

California Stewardship & Oversight Agreement Approach to Identifying “High Profile” Projects

The goal under the new Stewardship and Oversight Agreement (Agreement) executed on September 4, 2007 is to identify High Profile Projects (HPPs) and FHWA Approval/Involvement early in the Project Identification (Planning)/Initiation (PID) Phase or the Local Assistance “Authorization to Proceed” milestone. On Page 8 of the Agreement, it states that “Caltrans and the FHWA will jointly determine which projects are considered to be HPPs based on the criteria listed below. The HPP determination will be made at the Caltrans District level in conjunction with the FHWA.” Therefore, Caltrans’ (Statewide and Local Assistance) current method of project identification and/or initiation will be the basis for determining HPPs with a few additional steps phased into the process. The criteria for HPPs include:

- Controversial and Congressional Interest projects
- Pilot projects
- Executive Order 13274 projects – Environmental Stewardship and Streamlining
- Interstate Projects containing:
 - Design exceptions relating to the 13 controlling criteria
 - New or modified access points
 - Innovative contracting method projects with Federal funds
- Invitational projects
- Major Intelligent Transportation Systems (ITS) projects
- Major Projects (>\$500 M)
- 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

Projects not meeting the above criteria and/or not selected as HPPs will be considered as Delegated Projects and approval authority will follow that outlined in the “Delegated Projects – NHS/Non-NHS” column of the Project Responsibilities List in Appendix B. For Delegated Projects, Caltrans will have approval authority for all aspects of a Federal-aid project, except those which may not be delegated by federal law (requiring FHWA approval). For the Delegated Projects, FHWA will verify compliance with federal regulations via annual program and process reviews.

23 Code of Federal Regulations (CFR) Section 1.2, defines a project as “An undertaking by a State highway department for highway construction, including preliminary engineering, acquisition of rights-of-way and actual construction, or for highway planning and research, or for any other work or activity to carry out the provisions of the Federal laws for the administration of Federal aid for highway.” For Major Projects, the scope of the project is defined in the Record of Decision (ROD), Finding Of No Significant Impact (FONSI), or Categorical Exclusion document (CE) and includes all work associated with implementing the project.

It should be noted that the processes outlined below are continuous and require projects to be assessed against the HPP criteria during and in between each phase. Also, project decisions made on Delegated Projects which are upgraded to HPP will not be revisited with the upgrade. However, all parties should be aware that FHWA may embark upon a Program Review which will review those decisions at a later date.

This HPP Identification process lays out how HPPs will be selected and the documentation which will be used to show FHWA involvement/approval authorities. This process does not change any processes internal to Caltrans regarding coordination between the Districts and Headquarters.

High Profile Project Identification Process

Caltrans – Capital (State Administered) Projects

As stated above, the Agreement relies on the use of Caltrans' current method of project identification for the selection of HPPs. The process incorporates Caltrans current project phasing approach with criteria assessment as the project moves between phases. Those projects selected as HPPs will be mutually agreed upon by Caltrans and FHWA.

Continuous, open communication will take place throughout the year regarding the selection of HPPs.

The steps for identifying High Profile Projects on the Caltrans State Administered Projects are as follows (See Appendix D for Project Oversight Selection flowchart):

1. PID: As projects enter into the Project Initiation Document (PID) Phase, Caltrans staff will evaluate the project to determine if it might meet any of the criteria for High Profile Projects. Since funding sources have not been determined at this phase of a project, the PID Phase will be used by Caltrans for early identification of potential High Profile Projects. During this phase, the Caltrans Project Managers may begin early conversations with the FHWA representative regarding the project; however, a determination of whether the project will be a HPP will occur further along in the project, once funding is determined or early in the Project Approval and Environmental Document (PA&ED) Phase.
2. PA&ED: During this phase, the project will be reassessed against the criteria for HPPs by the Caltrans' staff again.

If the assessment reveals that the project meets one or more of the above criteria, then the Caltrans Project Manager will contact the FHWA Representative to discuss the assessment of the project. At this point, the Caltrans and FHWA representatives will jointly decide if the project meets the above criteria. If the joint decision is that one or more of the criteria are met, then the representatives will jointly decide if the criteria met are enough to warrant selection as a HPP.

Once a project has been selected as a HPP, a High Profile Project Agreement containing provisions of the Project Responsibilities List in Appendix B will be filled out to identify FHWA and Caltrans project approval authorities for that particular project. The HPP Agreement will be completed regardless of the phase in which the project is deemed High Profile. However, if the project is early in the project development phase, the HPP Agreement will be revisited once the project gets closer to the PS&E phase. The HPP will be chronologically numbered to record the number of versions. The HPP Agreement will document those areas where FHWA will have approval authority. It will also provide a project description, Federal-aid (once established) and State project numbers, and a discussion of FHWA's involvement on the project outside of the approval authority, such as attending monthly Project Development Team (PDT) Meetings or

receiving monthly PDT meeting minutes. The template for HPP Agreements may be found in Appendix F. (For Major Projects, this information will be captured in an Oversight Agreement. See Appendix G.) The information within the HPP Agreement will be jointly agreed upon by the Caltrans and FHWA representatives and will include signatures acknowledging this Agreement. If a project is selected to be a HPP, then FHWA involvement/approvals will be captured through the PS&E phase at which time FHWA and Caltrans will revisit the HPP Agreement for the remainder of the project. The information within the HPP Agreement will be jointly agreed upon by the Caltrans District Director (or designee) and FHWA representatives and will include signatures acknowledging this agreement.

