

Addendum I

**This addendum modifies the 2007 Stewardship / Oversight Agreement
of the Federal-aid Highway Program (FAHP)
Between the Federal Highway Administration Missouri Division Office
(FHWA) and the Missouri Department of Transportation (MoDOT)**

WHEREAS, the FHWA has the responsibility for administering Federal requirements with respect to all projects constructed with funds made available under title 23, United States Code, including responsibilities relating to design, plans, specifications, estimates, contract awards, contract administration, and inspections;

WHEREAS, there are some projects on the Interstate System that are routine and inherently low risk that are generally non-controversial and in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements;

WHEREAS, it is mutually desirable to both the FHWA and MoDOT to streamline the approval process of these routine and inherently low risk projects;

WHEREAS, 23 U.S.C. 106(c)(4) provides that the Secretary of the United States Department of Transportation may not assume any greater responsibility than the Secretary is permitted on September 30, 1997;

WHEREAS, on September 30, 1997, 23 U.S.C. 106(b) permitted the States to approve, on a project-by-project basis, plans, specifications, and estimates for projects to resurface, restore, and rehabilitate highways on the National Highway System (NHS), and further permitted the States to request that the Secretary no longer review and approve highway projects on the NHS with an estimated construction cost of less than \$1,000,000;

NOW THEREFORE, the FHWA and MoDOT hereby agree as follows:

1. Inherently low risk oversight projects include those that are routine, low risk projects and generally non-controversial in which the State DOTs have a high-level of experience and documented procedures and processes in place for ensuring compliance with federal requirements. These projects would not include complex or unique engineering features, would not traditionally involve major changes in scope or cost, would satisfy design standards, and would not jeopardize the safety or operation of the Interstate System. Complex projects that are classified as "major projects," or involve new partners (public/private partnerships), or involve new, innovative contracting methods including Alternate Technical Concepts, or are viewed as high risk, are not considered inherently low risk oversight projects. For purposes of this agreement, inherently low risk oversight projects include Interstate projects under \$5,000,000 that do not include complex or unique features as indicated in this paragraph.

2. For the projects listed in paragraph 1, FHWA is granting its approval, in advance of the actual delivery of the projects, for these projects' designs, plans, specifications, estimates, contract awards, contract administration, and inspections. These advance approvals are not deemed to occur until after the completion of the National Environmental Policy Act (NEPA) process and the satisfaction of other related environmental laws and procedures.

3. For the low risk projects defined in paragraph 1, FHWA's oversight will be satisfied by a risk management framework and process/program reviews. It is understood that FHWA's approval of funds for these projects at either the preconstruction or construction phase constitutes a determination that the project in question is eligible for Federal-aid and that the appropriate federal requirements have been met to date or defined steps are to be taken to ensure that requirements will be met.

4. National Highway System projects over \$20,000,000 shall be Full Oversight projects.

5. Projects whose primary purpose is the installation or maintenance of Intelligent Transportation System (ITS) equipment are considered inherently low risk and oversight delegated to MoDOT.

6. Bridge projects requiring Full Oversight will include:

a. Interstate routes when:

- i. The project cost is over \$5,000,000, or
- ii. The bridge has any span length of 500 feet or more, regardless of total bridge length, or
- iii. The bridge has unusual features such as cable stayed, precast segmental construction or suspension spans.

b. NHS routes when:

- i. Project cost over \$20,000,000, or
- ii. The bridge has unusual features such as cable stayed, precast segmental construction or suspension spans.

Notwithstanding this programmatic agreement, FHWA still continues to retain overall responsibility for all aspects of Federal-aid programs and, as such, shall be granted full access to review any aspect or record of a Federal-aid project at any time.

IN WITNESS THEREOF, the parties hereto have caused this instrument to be duly executed, the day and year first written above.

STATE OF MISSOURI DEPARTMENT OF TRANSPORTATION

Xxxxx Xxxxx

Kevin Keith
MoDOT Director

Xxxxx Xxxx

Kevin Ward
FHWA Division Administrator

Date: x/xx/xx

Date: x/xx/xx