	S/L[3]
Project Inspections	F	S	S	L	L	S/L[3]
Final Inspection	F	S[4]	S	S	S	S
Final Acceptance	F	S[4]	NA	NA	NA	NA
QI&A	F	F	F	F	F	F

[1] Prior FHWA approval is required for Interstate improvements. [2] Prior FHWA approval is required for major changes and claims, those that exceed $200,000 in value (not including quantity adjustment change orders) or alter the termini, character, or scope of work of the contract. [3] State or Local administered. [4] May use a combined form.

Title 23 USC and 23 CFR provisions apply to all NHS Federal-aid projects regardless of Federal funding source or approval authority. State standards may be used on non-NHS projects, except for Federal requirements pertaining to contracts (bid proposal content including Davis Bacon and DBE) and procurement procedures (competitive bidding and Brooks Act). APWA standards may be used by local agencies for non-NHS projects as incorporated into WSDOT Standard Specifications. Statewide uniform standards are required for all Federal-aid non-NHS projects.

4. Monitoring

FHWA will conduct routine project and final inspections on Interstate completion and new/reconstruction Interstate projects. For all other Federal NHS and non-NHS projects FHWA may conduct inspections, including finals, on a Statewide sampling basis through annual QI&A reviews. Other reviews will be conducted through the QI&A procedures or other procedures including FHWA participation in WSDOT reviews. WSDOT will conduct final inspections on projects without FHWA oversight.

5. Project Closure

Consistent with criteria established for FHWA oversight, the following chart establishes responsibilities for preparation of project closing documents and actions:

Action	I'state IC,N/R	I'State 3R	State NHS non-NHS	LA NHS	LA Non-NHS	LA non-NHS Not Cert'd Agency
Completion Letter	S[1]	S	S	S	L	S/L[3]
Material Certification	S[1]	S	S	L	L	S/L[3]
List of Change Orders	S[1,2]	S	S	L	L	S/L[3]
WSDOT Final Accep. Date	S[1,2]	S	S	L	L	S/L[3]
Comparison of Quantities	S[1,2]	S	S	L	L	S/L[3]
FHWA 47 (>1,000,000)	S[1]	S[1]	S[1,3]	L[1]	NA	NA
Final Inspection	F	S	S	S	S	S
Final Acceptance	F	S	NA	NA	NA	NA
Actions						
Non-Part. Approval	F	S	S	S	S	S
Advance FMIS Steps	F	F	F	F	F	F
Final Voucher	F	F	F	F	F	F

[1] FHWA required submission. [2] Retrievable from WSDOT information systems. [3] Not required for non-NHS. [4] State or Local Agency administered.

G. Safety

1. Applicable Laws, Regulations, and Procedures

- 23 USC 130, Railroad/Highway Crossing Program requirements apply to all public rail-highway grade crossings on public highways.
- 23 USC 152, Hazard Elimination Program requirements apply to all hazardous or potentially hazardous locations and elements on public highways.
- 23 CFR 924, Highway Safety Improvement Program requirements apply to the planning, implementation and evaluation procedures for highway safety elements on all highways.
- 23 CFR 630, Traffic Safety in Highway and Street Work Zones requirements apply to all Federal-aid highway construction projects.
- 23 CFR 655, Traffic Operations is applicable to Federal-aid traffic operation improvement projects and the uniform application of traffic control devices applies to all streets and highways.
- 23 CFR 625, Design Standards for Highways requires that all 3R projects enhance safety and include the goal to provide the highest practical and feasible level of safety for the highway transportation system.
- 23 USC 402: 23 CFR 1200 and 1204, apply to the Highway Safety Program which may contain NHTSA and non-construction FHWA activities. The funding is administered by NHTSA.
- 23 CFR 500 (Proposed) contains the guidance for the Highway Safety Management System that applies to all roads in the State.

2. Program Approval Actions

The FHWA will make program approval actions for the safety programs and administrative requirements including:

- The Highway Safety Improvement Program (HSIP), including the Railroad/Highway Crossing and Hazard Elimination Programs.
- The procedures and annual report for traffic safety in highway and street work zones.

3. Project Approval Actions

The project related approval actions are included in the design and construction sections of this plan.

4. Monitoring

Individual project monitoring activities are included in; the design and construction sections of this plan. QI&A program-wide reviews will also be utilized. The WSDOT will perform annual statewide reviews on traffic safety in work zones and submit an annual report to the FHWA. The WSDOT will evaluate and submit an annual report for the HSIP in accordance with the annual instructions.

