



FHWA/MoDOT

OVERSIGHT MANUAL

**Federal-aid Highway Program
Requirements and Responsibilities**

January 2001

Background

Beginning in the 1970s, the Federal Highway Administration (FHWA) introduced flexibility in delivering the Federal-aid Highway Program and has allowed increasing responsibilities for administering the program to be delegated to the State Highway Agencies. Certification Acceptance procedures were instituted by a number of states, including Missouri, and the Missouri Department of Transportation (MoDOT) accepted additional oversight of the Federal-aid Program. ISTEA and TEA-21 further expanded this delegation of responsibility by exempting additional project approval actions. The latest revisions to the oversight authority are included in the provisions of Section 1305 of TEA-21 which provided considerable flexibility in project oversight management. In accordance with these provisions, MoDOT and FHWA executed a Letter of Oversight Agreement (see Appendix) on May 14, 1999 which outlines the basic oversight responsibilities and roles of the two agencies in administering the Federal-aid Program in Missouri.

Purpose

The purpose of this manual is to consolidate information related to managing the Federal-aid Program in Missouri and to serve as a guide which documents the working relationship between FHWA and MoDOT and which can be utilized by personnel of both agencies as a reference resource to determine when and if FHWA review and approval is needed on a particular action.

Terminology

In order to provide for consistency and better understanding of the responsibilities associated with managing the Federal-aid Highway Program, the following terms have been defined:

Stewardship: The efficient and effective management of the public resources which have been entrusted to the Federal Highway Administration.

Oversight: The act of ensuring that the Federal Highway Program is delivered consistent with laws, regulations, and policies. Oversight is the compliance or verification component of FHWA's stewardship activities.

Full Oversight: Individual projects which require approval by the FHWA for all project actions, including all Interstate projects equal to or exceeding \$1million, Intelligent Transportation System (ITS) projects, and major bridge projects on the National Highway System.

Exempt: All projects not designated as full oversight in which MoDOT or a local public agency assumes oversight responsibility. FHWA maintains an interest in these projects as part of the Federal-aid Program but is not involved in day-to-day monitoring.

Major Bridge: All bridges on the National Highway System with unique designs or operational features, unusual geotechnical or hydraulic features.

Web Sites

Additional information on the Federal-aid Program and applicable regulations is available at the following web sites:

www.fhwa.dot.gov

FHWA Home Page

www.access.gpo.gov/nara/cfr/index.html

Code of Federal Regulations (CFR)

Format and Use

The manual is organized in a table format such that the project and program activities for each major Federal-aid program area are identified along with the related review/approval actions. Also included is the appropriate Reference Document which provides the regulatory basis for the approval action. The last columns in the table identify which agency (FHWA or MoDOT) is responsible for implementing the action and clarifying remarks are provided.

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Appendix: FHWA/MoDOT Oversight Agreement

BRIDGE

Responsible for administering the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Ensure conformance with the requirements of the National Bridge Inspection Standards (NBIS). Responsible for the oversight of the Innovative Bridge Research and Construction (IBRC) Program, which provides funding on a discretionary basis for projects which generally promote the use of high performance materials.

BRIDGE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (Less than \$1 million)	Non-NHS Projects
Preliminary Structure Layout Design Exception Requests 95% (approx.) Detailed Plans Final PS&E	TEA-21, Sec. 1305 23 USC 106 & 109 8/20/98 HQ Memo - Implementation Guidance... 11/13/98 HQ Memo - Project Oversight Unusual Bridges and Structures 5/14/99 MoDOT Letter - Oversight Agreement, executed 5/24/99 Missouri 1993 Stewardship Agreement	FHWA	MoDOT - except for Major/Unusual Bridge Projects on the NHS	MoDOT

BRIDGE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Discretionary Bridge Program	TEA 21, Sec. 1109 (b) 23 USC 144 (g) (1) 23 CFR 650, Subpart G (650.701 - 650.709)	FHWA	FHWA	FHWA HQ Solicits Candidates from States thru Divisions. States prepare and submit candidates to Division. Divisions review to ensure submittal is complete and eligible & submits to HQ. FHWA HQ notifies States, thru Divisions, of selected candidates.
Buy America Requirements	23 CFR 635.410	FHWA	FHWA	States may request a waiver if they feel certain conditions are warranted. Current 23 CFR 635.410 states that the FHWA Regional Administrator has approval authority. This has been delegated to the Division Administrator; however, before approving a waiver they must receive concurrence from HQ.
National Bridge Inspection Standards	23 CFR 650, Subpart C (650.301 - 311)	FHWA	MoDOT	States are required to inspect (or insure inspection) of all "bridges" on all public roads and maintain an inventory of these bridges an annually submit to the FHWA for incorporation in to the National database.

BRIDGE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Innovative Bridge Research and Construction Program	TEA-21, Sec. 5103 23 USC 503 (b)	FHWA	FHWA	This "new program" created under TEA-21 is administered very similar to the Discretionary Bridge Program - HQ solicits candidates from the States through the Divisions and then notifies States through Divisions of selected projects.

CIVIL RIGHTS

This section covers applicable Civil Rights Program areas which are covered by law, regulation, and/or Federal Highway Administration policies and guidance. It is the responsibility of the State Highway DOT to comply with all applicable laws, regulations, and policies in the administration of Federal-Aid Highway Funds. The Federal Highway Administration provides technical assistance and guidance in the implementation and approval of state highway program administration.

