

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



April 2015

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SECTION I. BACKGROUND AND INTRODUCTION

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

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

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

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

For projects under Title 23 U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications, estimates, contract awards, and inspections unless the State determines that such assumption is not appropriate. (23 U.S.C. 106(c)(2))

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

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

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

SECTION II INTENT AND PURPOSE OF S&O AGREEMENT

The intent and purpose of this S&O Agreement is to document the roles and responsibilities of the FHWA's Alaska Division Office (FHWA or Division) and the Alaska Department of Transportation and Public Facilities (DOT&PF) with respect to project approvals and related responsibilities, and to document the methods of oversight which will be used to efficiently and effectively deliver the FAHP.

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

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

- A. The DOT&PF *may assume* the FHWA's Title 23 responsibilities for design; plans, specifications, and estimates (PS&E); contract awards; and inspections, with respect to *Federal-aid projects on the National Highway System (NHS)* if both the *DOT&PF* and *FHWA* determine that assumption of responsibilities is appropriate.

- B. Approvals and related activities for which the DOT&PF has assumed responsibilities as shown in Attachment A will apply program wide unless project specific actions for which the Division will carry out the approval or related responsibilities are documented in accordance with the FHWA Project of Division Interest/Project of Corporate Interest Guide (FHWA PoDI/PoCI Guide) located at <http://www.fhwa.dot.gov/federalaid/stewardship/>
- C. The DOT&PF may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(1))
- D. The DOT&PF is to exercise any and all assumptions of the Secretary responsibilities for Federal-aid projects on the NHS in accordance with Federal laws, regulations and policies.

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

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

SECTION V ASSUMPTION OF RESPONSIBILITIES FOR LOCALLY ADMINISTERED PROJECTS

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

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

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

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

SECTION VII FEDERAL APPROVALS AND RELATED RESPONSIBILITIES THAT MAY NOT BE ASSUMED BY THE DOT&PF

- A. Any approval or related responsibility not listed in Attachment A cannot be assumed by the State without prior concurrence by the Office of Infrastructure and the Office of Chief Counsel.. The following is a list of the most frequently-occurring approvals and related responsibilities that may not be assumed by the DOT&PF:
 - Civil Rights Program approvals;
 - Environmental approvals, except those specifically assumed under other agreements. (23 U.S.C. 326 and 327; programmatic categorical exclusion agreements);
 - Federal air quality conformity determinations required by the Clean Air Act;
 - Approval of current bill and final vouchers;
 - Approval of federally-funded hardship acquisition, protective buying, and 23 U.S.C. 108(d) early acquisition;
 - Project agreements and modifications to project agreements and obligation of funds (including advance construction);
 - Planning and programming pursuant to 23 U.S.C. 134 and 135;

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

SECTION VIII PROJECT ACTION RESPONSIBILITY MATRIX

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

SECTION IX HIGH RISK CATEGORIES

- A. In 23 U.S.C. 106(c), Congress directs that the Secretary shall not assign any approvals or related responsibilities for projects on the Interstate System if the Secretary determines the project to be in a high risk category. Under 23 U.S.C. 106(c)(4)(8), the Secretary may define high risk categories on a national basis, State-by-State basis, or national and State-by-State basis.
- B. The FHWA Division has not identified any high risk categories to date.

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

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

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

- Program Assessments;
- FIRE Reviews;
- Program Reviews;
- Certification Reviews;
- Recurring or periodic reviews such as the Compliance Assessment Program (CAP);
and
- Inspections of project elements or phases.

These techniques will be carried out in a manner consistent with applicable Division Standard Operating Procedures or other control documents relating to program assessments, FIRE, program reviews, CAP, etc.

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

RISK-BASED APPROACH

Overview

FHWA and DOT&PF will work cooperatively to identify appropriate stewardship and oversight initiatives using a risk-based approach. The process will consider items such as strategic goals, mutual FHWA and DOT&PF initiatives to improve quality, cost, and FHWA's level of confidence in oversight mechanisms and activities.

This Agreement, therefore, implements a risk-based approach to effectively manage the FAHP and assess its overall health. This risk-based approach to program stewardship and oversight facilitates the effective leveraging of federal resources by focusing on areas of risk at the program and project level. It will be accomplished using distinctive, yet inter-dependent methodologies:

- Strategic Planning Process,
- Strategic Stewardship and Oversight (SSO),
- Performance Measures/Indicators

Strategic Planning Process

DOT&PF and FHWA will coordinate strategic planning activities, to the extent possible, in an effort to align agency strategic plans. The FHWA will represent Alaska perspectives in setting national FHWA goals and strategies and will coordinate the adopted national goals and strategies with the DOT&PF Strategic Planning Process in order to assure reasonable alignment of desired outcomes, objectives, and measures of both agencies.

Annually DOT&PF and FHWA staff will jointly meet to assess various elements within the FAHP; ensure that program elements are being managed effectively and efficiently; recommend projects for PoDI status; and to assess how well the elements are achieving program goals. This will be accomplished through the utilization of SSO methods (see below), performance measures/indicators and other strategies.

Strategic Stewardship and Oversight Methods

SSO includes methods and activities by which DOT&PF and FHWA will work together in managing the FAHP to: 1) ensure effective strategies are implemented to maintain and improve the overall health of the FAHP within the State of Alaska; and 2) monitor and maintain compliance with all required federal laws and regulations.

These methods develop into the Strategic Planning Process that will guide DOT&PF and FHWA in implementing strategies that manage risk.