H. Bridge

1. Applicable Laws, Regulations, and Procedures

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

2. Program Approval Actions

FHWA will make an annual determination of the State and Local Agencies compliance with the National Bridge Inspection Standards. This is an element of the maintenance certification and is applicable to all public roadways.

3. Project Approval Actions

The overall project approval actions associated with bridges are covered in the design and construction sections of this plan. However, in addition, unusual or complex bridges on the Interstate system will require FHWA

Headquarters review and approval of the preliminary plan type, size, and location (TS&L) report. Unusual or complex bridges, located off the Interstate, may be designated for increased FHWA oversight ranging from technical assistance, to preliminary plan review and approval, to complete PS&E approval, as appropriate. This determination would be made on a case by case basis by the State and Division Office.

4. Monitoring

- FHWA will perform an annual review, supplemented by other special reviews of specific program elements as appropriate, to evaluate State and local agencies compliance with the National Bridge Inspection Standards (NBIS).
- The biennial selection of State bridge projects, incorporating the recommendations of the bridge management system, will be reviewed by FHWA and the WSDOT Bridge Office prior to programming.
- The prioritized selection of replacing or rehabilitating deficient Local Agency bridges is monitored by FHWA's attendance of the Bridge Replacement Advisory Committee meetings and, when requested by the State, participation in C3R (close, repair, rehabilitation, replace) reviews.

I. Research and Technology Transfer

1. Applicable Laws, Regulations, and Procedures

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

2. Program Approval Actions

The State will administer the research program in accordance with the Washington State Department of Transportation's (WSDOT) *Research Procedures Manual*, January, 1995, which has been reviewed and approved by the Division Office. Significant changes to this manual shall be submitted to the FHWA Division Office for approval.

The research work program is submitted to the Division Office as a part of the WSDOT's Planning and Administration Research Work Program. Currently, the Division Office approves the research work program on a biennial basis. The WSDOT's research work program shall meet the requirements of 23 CFR, Par 420.209(a)-(c).

3. Project Approval Actions

The WSDOT shall identify and implement research projects that address high priority transportation issues. An interactive process shall be used for the identification and prioritization of projects to be included in the research work program. The WSDOT shall determine the funding level at which the identified and prioritized projects will be supported with FHWA research funds.

Other types of projects, including Experimental Features, Demonstration Projects, Application Projects, Test and Evaluation Projects, Special Projects, and Local Technology Assistance Program activities, will be approved by the FHWA Division Office.

4. Monitoring

The WSDOT shall submit, semi-annually, to the FHWA Division Office performance and expenditure reports that meet the requirements of 23 CFR, Part 420.117, (a)-(c).

The WSDOT shall perform peer reviews and report their findings to the FHWA Division Office in accordance 23 CFR, Part 420.207. The interval between peer reviews shall not exceed three years.

J. Civil Rights

1. Applicable Laws, Regulations, and Procedures

- 23 USC and 23 CFR, Civil Rights Provisions & Contract Administration Provisions
- All civil rights related provisions of non-Title 23 laws and regulations. These include: Civil Rights Act of 1964; Americans with Disabilities Act; Civil Rights Restoration Act of 1987; Executive Order 12898; Section 504 of the Vocational Rehabilitation Act of 1973; and various parts of 49 CFR.

2. Program and Project Approval Actions

TEA-21 does not change the stewardship roles for the Civil Rights program nor does it relieve the WSDOT from actual compliance with Title 23 requirements. Rather, TEA-21 continues the DBE Program; broadens the scope of OJT/Supportive Services Programs to include technology training (research, intelligent transportation systems, etc.); expands the statutory purposes for which OJT/Supportive Services funding can be used

to include development and funding of Summer Transportation Institutes; permits States to reserve OJT positions for persons who receive welfare assistance; encourages States to utilize youth conservation or service corps to perform appropriate transportation enhancement activities; authorizes the use of Surface Transportation Program funding to achieve compliance with the Americans with Disabilities Act; and sets forth addition guidance for working with Tribal Governments.

Requirements outside of Title 23 such as those involving; employment discrimination under Title VII of the Civil Rights Act of 1964; nondiscrimination programs under Title VI of the same Act, including Environmental Justice; nondiscrimination on the basis of handicap under Section 504 of the Vocational Rehabilitation Act of 1973; and the Americans with Disabilities Act; remain unchanged. Accordingly, it is FHWA's responsibility to monitor the States' and their subrecipient's activities to comply with these requirements.