CIVIL RIGHTS PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Review Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
*Standard Assurance (Civil Rights) Programs	23 CFR Part 230 Subparts a. and b. 23 CFR Part 200 49 CFR Part 21	MoDOT	MoDOT	MoDOT

CIVIL RIGHTS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Disadvantaged Business Enterprise Program and Supportive Service Plans	49 CFR Part 26; Title VI of the 1964 Civil Rights Act; 23 CFR Part 230, Subpart B; 13 CFR Part 21 SBA, Size Standards	FHWA	FHWA	Coordination of Approval with Washington Office Review Team. Division Administrator approves program. Division Office reviews DBE./SS work plan and approves.
State Highway Agency Affirmative Action (Internal/External) Plans	Programs 23 U.S.C. 140; 23 CFR Part 230, Subpart C; Title VI of the 1964 Civil Rights Act; Equal Employment Opportunity Act of 1972; Americans with Disabilities Acts of 1967 & 1990	FHWA	FHWA	Programs are reviewed annually and approved by FHWA Division Office.
Contract Compliance Review Program	Section 22(a.) 1968 Federal-Aid Highway Act (23 U.S.C., 140); 23 CFR Part 230, Subparts A, and D.; Title VI of the 1964 Civil Rights Act	MoDOT	FHWA	Federal-aid highway projects (\$10,000.) are monitored by MoDOT. Contract compliance reviews/audits are conducted by MoDOT. Reviews are audited by FHWA at annual review period.

CIVIL RIGHTS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Equal Employment Opportunity On-the-Job Training/Supportive Services Programs	Programs 23 U.S.C. 140 23 CFR Part 230, Subpart C; Title VI of the 1964 Civil Rights Act; Equal Employment Opportunity Act of 1972; The Americans with Disabilities Acts of 1967 and 1990	MoDOT/ FHWA	FHWA	OJT Training Programs are reviewed and approved by MoDOT with FHWA concurrency. FHWA reviews the Supportive Service work plan and approves each year.
Title VI/Nondiscrimination	Title VI of the 1964 Civil Rights Act; 49 CFR Part 21; 23 CFR Part 200; Sec. 504 of the Rehabilitation Act of 1973; 49 CFR Part 27; Age Discrimination Act of 1975; Civil Rights Restoration Act of 1987; Uniform Relocation Act of 1987; Federal -Aid Highway Act of 1973, as amended (23 U.S.C.142)	FHWA	FHWA	Programs are developed by MoDOT and reviewed and approved annually by FHWA Division Office.

* Standard Highway Act Assurances of the 1968 Federal - Aid Highway

CONSTRUCTION

Develop and implement a program of inspections or reviews of construction activities which monitors procedures and controls utilized to assure that projects are completed in reasonably close conformance with the approved plans, specifications, and authorized changes. Assess the quality of construction and assist in implementing necessary improvements.

CONSTRUCTION PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major /Unusual Bridges and ITS)	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Monitoring Federal-aid Highway Construction Projects.	Federal Aid Program Guide G 6042.8	FHWA	MoDOT	MoDOT
Contract Changes and Extra Work	23 CFR 635.120	FHWA	MoDOT	MoDOT
Contract Time & Contract Time Extensions	23 CFR 635.121	FHWA	MoDOT	MoDOT
Participation in Contract Claim Awards & Settlements	23 CFR 635.124	FHWA	MoDOT	MoDOT
Termination of Contract	23 CFR 635.125	FHWA	MoDOT	MoDOT

CONSTRUCTION PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major /Unusual Bridges and ITS)	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Record of Materials, Supplies, & Labor	23 CFR 635.126	FHWA	MoDOT	MoDOT
Determination of more Cost Effective Methods	23 CFR 635.204	FHWA	FHWA	FHWA

CONSTRUCTION PROGRAM ACTIVITIES			AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks	
Buy America Requirements	23 CFR 635.410	FHWA	FHWA	Also see Bridge section.	
Emergency Relief Program	23 CFR 668	FHWA	FHWA		
Local Public Agency Program	23 CFR 635.105	MoDOT FHWA	MoDOT		

DESIGN

Designate standards, policies, and design specifications that are acceptable for application in the geometric and structural design of highways. Monitor the adequacy of State design practices and procedures and evaluate project quality by reviewing and approving Plans, Specifications, and Estimate (PS&E) submissions. Review and approve new and revised access points, traffic control plans, and design exceptions.

DESIGN PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
		Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Approval Action	Reference Document	FHWA	MoDOT	MoDOT
Monitoring of Federal-aid Highway Design Projects. PS&E Review and Approval/ Project Authorization	Federal Aid Program Guide G 6021.2 23 CFR 630.205 23 CFR 630.106	FHWA	FHWA (Interstate) MoDOT (Non-Interstate)	MoDOT
Traffic Control Plans	23 CFR 655.601	FHWA	FHWA (Interstate) MoDOT (Non-Interstate)	MoDOT
Design Exceptions	23 CFR 625.3(f)	FHWA	MoDOT	MoDOT
Concurrence in acceptance or rejection of bids	23 CFR 635.113(b)	FHWA	MoDOT	MoDOT

DESIGN PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
New or revised access	23 CFR 630 NS 23 CFR 630C	FHWA	FHWA (Interstate) MoDOT (Non-Interstate)	MoDOT
Design-Build	TEA-21, Section 1307 SEP-14	FHWA	FHWA	FHWA

DESIGN PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Design Standards, policies, and standard specifications for application to geometric and structural design.	23 CFR 625.1 & 2	FHWA	FHWA	Identify standards acceptable to FHWA. Primarily AASHTO and FHWA documents. Listed in 23 CFR.
Manual on Uniform Traffic Control Devices (MUTCD)	23 CFR 655(f)	FHWA	FHWA	FHWA Headquarters maintains MUTCD. FHWA Missouri Division monitors statewide compliance.
Value Engineering Program	23 CFR 627.5 TEA-21, Section 1305(e)	FHWA	FHWA	VE Analysis required for all NHS projects with an estimated cost of \$25 million or more.