SSO is achieved through management of program responsibilities, including those listed in Attachment B. Program management is used by DOT&PF and FHWA to plan and organize activities to formulate methods that achieve common goals through cooperative efforts in administering the FAHP. Effective management means ensuring that all requirements are met while proactively seeking opportunities to improve the program through:

- Analyzing and evaluating methods and processes;
- Evaluating and recommending improvement for the effectiveness and efficiency of programs;
- Performing program level involvement;
- Promoting new initiatives and concepts;
- Participating on relevant joint task forces, joint committees, and joint quality improvement teams;
- Assisting other stakeholders with program-related issues;
- Verifying compliance through project level samples;
- Conducting program assessments (see below);
- Conducting program reviews (see below); and,
- Conducting strategic project oversight (see below).

Program Assessments

Program assessments provide an avenue for determining the current health and effectiveness of the FAHP and assess future risk. Assessments include program analysis such as risk management techniques and self-assessments. These tools are based on the common concepts of identifying strengths, areas of concern, opportunities, and sharing best practices to continually improve the programs. DOT&PF and FHWA will conduct biennial Program Analyses and Annual Risk Assessments in core program areas.

Program assessments provide an avenue for determining the current health and effectiveness of the FAHP and assess future risk, including risk management techniques and self-assessments. Risk management is a systematic process that involves the identification, assessment, planning, and management of threats and opportunities faced by programs, processes, and projects. These tools are based on the common concepts of identifying strengths, areas of concern, opportunities, and sharing best practices to continually improve the programs.

The program analysis will identify particular program initiatives that could be accomplished to optimize the effectiveness of the current state of the program and the vision of where that program should be in three years. The program analysis will outline response strategies and initiatives to effectively manage risk. Response strategies include strategies of mitigation, acceptance, sharing, transference or enhancement. Mitigation efforts may include:

- staff training,
- program reviews,
- updating manuals, and procedural guidance,
- and providing technology transfer/technical assistance.

A Risk Assessment will be conducted to evaluate the potential exposure to loss for a particular program or process and the identification of potential countermeasures to control or reduce perceived risk. In addition, information obtained from oversight activities and performance measures/indicators will be considered when performing the program analysis and risk assessment.

Program Reviews

Program reviews analyze key program components and the processes used by the DOT&PF and FHWA in managing the program. Program reviews can be conducted by individuals or teams from the agencies and other stakeholder groups or organizations. Program reviews are often an outcome of program assessments or performance indicators/measures that suggest a need for improvement. Performance indicators/measures may also be developed as a part of program reviews to help highlight and quantify successes and problem areas. In general, the reviews will:

- Gauge compliance with federal requirements;
- Identify opportunities for greater efficiencies and improvements to the program;
- Identify good program delivery systems and exemplary practices;
- Identify areas that need attention and make recommendations for improvement;
- And follow up to ensure that recommendations have been implemented.

Program reviews may include process reviews, project level reviews, quality improvement reviews and peer reviews.

Strategic Project Oversight

Section 106(c) of title 23, United States Code, permits States to approve, on a project-by-project basis, plans, specifications, and estimates for projects on the National Highway System (NHS). It is mutually desirable to both FHWA and DOT&PF to streamline the approval process for routine and inherently low risk projects. Through this S&O Agreement, FHWA is granting its approval to delegate to DOT&PF in advance of actual delivery of projects the responsibility for oversight and approval of project level activities for low-risk projects. This includes projects on the Interstate System that are routine and inherently low-risk in which DOT&PF has a high level of experience and has well-documented procedures and processes in place for ensuring compliance with federal requirements. For projects on the Interstate that are delegated to the DOT&PF, FHWA's oversight will be satisfied by conducting SSO methods and activities. Therefore, both agencies will implement a risk-based approach to project-level management.

Specific approval actions delegated to the DOT&PF for non- PoDi projects are identified in Appendix A.

While DOT&PF will be responsible for approval of project-level activities for low-risk projects, FHWA will maintain risk-based project-level approval for Projects of Division

Importance (PoDI) projects. This risk-based approach to project oversight will be conducted by selecting the projects that traditionally pose a risk to the health of the FAHP.

Each year, after the Risk Assessments are complete (around February), FHWA's Field Operations Engineer will determine which projects are considered to be PoDI projects based on the criteria listed below and input from DOT&PF's Chief Engineer. The criteria include:

- Projects identified through Program Assessments (the likelihood and severity of potential problems)
- Controversial and Congressional Interest projects
- Projects of National Focus
- Innovative contracting method projects with federal funds
- Major Intelligent Transportation Systems (ITS) projects
- Major Projects (>\$500M)
- Mini-major Projects (\$100M - \$500M)
- NHS Projects over \$20M
- Design Build Projects
- Non-Traditional Revenue Sources projects
- Special Experimental Projects – Alternative Contracting (SEP-14)
- Special Experimental Projects – Public Private Partnerships (SEP-15)
- Unusual Bridge and Structure projects

All Major Projects (>\$500M) will automatically be selected as PoDIs.

Stewardship and Oversight plans will be developed for each PoDI or group of PoDIs that identify high risk approval actions retained by the Division. The approval actions retained by the Division will be in effect from the date of the stewardship and oversight plan developed for the individual or grouped PoDIs

Performance Indicators/Measures

Performance Indicators/Measures will be at a minimum, the performance measures required under MAP-21, those resulting from program or project reviews and those identified in the program analyses.