The responsibility for approving the basic State Civil Rights Program documents and determining whether their implementation is in compliance with law and regulation rests with the FHWA. Reference 1, above, addresses specific Civil rights Program requirements.

3. FHWA Monitoring

Section 1101(b)(6) of TEA-21 outlines specific information that must be available for review and analysis by the United States Comptroller General in their efforts to determine the impact of administering the DBE program. In order to satisfy these requirements, State DOTs are required to maintain a bidder's list and continue reporting data to the FHWA Division Offices, as requested.

The FHWA Division Office will monitor civil rights activities on an ongoing basis through open communication with WSDOT; reviews of required reports and program updates prepared by WSDOT; project-by-project and item-by-item reviews associated with Federal approval actions required by laws, regulations and special requests. In addition, the FHWA Division Office will monitor civil rights activities on a program-wide basis and in conjunction with management reviews in other various disciplines (planning, environment, consultant contracting, etc.).

IV. Management Systems

A. Applicable Requirements

- 23 USC Section 303, applies to each of the management systems.

- 23 USC Sections 134 and 135, contain references to the Congestion Management System.
- 23 CFR (Part 500) details specific procedures for pavement (PMS), bridge (BMS), safety (SMS), congestion (CMS), public transportation facilities/equipment (PTF.ES), intermodal facilities and systems (IFS), and traffic monitoring systems (TMS).

B. Program Approval Actions

There are no FHWA program approval actions, but the management systems must be acceptable to FHWA. FHWA will provide guidance to the State and MPO's. FHWA acceptance will be based on the Governor's certification, on assessments of the State's, MPO's, and Local Agencies' documentation, and through oversight techniques. Only through cyclical QI&A reviews will FHWA assess in-depth the management systems.

C. Project Approval Actions

Projects can be approved only if they are consistent with the applicable management system. For example, Single Occupant vehicle (SOV) capacity projects must be from the CMS, BR projects must qualify by ratings from the BMS, and traffic data used for project analysis (e.g., design) must be derived from the traffic monitoring system.

D. Monitoring

The management systems will be monitored through the various oversight methods, including QI&A.

V. Alternate Procedures – Utility Work and Professional Service Contracting

A. Applicable Laws, Regulations, and Procedures

- 23 CFR 172 and FAPG Section 172.15 addressing Administration of Engineering and Design Related Service Contracts
- 23 CFR 645A and FAPG Section 645.119 addressing Utilities

B. Program and Project Related Approval Actions

WSDOT has been operating under the Alternate Procedures provisions of 23 CFR 172 and 23 CFR 645A for several years. Under 232 CFR 645A provisions, WSDOT is delegated approval authority for reviewing and approving the arrangements, fees, estimates, plans, agreements, and other related matters required a prerequisite for authorizing a utility to proceed with and complete work. Also under 23 CFR 172 provisions, WSDOT is authorized to substitute its consultant contract review and approval actions

for those of FHWA. The current agreements in these two areas remain in full force and effect for all Federally funded actions.

C. Monitoring

FHWA will exercise oversight responsibilities on a program basis through the QI&A process.

VI. Annual monitoring Plan/Report

A. FHWA's oversight responsibilities will be primarily programs and systems oriented rather that project directed. QI&A procedures as described in "A Statement on Region 10 Philosophy" (see references) are an integral and essential part of our stewardship process. It does not, however, preclude the use of other program monitoring techniques, including project specific activities, when appropriate. Risk Assessment procedures (see reference) 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.

B. At the beginning of each Fiscal Year (FY), the Division Office will develop its schedule of review for the forthcoming year. WSDOT assistance will be solicited. As FHWA will no longer routinely perform final inspections on projects, other than Interstate completion and Interstate new/reconstruction, oversight of Federal-aid projects will be conducted through an annual QI&A review of a sampling of projects statewide. This review will be rescheduled periodically.

C. At the end of the FY the Division Office will prepare an Office Plan report incorporating Division Office accomplishments.

VII. References

A. Utilities Manual (M22-87)
B. Consultant Authorization, Selection, and Agreement Admin. (A27-50)
C. Management Systems Plans
D. Process Review/Product Evaluation, A Statement of Region 10 Philosophy
E. Risk Assessment Procedures
F. Civil Right Program Requirements
G. Memorandum of Understanding, Programmatic Categorical Exclusions
H. Surface Transportation Program Programmatic Match Agreement