ENVIRONMENT

Responsible for evaluating all federal actions to determine their impact on the human and natural environment. This evaluation is done through environmental documents which are prepared by MoDOT or local public agencies and approved by FHWA. Responsibility for the documents rests solely with FHWA. All environmental documents are subject to full oversight.

ENVIRONMENT		AGENCY RESPONSIBLE		
PROJECT ACTIVITIES		Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Approval Action	Reference Document			
Categorical Exclusion	23 CFR 771	FHWA	FHWA	FHWA
Environmental Assessment	23 CFR 771	FHWA	FHWA	FHWA
Environmental Impact Statement	23 CFR 771	FHWA	FHWA	FHWA
Section 4(f) Statement	23 CFR 771	FHWA	FHWA	FHWA
Section 106 Compliance	36 CFR 800	FHWA	FHWA	FHWA

ENVIRONMENT PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
None				

FINANCE

Responsible for ensuring that Federal-aid highway funds are properly obligated, expended, and reimbursed on transportation projects. Provide technical guidance and advice on financial management, accounting, project funds management, state infrastructure bank, innovative financing, auditing, management analysis, and procurement to FHWA Missouri Division and Missouri Department Transportation personnel, State, City, and Local jurisdictions in delivering the Federal-aid highway and transportation programs in Missouri. Promote and support FHWA National and local initiatives (strategic planning, quality financial management initiatives, process improvements).

FINANCE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Pre-validate (funds availability and eligibility determinations) and obligate Federal-aid Highway Funds	Title 23 U.S.C. Sections 118 and 120	FHWA	FHWA	FHWA
Approval of Non-Exempt and Exempt Combined Project Authorization/Agreements	Title 23 U.S.C. Sections 106 and 115	FHWA	FHWA	FHWA

FINANCE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
		Full-Oversight Projects	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Approval Action	Reference Document	Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS		
Review and approve the participation of Federal-aid funds in costs incurred prior to authorization.	23 CFR Part 1.9	FHWA	FHWA	FHWA
Review and determine the eligibility of federal participation in administrative settlement costs/contract claims.	23 CFR Part 140E	FHWA	FHWA	FHWA
Approve Federal-aid Current Billing (PR-20 Warehouse) Payments.	Title 23 U.S.C. Section 121	FHWA	FHWA	FHWA
Review and correct project agreement exceeds (over-obligation and over-expenditure of Federal-aid apportionments/allocations).	Title 31 U.S.C. Sections 1301, 1341 and 1517 and Anti-Deficiency Act	FHWA MoDOT	FHWA MoDOT	EHWA MoDOT

FINANCE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Review and approve MoDOT's Tapered Match project requests.	Section 1302 of TEA-21, Title 23 U.S.C. Sections 121 and 133	Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS FHWA	FHWA	FHWA

FINANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Ensure that MoDOT's Financial Management System adequately accumulates costs charged to FHWA projects.	Title 23 U.S.C. Section 302	FHWA	FHWA	
Review and approve MoDOT's methodology for claiming Federal-aid reimbursements.	23 CFR Part 140	FHWA	FHWA	
Determination of allowable and unallowable costs for third-party agreements.	23 CFR Parts 172, 645, and 646 and 48 CFR Part 31	FHWA	FHWA	
Advise MoDOT on the use of Bridge Replacement and Rehabilitation Program Soft Match.	Title 23 U.S.C. Section 144	FHWA	FHWA	
Project Funds Management (timely use of unexpended balances and project closing).	FAPG Transmittal 9, Section G3015.2, Chapter 1, Par. 4a and FHWA Financial Management Tool Kit	FHWA	FHWA	

FINANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Ensure timely reimbursement of Federal-aid Highway Funds and the transfer of Federal-aid Highway Funds (Treasury-State Agreement) to the State Treasurer's and State Auditor's Offices.	Cash Management Improvement Act	FHWA	FHWA	
Conduct Annual Section 4 Review and complete Certification - Review and sampling/testing of Administrative/Accounting processes (i.e. Procurement, DAFIS, and FMIS transactions).	Title 31 U.S.C. Section 3512 and Federal Manager's Financial Integrity Act	FHWA	FHWA	Internal review with certification signed by the Division Administrator and submitted to Headquarters annually.
Process Freedom of Information Act Requests.	FOIA Act and 49 CFR Part 7	FHWA	FHWA	Responses are coordinated with the appropriate Division Office program officer.
Approval of Procurement Requests/Purchase Orders.	48 CFR Part 31- Federal Acquisition Regulations	FHWA	FHWA	Review and processing of documents is performed by the Office Support Clerk

FINANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Assist MoDOT in the development of State Infrastructure Bank Cooperative Agreements and submit to Headquarters for approval.	Section 350 of the NHS Act and TEA-21 Section 1511	FHWA	FHWA	
Review/approve funding requests and project agreements to capitalize the Missouri State Infrastructure Bank.	Section 350 of the NHS Act and TEA-21 Section 1511	FHWA	FHWA	Requests prepared and submitted by MoDOT Resource Management
Coordinate/review MoDOT's toll credit requests (credits for the non-federal share) for Lake of the Ozarks Toll Bridge and submit them to Headquarters for approval.	Section 1044 of ISTEA and Title 23 U.S.C. Section 120	FHWA	FHWA	Requests prepared and submitted by MoDOT Resource Management
Coordinate/review MoDOT's Transportation Infrastructure Finance and Innovation Act requests and submit to Headquarters for approval.	Section 1501 of TEA-21, 23 CFR Part 180 and 48 CFR Part 80	FHWA	FHWA	Requests prepared and submitted by MoDOT Resource Management

FINANCE PROGRAM ACTIVITIES			AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks	
Review/approve transferability of Federal-aid Highway Funds.	Title 23 U.S.C. Section 110	FHWA	FHWA	Requests prepared and submitted by MoDOT Resource Management	
Approval of MoDOT's Indirect Cost Negotiation Agreement.	Revised OMB Circular A-87	FHWA	FHWA	Prepared and submitted by MoDOT Business and Benefits Support	
Approval of Mid-America Regional Council Indirect Cost Agreement.	Revised OMB Circular A-87 and 49 CFR Part 18	MoDOT	FHWA	Prepared by MARC and submitted to FHWA. Review performed by MoDOT Audit and Business Analysis. Approval given by FHWA Division Office.	
Provide technical assistance to MoDOT on audit requirements for FHWA projects.	Single Audit Act Amendments of 1996, 23 CFR Parts 140.922(c), 172.5(c), and 645.117(i)(3)	FHWA	FHWA		
Provide technical assistance to MoDOT on uniform administrative requirements for State and Local Governments, Institutions of Higher Education, and Non-Profit Organizations.	49 CFR Parts 18 and 19	FHWA	FHWA		

FINANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Conduct Quality Financial Management Initiatives.	FAPG Transmittal 9, Section G, 3015.2 and FHWA Financial Management Tools Kit	FHWA	MoDOT	Contacts vary depending on program/process being reviewed.
Review and approve MoDOT's methodology for applying various rates to capture Federal reimbursements.	23 CFR Part 140.715	FHWA	FHWA	
Control findings and cited costs resulting from reviews, audits, and Federal-aid Ineligibility Notifications - Form 1367.	FHWA Financial Management Tools Kit	FHWA	FHWA	

INTELLIGENT TRANSPORTATION SYSTEMS

Monitor and assist the State in developing an Intelligent Transportation System Program to improve transportation efficiency, promote safety, reduce congestion, reduce emissions, and improve traveler information. Assure that ITS projects are in conformity with the ITS National Architecture and applicable Standards.

ITS PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Conformity with ITS National Architecture and applicable Standards	TEA-21, Section 5206(e) Final Rule (Federal Register – 01/08/01)	FHWA	FHWA	FHWA
ITS Earmark Funded Projects under the ITS Integration Program	TEA-21, Section 5208 ITS Partnership Agreement	FHWA	FHWA	FHWA
Traffic Engineering Analysis and Implementation Plan	23 CFR 655.409(f) & 23 CFR 655.411	FHWA	FHWA	FHWA
Life Cycle Cost Analysis and Financing and Operations Plan	TEA-21, Section 5210 (Projects over \$3 million)	FHWA	FHWA	FHWA

ITS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
ITS Service Plan	TEA-21, Section 5207 July 25, 2000 FHWA Washington Office memo	FHWA, MoDOT and other coordin- ating Agencies	FHWA	Jointly developed and integrated document which identifies needs, and requests funding for ITS awareness activities in the major metropolitan areas as well as rural applications and statewide initiatives.
ITS Strategic Plan	MoDOT Document	FHWA MoDOT	MoDOT	Provide direction and chart a course of action for future ITS deployment to support the State and National Program goals and objectives.

MAINTENANCE

Ensure proper maintenance of any project constructed under the provisions of the Federal-aid Highway Program.

MAINTENANCE PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Maintenance of projects on the Federal-aid system	23 CFR 635.509	FHWA	MoDOT	MoDOT
Maintenance Guidelines	23 CFR 635.505	FHWA	MoDOT	MoDOT

MAINTENANCE PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Interstate Maintenance Program	23 USC 119	MoDOT	FHWA	Limitation on new capacity

MATERIALS

Review and approve the quality assurance program developed by the State to assure the quality of materials and workmanship incorporated into each Federal-aid construction project. Review and approve cost effective/public interest findings for the use of public agency materials or proprietary items.

MATERIALS PROJECT ACTIVITIES		AGENCY RESPONSIBLE	
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)
Use of materials made available by a public agency (cost effective/public interest finding)	23 CFR 635.407(a)	FHWA	FHWA
			Non-NHS Projects

MATERIALS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action	Reference Document	Review	Approve	Remarks	
Quality Assurance Program for Construction	23 CFR 637.207	FHWA	FHWA	FHWA approves SHA Quality Assurance Program on NHS	
Material or Product Selection (Proprietary)	23 CFR 635.411	FHWA	FHWA		

PLANNING

Responsible for oversight of the state transportation agency's statewide transportation planning activities and metropolitan planning organizations' (MPOs') metropolitan transportation planning activities.