E. Program Responsibility Matrix

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

F. Manuals and Operating Agreements

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

SECTION XI DOT&PF OVERSIGHT AND REPORTING REQUIREMENTS

A. DOT&PF Oversight and Reporting Requirements

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

- Administer the preconstruction project development process in substantial conformance with the Alaska Highway Preconstruction Manual, Alaska Right of Way Manual, and the applicable Alaska Environmental Procedures Manual or Alaska 6004 Program Environmental Procedures Manual;
- Design projects, prepare construction documents and construction cost estimates, perform Plans, Specifications, and Estimate review, and award construction contracts in substantial conformance with the Alaska Highway Preconstruction Manual;
- Administer construction projects in substantial conformance with the Alaska Construction Manual;
- Conduct Quality Acceptance and Quality Assurance materials testing in substantial conformance with the Alaska Test Methods Manual and Alaska Construction Manual, incorporating ASTM, AASHTO, Western Alliance for Quality in Transportation Construction (WAQTC), and Alaska DOT&PF specific test methods;
- Maintain individual Federal-aid project files including documentation of all required FHWA actions and the DOT&PF's assumed project approvals as set forth in this Agreement; and
- Provide FHWA full access to individual project files when requested.

In order to fulfill this responsibility on a program level, the DOT&PF will:

- Maintain qualification requirements for DOT&PF staff and consultants;
- Conduct annual Quality Improvement Reviews and internal process reviews on reasonable samples of active design and construction projects;
- Develop updates to manuals, policies and procedures, and standard specifications in coordination with and approval from FHWA; and
- Conduct regularly scheduled meetings with FHWA and DOT&PF executive management to address general issues related to Federal-aid program administration and specific issues relating to S&O Agreement coordination and compliance.

B. DOT&PF Oversight of Locally Administered Projects

As of the implementation of this Stewardship and Oversight Agreement, DOT&PF does not have Local Public Agency administered projects. DOT&PF administers all Federal-Aid Projects.

The Stewardship and Oversight Agreement must be revised to address State oversight of Locally Administered Projects prior to implementation of a Locally Administered program.

SECTION XII IMPLEMENTATION AND AMENDMENTS

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

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EXECUTION BY THE FHWA ALASKA DIVISION OFFICE

Executed this 27th day of May, 2015.


Signature

Sandra A. Garcia-Aline
FHWA Division Administrator

EXECUTION BY THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

Executed this 27th day of May, 2015.



Signature

Marc Luiken
DOT&PF Commissioner

ATTACHMENT A PROJECT ACTION RESPONSIBILITY MATRIX

The Division should refer to

<http://our.dot.gov/office/fhwa.hq/OfficeofInfrastructure/hipa/SO/Resources/> for the latest updated version of this table.

The following matrix identifies Federal-aid highway program (FAHP) project approvals and related responsibilities. The matrix specifies which ones are subject to State assumption under the provisions of 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as those which are reserved to FHWA.

In the column entitled “Projects on the NHS” if an item is marked “FHWA or State,” it means the State may assume the specified approval and related responsibilities if the Division determines the assumption is appropriate. For projects on the NHS, the FHWA may retain any approval or related action in any box marked “FHWA or State” as deemed appropriate by the Division. If the FHWA retains any approval or related action in any box marked “FHWA or State”, the project is a PoDI, and will require a PoDI plan.

For the column marked “Projects off the NHS”, the State must assume all items marked “State” unless the State determines the assumption of a particular item by the State is not appropriate.

Except as expressly stated in notes to the matrix below, the State cannot assume any item marked only as “FHWA” in either column. Any item marked only “FHWA” is reserved to FHWA because it is outside the scope of 23 U.S.C. 106(c), or otherwise is reserved to FHWA by law. The DOT&PF is responsible for ensuring all individual elements of the project are eligible for FAHP funding, but all final eligibility and participation determinations are retained by FHWA. While FHWA may not delegate decision-making authority to a State unless authorized by law, FHWA may authorize DOT&PF to perform work needed to reach the decision point, or to implement the decision.

In the matrix, actions marked with an asterisk (“FHWA*”) are those that FHWA has retained but that could have been assumed by the State through FHWA discretion (on the NHS) or by right (off the NHS). Projects requiring those actions are PoDI projects because of FHWA’s retained authority. Those projects will be governed by a separate PoDI Plan.

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
PROGRAMMING (All phases)		
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
Identify proposed funding category	STATE(1)	STATE(1)
FINANCIAL MANAGMENT (All phases)		
Obligate funds/approve Federal-aid project agreement modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
ENVIRONMENT (All phases)		
All EA/FONSI, EIS/ROD, 4(f), 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA(2)	FHWA(2)
Categorical Exclusion approval actions excluded from FHWA-DOT&PF, September 20, 2012 CE Assignment MOU	FHWA(2)	FHWA(2)
Categorical Exclusion approval actions included in the FHWA-DOT&PF, September 20, 2012 CE Assignment MOU	STATE	STATE
PRELIMINARY DESIGN (Design Phase)		
Consultant Contract Selection	STATE (3)	STATE (3)
Sole source Consultant Contract Selection	STATE (3)	STATE (3)
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	STATE	STATE
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE	STATE

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A
Interstate System Access Justification Report [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e))	STATE	N/A
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE	STATE
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA	FHWA
Provide pre-approval for preventive maintenance project (until FHWA concurs with STATE procedures) (Note: this action cannot be assumed by State)	FHWA	FHWA
DETAILED / FINAL DESIGN (Design Phase)		
Provide approval of preliminary plans for unusual/complex bridges or structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA (4)	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	STATE (4)	STATE

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	STATE	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE	STATE
Approve use of publicly owned equipment [23 CFR 635.106]	STATE	STATE
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE	STATE
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE
RIGHT-OF-WAY (Design and Operational Phases)		
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	STATE	STATE
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)]	FHWA for Interstate STATE for Non-Interstate	STATE
Ensure ROW certificate is in place [23 CFR 635.309(c)]	STATE	STATE
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate STATE for Non-Interstate (3)	STATE (3)
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA for Interstate STATE for Non-Interstate (3)	STATE (3)
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (note: this action cannot be assumed by State)	FHWA	FHWA
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
SYSTEM OPERATIONS AND PRESERVATION (Design Phase)		
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE	STATE
PS&E AND ADVERTISING (Design Phase)		
Approve PS&E [23 CFR 630.201]	STATE	STATE
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE	STATE
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE	STATE
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE
Authorize advertising for bids (FHWA authorization done via construction authorization) [23 CFR 635.112, 309]	STATE	STATE
CONTRACT ADVERTISEMENT AND AWARD (Design Phase) All contracts to be done by competitive bidding unless otherwise authorized by law		
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding	STATE	STATE

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
[23 CFR 635.104 &.204]		
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE
Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	STATE	STATE
Approve addenda during advertising period [23 CFR 635.112]	STATE, whichever approved PS&E	STATE
Concur in award of contract [23 CFR 635.114]	STATE	STATE
Concur in rejection of all bids [23 CFR 635.114]	STATE	STATE
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE	STATE
CONSTRUCTION (Construction Phase)		
Approve changes and extra work [23 CFR 635.120]	STATE	STATE
Approve contract time extensions [23 CFR 635.120]	STATE	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE
Accept materials certification [23 CFR 637.207]	STATE	STATE
Concur in settlement of contract claims [23 CFR 635.124]	STATE	STATE
Concur in termination of construction contracts [23 CFR 635.125]	STATE	STATE

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE
CIVIL RIGHTS (All phases)		
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the DOT&PF under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE	STATE
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE	STATE
Equal Employment Opportunity (EEO) Contract Compliance Review [23 CFR Part 230, Subpart D]).	STATE	STATE
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA	FHWA
FOOTNOTES:		

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
(1)	State is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.	
(2)	If there is a 23 U.S.C. 326 or 325 assignment or PCE agreement, decisions are handled in accordance with those assignments or agreements.	
(3)	State's process and modifications to, or variation in process, require FHWA approval.	
(4)	Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydrologic (including climate change and extreme weather events) aspects, complex hydraulic elements or scour related elements, or that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch, segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems)	

ATTACHMENT B

Program Responsibilities List

The Program Responsibilities List is to be used as a tool to jointly manage program activities that are integral parts of the FAHP. This comprehensive list defines program level activities, roles, and responsibilities. The list also outlines the approval authorities (highlighted in yellow, where applicable) and is broken down by program area identifying frequency of approvals and actions, regulatory references, and provides the FHWA and DOT&PF contact information. Effective management of these activities contributes to the overall health of the FAHP.

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Planning					
Statewide Planning					
SPR (Part 1) Work Program	23 CFR 420.111	Annually by September 30	Program Development	Planner	
State Participation Process for Non-metropolitan Local Officials	23 CFR 450.210(b)	As needed or as revised by State	Program Development	Planner	
State Public Involvement Process	23 CFR 450.210(a)	As needed or as revised by State	Program Development	Planner	
State Self-certification	23 CFR 450.218	submitted with proposed STIP or STIP amendments	Program Development	Planner	FHWA and FTA issue a joint finding