PLANNING PROJECT ACTIVITIES		AGENCY RESPONSIBLE			
		Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)
None					

PLANNING PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Statewide 20 Year Long Range Transportation Plan (LRTP)	23 CFR 450.214	FHWA	MoDOT	FHWA reviews and comments on LRTP, but no official approval action is taken.
Statewide Transportation Improvement Program (STIP)	23 CFR 450.216	FHWA	FHWA	Minimum 3 year period; updated at least every 2 years.
State Planning and Research (SPR) Work Program	23 CFR 420.111	FHWA	FHWA	Annually developed work program.
Highway Performance Monitoring System (HPMS) Annual Data Submittal from State and Field Verification Review and Report	23 USC 307 (h)	FHWA	None	FHWA HQ requires a Field Verification review to be conducted by the Division Offices. Based on this review, the Division Office recommends the acceptance of the HPMS data for funding apportionment and allocation purposes.
Certification of Public Road Mileage	23 CFR 460.3	FHWA	None	
Heavy Vehicle Use Tax - Annual Certification by State and Triennial Division Office Review	23 CFR 669.21	FHWA	None	State Department of Revenue required to certify that HVUT is being collected. FHWA HQ recommends a review be completed every 3 years.

PLANNING PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Highway Statistics: 500 Series Reports	23 CFR 420.105 (b)	FHWA	None	MoDOT is required to submit several Highway Statistic forms annually.
Traffic Volume Monthly Automated Traffic Recorder Data	23 CFR 1.5	FHWA	None	MoDOT submits required ATR data reports directly to HQ.
Annual Truck Weight Characteristics Data	23 CFR 1.5	FHWA	None	MoDOT annually submits required Truck Weight Characteristics data directly to HQ.
Metropolitan 20 Year Long Range Transportation Plan (LRTP)	23 CFR 450.322	FHWA	MPO	FHWA reviews and comments on Metropolitan LRTPs, but no official approval action is taken by FHWA, other than concurrence in Conformity Determination in air quality non-attainment and maintenance areas.
Metropolitan Transportation Improvement Program (TIP)	23 CFR 450.324	FHWA	Governor	Minimum 3 year period; updated at least every 2 years. FHWA reviews and comments on TIPs. All TIPs are included in the STIP by reference which is approved by FHWA.
Metropolitan Unified Planning Work Program (UPWP)	23 CFR 450.314	FHWA	FHWA/ MoDOT	Annually developed program. FHWA reviews and comments on UPWPs from each MPO. FHWA takes separate approval action on UPWPs from TMAs.

PLANNING PROGRAM ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action	Reference Document	Review	Approve	Remarks	
Triennial Certification Review of TMAs - MPOs with population of 200,000 or greater	23 CFR 450.334	FHWA	FHWA	Joint FHWA/FTA Planning Regulations require these reviews be completed every 3 years. FHWA/FTA jointly certify that the requirements in 23 CFR 450 are being met.	
Annual Self-Certification of non-TMAs - MPOs with population of 50,000 to 200,000	23 CFR 450.334	FHWA	FHWA	Self-certifications are included in the metropolitan TIPs for non-TMAs. TIPs are included by reference in the FHWA approved STIP.	
Clean Air Act Conformity Determinations: Non Attainment and Maintenance Areas	23 CFR 450.312(d) and 40 CFR Part 51	FHWA	FHWA	Determination completed at time of TIP and LRTP updates.	
Congestion Management Systems in TMAs	23 CFR 450.320	FHWA	None	Required to be a part of the planning process in TMAs. Reviewed as part of certification reviews.	
Transportation Management System excluding CMS in TMAs	Not Required	FHWA	None		
Congestion Mitigation and Air Quality (CMAQ) Improvement Report	Not Required by Law but by HQ	FHWA	None		

PLANNING PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Transportation Planning Process Reviews in non-TMAs	Not Required	FHWA	None	Planning process reviews in non-TMAs on 3-year cycle.
Vehicle (Truck) Size & Weight Enforcement and Certification	23 CFR Part 657	FHWA	FHWA	State is responsible for enforcing vehicle size and weight laws. State is required to develop a plan for maintenance of an effective enforcement process. Each State plan is approved by the FHWA and will then serve as a basis by which the annual State certification of enforcement will be judged.

RESEARCH and TECHNOLOGY TRANSFER

Responsible for oversight of the State transportation agency's research and technology transfer activities.

RESEARCH & TECHNOLOGY TRANSFER PROGRAM ACTIVITIES		AGENCY RESPONSIBLE			
Approval Action	Reference Document	Review	Approve	Remarks	
SPR Work Program	23 CFR 420.111	FHWA	FHWA	Annually developed work program.	
Peer Exchange	23 CFR 420.207	FHWA	None	Performed every 3 years.	
LTAP - Annual work program, Quarterly Newsletter, Quarterly Progress Report, End of Year Report	23 USC 504(b)	FHWA	Work Program -FHWA	Annually developed work program.	

RIGHT-OF-WAY

The objective of the oversight activity will be to assure that the State Right-of-Way Program is being carried out in compliance with the State written Policy and Procedures, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, as amended, and implementing Federal regulations. The implementation of "process reviews" is considered to be the most economical and efficient means for maintaining our oversight of the MoDOT's processes and procedures. While the majority of our program oversight will center around working together with the MoDOT to improve the process of right-of-way program delivery, additional effort will be expended to provide technical advice on individual complex acquisition, appraisal, relocation, property management and administrative and settlement issues.