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Statewide Transportation Plan	23 CFR 450.214	Revise and update, as appropriate	Program Development	Planner	
STIP	23 CFR 450.216	At least every 4 years	Program Development	Planner	Joint FHWA and FTA approval
STIP Amendments	23 CFR 450.218	As submitted by State	Program Development	Planner	Joint FHWA and FTA approval
Tribal Government Consultation Process(es)	23 CFR 450.210(c)	As needed or as revised by State	Civil Rights	Civil Rights	
Metropolitan Planning					
Annual Listing of Obligated Projects	23 CFR 450.332	Annually, no later than 90 days after September 30	Program Development	Planner	
Certification in TMAs	23 CFR 450.334(b)	Every 4 yrs	Program Development	Planner	Joint FHWA and FTA certification
Congestion Management Process in TMAs	23 CFR 450.320	Established and revised as needed	Program Development	Planner	
Metropolitan Planning Area Boundaries	23 CFR 450.312	established and revised as needed	Program Development	Planner	Require agreement between Governor and the MPO
Metropolitan Transportation Plan (MTP) in Attainment Areas	23 CFR 450.322	Every 5 yrs	Program Development	Planner	Developed by MPOs
MPO Designation and Redesignation	23 CFR 450.310	As needed/revised by MPO/State	Program Development	Planner	Require agreement between Governor and local governments
MPO Self-certification (Non-TMAs)	23 CFR 450.334(a)	At least every 4 years, with submittal of TIP as part of the STIP	Program Development	Planner	
MTP in Non-attainment and Maintenance Areas	23 CFR 450.322	Every 4 yrs	Program Development	Planner	Developed by MPOs
Participation Plans	23 CFR 450.316	As needed or revised by MPOs	Program Development	Planner	Developed by MPOs
TIP	23 CFR 450.324; 23 CFR 450.328	At least every 4 years	Program Development	Planner	
TIP Amendments	23 CFR 450.326; 23 CFR 450.328	As submitted by MPOs	Program Development	Planner	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Unified Planning Work Programs	23 CFR 450.306	Annually by January 1	Program Development	Planner	Developed by MPOs; Joint FHWA and FTA approval.
Air Quality					
CMAQ Funds Report	04/28/99 HQ CMAQ guidance memo	Annually by Feb 1	Program Development	Planner	
Conformity Determination for MTP in Non-attainment and Maintenance Areas	23 CFR 450.322; 40 CFR 93	With MTP updates at least every 4 years and as needed on amendments	Program Development	Planner	Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA)
Conformity Determination for TIP in Non-attainment and Maintenance Areas	23 CFR 450.328; 40 CFR 93	With TIP submittal at least every four years and as needed on TIP amendments	Program Development	Planner	Joint FHWA and FTA determination; In consultation with EPA
PM2.5 and Mobile Source Air Toxics	Memos February 3, 2006 and March 29, 2006, 71 FR 12468, 23 CFR 771.129	As needed	Planning/Environment	Planner/Environment	In consultation with EPA
ROW					
Acquisitions, Appraisals, and Relocations	49 CFR 24, The UA	As needed	ROW	ROW	
Early Acquisitions	23 CFR 710.501	As needed	ROW	ROW	
Outdoor Advertising Policies and Procedures	23 CFR 750.304	As needed or submitted by State	ROW	ROW	
Railroad Agreement Alternate Procedure	23 CFR 646.220	One time	ROW	ROW	
Requests for Waivers	49 CFR 24.204(b); 49 CFR 24.7	As submitted by State	ROW	ROW	
State ROW Manual	23 CFR 710.201	Jan. 1, 2001 & every 5 years thereafter	ROW	ROW	
Uniform Relocation Assistance and Real Property Acquisition Report – [Office of Management and Budget (OMB) Form 2125-0030]	49 CFR 24.9(c) and Appendix B	Annually by no later than November 15	ROW	ROW	Submitted to FHWA Headquarters (HQ)
Utility Accommodation Policy	23 CFR 645.215	When changes occur	ROW	Engineering	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Highway Information					
Functional classification of highways/streets	23 CFR 105(b)	As needed or as revised by State	Program Development	Planner	
HPMS Data Submission and Review	FHWA HPMS Field Manual & CFR 420.105(b)	Submission by June 15; Review by November 1	Program Development	Planner	Submission by AKDOT&PF, Review by FHWA Division
NHS revisions	23 CFR 470.113, 115(a)	As requested by State	Program Development	Planner	Approved by HQ - Office Director
Public road mileage certification	23 CFR 460.3 & FAPG NS 23 CFR 460	Annually by June 1	Program Development	Planner	Approved by Governor or designee
Urban area boundaries	23 CFR 470.105(a)	As needed or as revised by State	Program Development	Planner	
Environment					
Bicycle Transportation and Pedestrian Walkways	23 USC 217	As needed or requested by State	Design	Engineering	
Environmental Justice	FHWA Order 6640.23	As needed or required	Environment	Environment	
Environmental Review Process	SAFETEA-LU Section 6002	As required for EISs and as needed for EAS	Environment	Environment	
NEPA Procedures, including Section 4(f)	23 CFR 771; 23 CFR 774; SAFETEA-LU 6007 & 6009	As needed or required	Environment	Environment	
Noise Policy	23 CFR 772; 06/12/95 HQ memo	As needed or required	Environment/Design	Environment	FHWA approves AKDOT&PF' noise abatement policy
Planning and Environmental Linkages	23 CFR 450.212; 23 CFR 450.318; Appendix A to 23 CFR 450	As needed	Planning/Environment	Planning/Environment	
Compliance Reviews on Section 6004 MOU	SAFETEA-LU Section 6004; MOU	At least every 15 months	Environment	Environment	
Public involvement/Public Hearing Program	23 CFR 771.111(h)(1)	As revised by State	Environment	Environment	
Section 106 of the National Historic Preservation Act	23 CFR 800	As needed or required	Environment	Environment	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Section 404 of the Clean Water Act	23 CFR 777; NEPA/404 MOU	As needed or required	Environment	Environment	
Section 6(f) of the Land and Water Conservation Fund Act	36 CFR 59	As needed or required	Environment	Environment	
Section 7 of the Endangered Species Act	50 CFR 402; Dispute Resolution Process	As needed or required	Environment	Environment	
Section 9 of the Rivers and Harbors Act (Bridge Permits)	23 CFR 650 Subpart H; 33 CFR 114 and 115	As needed or required	Environment	Bridge	
Annual Wetlands Mitigation Report		Annually	Environment	Environment	
Annual ESA Expense Report		Annually	Environment	Environment	
Tribal Government Consultation	36 CFR 800.16(m)	As needed or required	Environment	Civil Rights	
Civil Rights					
ADA/Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually by Oct. 1	Civil Rights	Civil Rights	Division reviews and comments
ADA complaint reports of investigation	28 CFR 35.190	As requested by FHWA	Civil Rights	Civil Rights	Division reviews, FHWA HQ approves and issues finding
Annual Contractor Employment Report [Construction Summary of Employment Data (Form PR-1392)]	23 CFR 230.121(a)(3)	Annually by Sept 30	Civil Rights	Civil Rights	Division reviews and submits to FHWA HQ for approval -- Is this still required???
DBE Program Plan accomplishments and next year's goals	49 CFR 26.11	Annually by Oct. 1	Civil Rights	Civil Rights	Division reviews and comments
DBE Program revisions	49 CFR 26.21(b)(2)	As needed	Civil Rights	Civil Rights	
EEO Contract Compliance review reports	23 CFR 230.409, 230.413(b)(1)(i)(D)	Upon completion by State	Civil Rights	Civil Rights	Division reviews and comments
EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually by Oct. 1	Civil Rights	Civil Rights	Division reviews and comments
Historically Black College & University / Minority Institutions of Higher Learning / Tribal Colleges and Universities Report	EO 12876	Annually by Nov 1	Research	Research	Division reviews and submits to FHWA HQ

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Report on supportive services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Quarterly by April 15, July 15, Oct. 15, and Jan. 15	Civil Rights	Civil Rights	Division reviews and comments
State Employment Practices Report (EEO-4)	23 CFR 230.311(a)(2), FAPG-1-C-230-C	Annually by Aug. 15	Civil Rights	Civil Rights	Division reviews and submits to FHWA HQ
State internal EEO affirmative action plan (Title VII) accomplishments, next year's goals, and employment statistical data	23 CFR 230.311, FAPG-1-C-230-C	Annually by Oct. 1	Civil Rights	Civil Rights	Division reviews and comments
State's Overall Disadvantaged Business Enterprise (DBE) Goal	49 CFR 26.45(f)(1)	Annually by Aug 1	Civil Rights	Civil Rights	Also requires FHWA legal review and concurrence
Supportive services funds requests (OJT and DBE)	23 CFR 230.113 & 230.204	As requested by FHWA	Civil Rights	Civil Rights	Division reviews and submits to FHWA HQ for approval
Title VI Plan accomplishments and next year's goals	23 CFR 200.9(b)(10), FAPG-1-C-200	Annually by Oct. 1	Civil Rights	Civil Rights	Division reviews and comments
Title VI Plan revisions	23 CFR 200.9	As needed	Civil Rights	Civil Rights	
Uniform Report of DBE Commitments/Awards and Payments	49 CFR 26, Appendix B	Semi-annually by June 1 and Dec. 1	Civil Rights	Civil Rights	Division reviews and submits to FHWA HQ
ITS and Traffic Operations					
Incident Management	23 CFR 500	As needed	Engineering	Engineering	
National Manual on Uniform Traffic Control Devices Compliance	23 CFR 655	within 2 years of most recent national MUTCD edition	Engineering	Engineering	
National Network Modifications	23 CFR 658.11	As requested by State	Engineering	Planning Team	
Regional ITS Architecture Maintenance	23 CFR 940.9	As needed	Planning	Engineering	Typically, MPOs own and maintain system
Statewide ITS Architecture and System Plan	23 CFR 940.9	As needed or as revised by State	Planning	Engineering	
Systems Engineering Analysis Implementation	23 CFR 940.11	Until fully integrated	Planning	Engineering	
Vehicle Size & Weight enforcement certification	23 CFR 657.13	Annually by Jan 1	Weights and Measures	Planning	
Vehicle Size & Weight enforcement plan	23 CFR 657.11	Annually by Oct 1	Weights and Measures	Planning	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Research, Development and Technology					
Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP work program	Annually by January 1	Research	Research	
Research Work Program	23 CFR 420.111	Annually by January 1	Research	Research	
Safety					
402 Highway Safety Plan	12/22/99 guidelines, TEA-21, 2001	Annual	Program Development	Engineering	The Governor's Highway Safety Rep coordinates with the National Highway Traffic Safety Administration for review and approval; no AKDOT&PF involvement
5% Report	23 USC 148(c)(1)(D)	Annually by August 31	Engineering	Engineering	
Drug offender driver's license suspension law & enforcement certification	23 USC 159, 23 CFR 192.5	Annually by Jan 1	Program Development	Engineering	The Department of Motor Vehicles coordinates with Governor's Safety Rep for certification
High Risk Rural Road Safety	SAFETEA-LU 1401, 23 USC 148	Annually by August 31	Engineering	Engineering	
Highway Safety Improvement Program	SAFETEA-LU, 23 USC 148	Annually by August 31	Engineering	Engineering	
Work Zone Traffic Control Report	23 CFR 630.1008(e)	Biennial	Engineering	Engineering	
Work Zone Accident Report	23 CFR 630.1008©	Annually	Engineering	Engineering	
Pedestrian and Bicycle Safety Program	23 CFR 652	As needed	Program Development	Engineering	
Project crash data	23 CFR 630.1010	Continuous	Program Development	Engineering	
Repeat Offender	23 CFR 1275; 23 USC 164	Annually by October 1	Governor's Safety Rep	Engineering	
Roadside Hardware	FHWA July 25, 1997 Policy Memo re: NCHRP Report 350	As needed	Engineering	Engineering	
SHSP	SAFETEA-LU, 23 USC 148	As needed	Governor's Safety Rep	Engineering	
Work Zone Safety and Mobility Final Rule compliance	23 CFR 630	12-Oct-07	Engineering	Engineering	AKDOT&PF already implements transportation management plans (TMPs) and will continually review and refine TMPs to comply with the provisions of the Final Rule.