RIGHT-OF-WAY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects Major/Unusual Bridges and ITS	Non-Interstate NHS Projects	Non-NHS Projects
ROW Acquisition Authorization	23 CFR 710.307	FHWA-1	MoDOT	MoDOT
Hardship/Protective Purchase (* Federal funds in ROW)	23 CFR 712.204	FHWA	FHWA	FHWA
Functional Replacement (* Federal funds in ROW)	23 CFR 710.509 23 U.S.C. 107(d)	FHWA	FHWA	FHWA
ROW Clearance	23 CFR 635.309	FHWA	FHWA	MoDOT
Federal Land Transfers	23 CFR 712.503	FHWA	FHWA	FHWA

RIGHT-OF-WAY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
		Full-Oversight Projects Interstate Projects Major/Unusual Bridges and ITS	Non-Interstate NHS Projects	Non-NHS Projects
Approval Action	Reference Document			
ROW Encroachments	23 CFR 710.403	FHWA	MoDOT	MoDOT
Disposal of ROW (Federal Funds/any phase)	23 CFR 710.403 23 CFR 710.409	FHWA-2	MoDOT	MoDOT
Relinquishments (Federal Funds/any phase)	23 CFR 620.203	FHWA	MoDOT	MoDOT
Disposal and/or Changes in Access Control (Federal Funds/any phase)	23 CFR 620.203 23 CFR 710.403 23 U.S.C. 111	FHWA	MoDOT	MoDOT
Airspace Agreements (Federal Funds/any phase)	23 CFR 710.405 23 CFR 710.407	FHWA	FHWA	MoDOT
Lease/License of ROW Real Property	23 CFR 710.407	FHWA	MoDOT	MoDOT
Use of Fee Negotiators	23 CFR 710.203	MoDOT	MoDOT	MoDOT
Use of Fee Attorneys	23 CFR 710.203	MoDOT	MoDOT	MoDOT
Appraisal Fees	23 CFR 710.203	MoDOT	MoDOT	MoDOT
Land Service Facilities	23 CFR 710.203	MoDOT	MoDOT	MoDOT

RIGHT-OF-WAY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects	Non-Interstate NHS Projects	Non-NHS Projects
Interest on Right of Entry Payments	23 CFR 710.203	Interstate Projects Major/Unusual Bridges and ITS MoDOT	MoDOT	MoDOT

F-1 The Division Office approves all ROW plans for Interstate projects regardless of whether or not federal funds participate in ROW acquisition.
 F-2 The Division Office approves all Interstate disposals as well as all excess land sales which are to be conveyed at nominal value if federal funds participated in acquisition.

TRANSPORTATION ENHANCEMENT

Through Transportation Enhancement (TE) activities Congress provided innovative opportunities to enhance and contribute to the transportation system. This is being carried out in a non-traditional fashion through implementation of a specific list of TE activities. The Division's TE Program manager will seek to broaden TE program participation, and the rates of implementation of transportation and community enhancing projects by fostering and encouraging partnerships with State and local officials and public interest groups to improve delivery of the TE Program.

TRANSPORTATION ENHANCEMENT PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Project Selection	23 U.S.C. 133	FHWA	MoDOT	Division Office completes review of the TE committee's selected projects prior to final approval by the MHTC.
ROW Acquisition Authorization	23 CFR 710.307	MoDOT	FHWA	Interstate Only

SCENIC BYWAYS

The Division Office Scenic Byway Program Manager will work with MoDOT to promote and improve Missouri's Scenic Byway program. The Division will serve as a resource for sharing the nations "best practices", refining designation and grant application processes, and exploration of innovative approaches to maximizing program benefits. In addition, the Division will complete reviews of MoDOT's applications for National designations and grant funding and forward said requests with Division recommendation to our headquarters office for final approval.

SCENIC BYWAYS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Designation of State Scenic Byway	23 U.S.C. 162	FHWA	MoDOT	
Designation of National Scenic Byways or All-American Roads	23 U.S.C. 162	MoDOT	FHWA	Candidates for designation are solicited through Division Office. The Division Office recommendation for approval is forwarded to the Office of Planning and Environment and ultimately approved or disapproved by the Secretary of Transportation.

SCENIC BYWAYS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Scenic Byway Grant Application (Discretionary Funds)	23 U.S.C. 162	MoDOT	FHWA	Candidates for scenic byway discretionary funds to undertake eligible projects along highways designated as National Scenic Byways, All-American Roads, or State Scenic Byways are solicited through Division Office. The Division Office recommendation for approval is forwarded to the Office of Planning and Environment and ultimately approved or disapproved by the Secretary of Transportation.

RECREATIONAL TRAILS

Our Division Office Recreational Trail Program activity will revolve around promoting and overseeing the Missouri Department of Natural Resources effort to administer the program in a manner that is consistent with required program standards, project eligibility criteria, and project delivery processes. In addition, we will be a resource that shares "best practices" as they surface nationwide and promotes ways to maximize the efficiency of the project delivery process.

RECREATIONAL TRAILS PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Authorization of Recreational Trail Projects	23 U.S.C. 206	FHWA	MDNR	The National Recreational Trails Fund Program is administered by the Missouri Department of Natural Resources (MDNR). A Recreational Trails Advisory Board utilizes recreational trail funds on projects that address major needs identified in the SCORP.