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Bridges, Structures, Hydraulics and Geotechnical					
Bridge Construction, Geotechnical, Hydraulics Review	23 CFR 650	As needed	Bridge/materials	Bridge	
BMS	23 CFR 500.107	As needed	Bridge	Bridge	
Bridge/Structural Design Review	23 CFR 650	As needed	Bridge	Bridge	
HBP Unit Cost submittal	23 CFR 660 Subpart D	Annually by April 1	Bridge	Bridge	
NBIS Review Statewide report	23 CFR 650 Subpart C	Annually by Feb 1	Bridge	Bridge	Division performs review and prepares annual report
Design, Construction, & Maintenance					
3R Program	23 CFR 625	As needed	Engineering	Engineering	Chapter 11 of Preconstruction Manual
Construction Inspections	23 USC 114	Quarterly	Engineering	Engineering	
Contracting Procedures Consultant Selection	23 CFR 172.5 & 172.9	As updated	Engineering	Engineering	
Convict Produced Materials	23 CFR 635.417	As needed	Engineering	Engineering	
Design Exception Policy	23 625.3	As needed	Engineering	Engineering	
Highway Facility Relinquishment	23 CFR 620.203	As needed	ROW	ROW	
Labor Compliance Policy	23 CFR 635.118, Davis-Bacon Act	As needed	Engineering	Engineering	
Liquidated Damages	23 CFR 635.127	Every 2 years	Engineering	Engineering	
Local Public Agency Oversight Policies & procedures	23 CFR 635.105	As updated	Engineering	Engineering	
Public Agency Furnished Material	23 CFR 635.407	As needed	Engineering	Engineering	
Standard Specifications and Plans	23 CFR 625.4	As Needed	Engineering	Engineering	
Year-end Value Engineering Report	23 CFR 627	Annually by Nov. 22	Engineering	Engineering	FHWA HQ publishes national report
Transportation System Preservation					
Materials Acceptance – Quality Control/Quality Acceptance Program	23 CFR 637B	As updated	Materials	Engineering	
Materials Certifications	23 CFR 637 Appendix A	As needed on federal-aid projects	Construction/ Materials	Engineering	Certifications provide data for program updates.
Pavement Design Policy	23 CFR 626.3	As needed	Materials	Engineering	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Pavement Management System	23 CFR 500.106	As needed	Maintenance	Engineering	
Financial Management					
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A) & (B); 31 USC 1517(a); 23 USC 188(b)		Program Development	Finance	
Audit Coordination	CFO Act of 1990; DOT Order 8000.1C	As needed	STWD Admin Services	Finance	
AKDOT&PF External Audit Reviews	OMB A-87, 123, GAAP	As needed	STWD Admin Services	Finance	
AKDOT&PF Internal Audit Reviews	OMB A-87, 123, GAAP	Annually	STWD Admin Services	Finance	
FHWA Financial Statement Audit	FMFIA, OMB A-123, 127, GAAP	Annually	STWD Admin Services	Finance	
Fed-aid Billing Reimbursement of Eligible Expenditures	23 CFR 140 and 635.122	Weekly	STWD Admin Services	Finance	
FIRE Program	FHWA Order 4560.1A	Ongoing	STWD Admin Services & Program Development	Finance	
Indirect Cost Allocation Plans	49 CFR Part 18; 2 CFR Part 225 (OMB A-87); ASMBC-10	As needed	STWD Admin Services	Finance	
Innovative Financing, Toll Roads and Privatization	GARVEE 23 CFR 122; TIFIA 23 USC 181-189; SIB Guidance 9/97; AC NHS Act Section 308; Flexible Match 23 USC 323; Toll 23 USC 129(A); Tapered Match TEA-21 Section 1302	As needed	STWD Admin Services	Finance	
Transfer of Funds as Requested by State	23 USC 104(c) and 119(f) and 126	As needed	Program Development	Finance	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Discretionary and Other Funding Programs					
Border Technology Exchange Program	23 USC 506	Annually	Research	Research	Grant program administered by FHWA, Office of International Programs
CMAQ	SAFETEA-LU Sections 1101(a)(5), 1103(d), & 1808	As needed	Program Development	Planner	
Coordinated Border Infrastructure Program	SAFETEA-LU Sections 1101(a)(11) & 1303	As needed	Program Development	Engineering	FHWA recommends action to FHWA HQ
Ferry Boats and Ferry Terminal Facilities	SAFETEA-LU Sections 1101(a)(13) & 1801	As needed	AMHS	Engineering	
High Priority Projects Program	SAFETEA-LU 1701-1702	As needed	Budgets/DLA	Finance	
Bridge replacement and rehabilitation	23 CFR 650 Subpart D	As needed	Bridge	Bridge	Division makes eligibility determinations
Highways For Life	SAFETEA-LU Section 1502	As needed	Engineering	Engineering	FHWA HQ approval
Innovative Bridge Research and Deployment Program	23 USC 503(b)	Annually (date varies)	Bridge	Bridge	Division makes eligibility determinations
ITS Integration Program	TEA-21 Section 5208	Quarterly and Annual Reports	Engineering	Engineering	Program also requires FHWA qualitative assessments of adequacy of project descriptions and evaluation reports and timely submittal of reports by AKDOT&PF.
ITS Deployment Program	TEA-21 Section 5208 and 5209	As needed	Engineering	Engineering	
Public Lands Highway Discretionary	SAFETEA-LU Section 1101(a)(9)(D)	As needed	Engineering	Engineering	Division recommends action to FHWA HQ
Railroad-Highway Crossings	SAFETEA-LU Section 1401	Annually by August 31	Engineering	Engineering	
Recreational Trails Program	SAFETEA-LU Sections 1101(a)(8) & 1109	As submitted by State	DNR	Small Programs Manager	
Safe Routes to School	SAFETEA-LU Sections 1101 & 1404	Varies	Program Development	Engineering	
Scenic Byways Discretionary Program	SAFETEA-LU Sections 1101 & 1605	Annually	Program Development	Small Programs Manager	FHWA division recommends action to FHWA HQ