OUTDOOR ADVERTISING CONTROL

Our Division Office Outdoor Advertising Control (OAC) activity will revolve around maintaining ongoing surveillance of the MoDOT's effort to provide continuing "effective control" of outdoor advertising in compliance with the Highway Beautification Act of 1965 and the executed Federal/State agreement. We will assist and monitor the MoDOT's effort to establish control procedures, through sign permit systems, inventories, and periodic surveillance of the controlled routes, in order to discover illegal signs and monitor other signs and areas controlled by the Act

OUTDOOR ADVERTISING CONTROL PROGRAM ACTIVITIES

		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
MoDOT's written policy and operating procedures for implementing its sign removal program under state law.	23 U.S.C. 131 23 CFR 750.304 49 CFR 1.48 (b) (21)	MoDOT	FHWA	MoDOT implements control procedures through the use of sign permit and sign inventory processes, and periodic surveillance of the controlled routes, in order to discover illegal signs and monitor other signs and areas controlled by Highway Beautification Act. The FHWA Division Realty Officer is responsible for oversight of the state's OAC program.
Revisions to the MoDOT's policies and procedures.	23 U.S.C. 131 23 CFR 750.304 49.CFR 1.48 (b) (21)	MoDOT	FHWA	

**OUTDOOR ADVERTISING CONTROL
PROGRAM ACTIVITIES**

AGENCY RESPONSIBLE

Approval Action	Reference Document	Review	Approve	Remarks
Authorization to proceed with acquisitions on a federally funded sign removal projects (nonconforming/illegal).	23 CFR 750.307	MoDOT	FHWA	
Federal participation in the payment of severance damages to remaining signs.	23 CFR 750.304 (c)(4)	MoDOT	FHWA	

SAFETY

Monitor safety programs and activities to continually improve highway safety. To ensure safe travel for the public by reducing the number of fatalities, injuries, and property damage accidents.

SAFETY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Traffic Safety in Highway & Street Work Zones (Traffic Control Plans, Responsible person, pay items, and CZ accidents & accident data review)	23 CFR Part 630 MUTCD	FHWA	FHWA (<i>Interstate</i>) MoDOT (<i>Non-Interstate</i>)	MoDOT
Design Speed	Federal-aid Policy Guide June 17, 1998, Transmittal 23 Paragraph 5 and (TA) T 5040.28	FHWA	MoDOT	MoDOT
Railway-Highway Projects	23 CFR Part 646 Subpart B - Railway-Highway Projects (Note: 23 CFR Sec. 646.220 outlines State responsibility)	FHWA	MoDOT	MoDOT

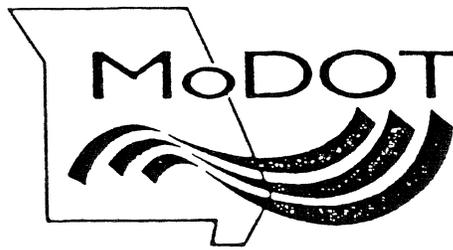
SAFETY PROJECT ACTIVITIES		AGENCY RESPONSIBLE		
		Full-Oversight Projects Interstate Projects (\$1 million or more) Major/Unusual Bridges and ITS	Non-Interstate NHS Projects and Interstate Projects (less than \$1 million)	Non-NHS Projects
Approval Action	Reference Document	FHWA	MoDOT	MoDOT
Pedestrian and Bicycle Accommodations	23 CFR 652 (23 CFR Sec. 652.5 - Policy regarding Federal-aid projects)	FHWA	MoDOT	N/A
Safety and Geometric Considerations for IM Program Projects	FHWA Policy Memorandum (10/12/93)	FHWA	MoDOT	MoDOT
Highway Safety Features (Roadside Safety & Hardware)	FHWA Policy Memorandum (07/25/97)	FHWA	MoDOT	MoDOT
High Hazard Projects	23 CFR 924	FHWA	MoDOT	MoDOT

SAFETY PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Highway Safety Improvement Program (Includes 23 USC 152 - Hazard Elimination Program funds and 23 USC 130 - Railway-highway crossing funds)	23 CFR Part 924 Authority: 23 USC 105(f), 152, 315 and 402	MoDOT (develops procedures which are to include cooperating agencies) FHWA (reviews)	FHWA (Program and revisions)	MoDOT is responsible for developing and implementing a highway safety improvement program. The processes are developed by the MoDOT and approved by FHWA. Approval of revisions to the program is also a responsibility of FHWA. State DOT (MoDOT) is required to submit an annual report to FHWA Division.

SAFETY PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Traffic Safety in Highway & Street Work Zones	23 CFR Part 630	MoDOT (develops and implements procedures) FHWA (reviews)	FHWA	MoDOT is responsible for developing and implement procedures as outlined in 23 CFR 630 to assure the safety of motorists, pedestrians, and construction workers on construction projects. FHWA Division is responsible for reviewing and approving the MoDOT's procedures and implementation. FHWA is responsible to assure that MoDOT's procedures are being followed and achieve the results intended. MoDOT is responsible for ensuring a team annually reviews randomly selected projects for the purpose of assessing the effectiveness of its procedures. The results of this review are to be provided to the FHWA Division for review and approval of the DOT's annual traffic safety effort.
Highway Safety Features - (Roadside Safety & Hardware)	FHWA Policy Memorandum (07/25/97) NCHRP Report 350 Guidelines			

SAFETY PROGRAM ACTIVITIES		AGENCY RESPONSIBLE		
Approval Action	Reference Document	Review	Approve	Remarks
Section 402 Highway Safety Plan	23 CFR 1200	MoDOT/ FHWA	MoDOT/ Division of Highway Safety/ Self Cert.	

Missouri
Department
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May 14, 1999

Mr. Allen Masuda
Division Administrator
Federal Highway Administration
209 Adams St.
Jefferson City, Missouri 65102

Subject: Letter of Oversight Agreement

Dear Mr. Masuda:

Section 1305 of the Transportation Equity Act for the 21st Century (TEA-21) of 1998 amends Section 106 of Title 23 - United States Code (U.S.C.), Project Approval and Oversight. This section revises provisions for project oversight of Federal-aid highway projects and eliminates the Certification Acceptance (CA) Program.

The amended Section 106 provides considerable flexibility to the State of Missouri and the Federal Highway Administration (FHWA) Division in reaching agreement on the responsibilities for design, plan development, specifications, estimates, right-of-way certification, contract awards, project inspections and final acceptance of Federal-aid highway projects. These responsibilities refer only to project actions.

In accordance with the provisions of Section 106 of Title 23 U.S.C., as amended by Section 1305 of TEA-21, MoDOT agrees with FHWA to allow MoDOT to utilize the project oversight management outlined below:

Interstate Projects - On all Interstate projects with an estimated construction cost of greater than or equal to \$1 million, all project activities shall receive full-oversight and approval by FHWA. MoDOT assumes project oversight responsibility for Interstate projects less than \$1 million. For all Major Bridge or ITS projects, regardless of cost, FHWA will continue full-oversight and approval. In addition, traffic control plans for all Interstate projects will be provided to FHWA for review. This oversight responsibility is a continuation of the principles included in the Missouri 1993 Stewardship Agreement and as allowed by Section 106(c)(4) of Title 23 U.S.C. as amended by TEA-21.

Non-Interstate National Highway System (NHS) Projects - MoDOT assumes oversight responsibility for all Non-Interstate NHS projects, regardless of Federal funding source. However, this does not include Major Bridge or ITS projects, which will continue to receive full-oversight and approval by FHWA. In addition, FHWA will be given the opportunity to participate on MoDOT project management teams to insure that

"Our mission is to preserve, enhance and support Missouri's transportation systems."

Mr. Allen Masuda
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timely input and technical assistance are provided to achieve quality project development.

Non-NHS Projects - MoDOT assumes oversight responsibility for all Non-NHS projects, regardless of project cost, type of work, size, or Federal funding source. This oversight responsibility includes Federal-aid projects let to contract and administered under a Local Public Agency (LPA) agreement. This oversight responsibility is a continuation of the principles included in the Missouri 1993 Stewardship Agreement and as allowed by Section 106(c)(4) of Title 23 U.S.C. as amended by TEA-21.

Identification of Full-oversight Projects - MoDOT and FHWA will conduct an annual review of the MoDOT Statewide Transportation Improvement Program (STIP) to identify the projects which will be administered as full-oversight projects by the FHWA.

Obligation of Funds - MoDOT will not submit requests for obligation of funds on any Federal-aid project until the National Environmental Policy Act (NEPA) approval process has been completed, right-of-way clearance has been approved, and the projects for which Federal funds are being requested are listed in the MoDOT Statewide Transportation Improvement Program (STIP).

Other Oversight Agreement Provisions - This letter of agreement is made with the following understandings:

All projects previously authorized prior to the effective date of this agreement under Certification Acceptance (CA) will be administered by MoDOT as though the projects were authorized under the provisions of this agreement.

All non-Title 23 U.S.C. requirements will continue to be subject to FHWA project review and oversight and approval.

All projects on the NHS (Interstate and Non-Interstate) will conform to MoDOT adopted design and construction standards as approved by FHWA. Amendments or revisions to these standards are subject to FHWA's review and approval.

All Non-NHS projects shall be designed, constructed, operated and maintained in accordance with State laws, regulations, directives, and safety, design and construction standards.

FHWA will complete a final inspection and final acceptance on FHWA full-oversight projects. MoDOT assumes this responsibility for all other projects. MoDOT will take action to close projects in a timely manner.

These provisions do not preclude FHWA from observing a Federal-aid highway project under MoDOT responsibility, including those under an LPA agreement, should the project contain unique features, if unusual circumstances arise, or should such projects be party to inclusion in joint agency MoDOT Quality Assurance Reviews (QARs) or FHWA Process Review & Evaluations (PR&E's).

Mr. Allen Masuda
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FHWA and MoDOT agree to conduct project oversight activities in accordance with the above stipulated provisions. The effectiveness of these oversight responsibilities will be evaluated periodically and adjustments made upon mutual agreement.

Certification

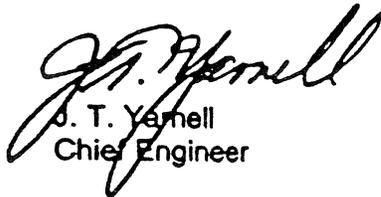
It is hereby certified that MoDOT will follow all federal and state laws, regulations, and directives for the design, construction, operation and maintenance of all Federal-aid projects.

Effective Date

This effective date of this letter of oversight agreement is May 14, 1999. This supersedes previously approved documents concerning FHWA project oversight.

Please indicate your acceptance by completing the signature block provided.

Sincerely,



J. T. Yamell
Chief Engineer

jm
jefred@bvsstage

Accepted by the Federal Highway Administration



Allen Masuda
Division Administrator

Date: 5-24-99