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Transportation Alternatives Program	MAP-21 §1122; 23 USC 101, 206, 213; SAFETEA-LU §1404	As needed	Program Development	Small Programs Manager	
Transportation Enhancements Program	SAFETEA-LU Sections 1113, 1122, & 6003; TE Guidance dated January 19, 2006	As needed	Program Development	Small Programs Manager	FHWA provides program guidance and technical assistance
Transportation, Community, and System Preservation Program	SAFETEA-LU Section 1117	As needed	Engineering	Engineering	
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	Continuously	Maintenance	Small Programs Manager	

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Weight and Vehicle Classification Data Collected at Weigh-in-motion sites	Heavy Vehicle Travel Information System Field Manual	15-Jun	As needed	Office of Highway Policy Information	WIM data collected at non-continuous sites during a year should be submitted by June 15 of the following year. If continuous WIM data are available, then up to one week of data per quarter.
Approval of MAP-21 compliant SHSP update within the legislatively required timeframe.	23 U.S.C. 148 (d)(2)(B)	Non Recurring	By Aug. 1 of the fiscal year after the HSIP final rule is established	Office of Safety	FHWA Division Offices provide copy of SHSP process approval letter to HQ.
Highway Safety Improvement Program (HSIP) and Railway-Highway Crossing Program (RHCP) Reports	23 USC 148(h), 23 CFR 924.15	Annually	31-Aug	Office of Safety	As per MAP-21 guidance, reports are due to FHWA Division Office by August 31st and to the Office of Safety by September 30.
Transportation Performance Management (TPM) for Safety	23 USC 150, 23 USC 134, 23 USC 135, 23 USC 148(i)	Annually	31-Aug	Office of Safety	Per MAP-21, States and MPOs must set targets for established measures. Targets must be assessed for achievement
Review Drug Offender Driver's License Suspension Law & Enforcement Certification (Section 159)	23 USC 159 23, CFR 192.5	Annually	1-Jan	Office of Safety	Certifications due to the Division Office by January 1.
Section 154/164 Compliance Status - Funds Reservation	23 USC 154 and 23 USC 164	Annually	30-Oct	Office of Safety	States must submit a Shift letter to the Division Office by Oct. 30 indicating how to apply the penalty. New penalty states have additional time. The Office of Safety processes the compilation of information in a memo to the CFO.

ACTIVITY	Authority	Frequency / Due	AKDOT&PF Contact	FHWA Contact	Remarks
Review Safety Belt Compliance Status	23 USC 153, 23 CFR 1215.6	Annually	Annually	Office of Safety	NHTSA
High Risk Rural Roads (HRRR) Special Rule	23 USC 148(g)(1)	Annually	Annually	Office of Safety	After the final FARS and HPMS data are available, FHWA HQ will inform the States if the HRRR Special Rule applies for the following FY.
Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	States should include in their annual HSIP reports (due August 31st) the calculations performed, verifying whether the Older Driver Special Rule applies in the State. If the Special Rule applies to a State in a given year, the State must include in its subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	National Programs.

**ATTACHMENT C
MANUALS AND OPERATING AGREEMENTS**

DOT&PF Manuals (approved by FHWA for use on Federal-aid projects -- this list is provided as an example and is not all inclusive)

Access Policy Affirmative Action Plan
Alaska Test Methods Manual
Bid Evaluation Procedures
Bridge Manual
Consultant Selection Process
Contract Administration Manual
Contract Compliance Plan
Construction Manual
Design Build Manual
Disadvantaged Business Enterprise (DBE) Plan
Disadvantaged Business Enterprise (DBE) methodology
Environmental Process Manual
Financial Services Manual
Flexible Pavement Design Manual
Geotechnical Procedures Manual
Highway Drainage Manual
Highway Safety Improvement Plan
Indirect Cost Allocation Plan (Cost Pool Composition/Eligibility)
Local Public Agency (LPA) Guidelines and Manuals
Maintenance and Operations Manual
Materials Manual
Preconstruction Manual
Professional Services Agreement Manual
Right of Way Manual
Sign Design Specifications
Standard Drawings Manual
Standard Specifications
DOT&PF Design Manual
Statewide Transportation Improvement Plan
Supplemental and Standard Specifications
Title VI Non-Discrimination Plan
Traffic Operations Manual (e.g. MUTCD supplement)
Transportation Improvement Plan
Utility Manual
Work Programs

- Local/Tribal Technical Assistance Program (LTAP/TTAP)
- Statewide Planning and Research
Transportation Management Area/Metropolitan Planning Organization (TMA/MPO)

Operating (Programmatic) Agreements

NEPA/404

Endangered Species Act Section 7

Endangered Species Act Informal Consultation

Risk-Based Project Level Oversight