If it is determined that the project does not meet the criteria or should not be selected as a HPP at this time, then the project will move forward as a Caltrans Delegated project but will be revisited by FHWA and Caltrans as needed for reassessment. This decision will be documented in the FHWA Record of Involvement form which Caltrans will keep with each project record.

3. Right-of-Way (R/W): During the PA&ED phase of the project, preliminary R/W work will proceed as either a HPP or a Delegated project based upon the determination made for the project at the PA&ED phase.

During the PS&E phase, R/W work will proceed as either a HPP or a Delegated project based upon the determination made for the project at the PS&E phase.

4. PS&E: The project will be reassessed against the criteria for HPPs by the Caltrans' staff. If the reassessment reveals that the project might meet one of the above criteria, the Caltrans' Project Manager and the FHWA Representative will jointly decide if the project meets the above criteria and should be selected as a HPP. At the conclusion of the PS&E Phase, if none of the HPP criteria applies, the project will advance to the Construction Phase as a Caltrans Delegated project. This decision will be documented in the FHWA Record of Involvement form which Caltrans will keep with each project record.
5. Construction: During the Construction phase, Construction work will proceed as either a HPP or a Delegated project based upon the determination made for the project at either the PA/ED phase or PS&E phase

Caltrans – Local Program

Similar to Caltrans State Projects, the goal under the new Stewardship/Oversight Agreement (Agreement) is to identify HPPs and FHWA Approval/Involvement as early as possible (prior to "Authorization to Proceed"). Identification of Local Assistance HPPs will proceed in a manner consistent with Caltrans' normal process for identifying Local projects. Continuous, open communication will take place throughout the year regarding the selection of HPPs. However, Quarterly Meetings between Caltrans and the FHWA will be scheduled to discuss any changes to

the known or anticipated HPPs. Those projects selected as HPPs will be mutually agreed upon by the appropriate Caltrans District and FHWA. See also Appendix E.

The steps for identifying High Profile Projects under Caltrans Local Projects are as follows:

1. Pre-Authorization: Caltrans Local Assistance procedures, checklists, and forms will require Local Agencies to assess proposed projects against the HPP criteria and identify whether they think the project qualifies as an HPP prior to each “Authorization to proceed”.
2. Initial Authorization to Proceed: The Local Agency will indicate whether the project meets any HPP criteria in their initial “Request for Authorization to Proceed” package (Exhibit 3-E of the Local Assistance Procedures Manual). The Caltrans District will assess the “Request for Authorization to Proceed” package to determine if the project meets any of the criteria for HPPs listed above. The District may request assistance from Caltrans Headquarters’ Division of Local Assistance (DLA).

If the assessment reveals that the project does meet one or more of the above criteria, then the Caltrans DLAE will contact the FHWA Representative to discuss the assessment of the project. At this point, the Caltrans and FHWA representatives will jointly decide if the project meets the above criteria. If the joint decision is that one or more of the criteria are met, then the representatives will jointly decide if the criteria met are enough to warrant selection as a HPP.

If the project does not meet the criteria, as determined by the District Local Assistance Engineer (DLAE), then the project will move forward as a Delegated project.

Once a project has been selected as an HPP, a High Priority Project Agreement containing provisions of the Project Responsibilities List in Appendix B of the Agreement will be filled out to identify FHWA and Caltrans project approval authorities for that particular project. The HPP Agreement will document those areas where FHWA will have approval authority. It will also provide a project description, Federal-aid and State project numbers, and a discussion of FHWA’s involvement on the project outside of the approval authority. The DLAE will work directly with the Local Agency and FHWA to assure that the Project Responsibilities of the HPP Agreement are fulfilled. Caltrans Headquarter’s DLA may assist the District as requested. (For Major Projects, this information will be captured in an Oversight Agreement.) If a project is determined to be an HPP at the initial “Authorization to Proceed”, then the HPP Agreement will be revisited once the project moves closer to construction. The information within the HPP Agreement will be jointly agreed upon by the Caltrans District Director (or designee) and FHWA representatives and will include signatures acknowledging this Agreement.

3. Subsequent Authorization to Proceed: As in the initial “Request for Authorization to Proceed”, the project will be reassessed against the criteria for HPPs by Caltrans DLAE and FHWA at each of the subsequent “Request for Authorization to Proceed” milestones. At these milestones, it will be jointly decided if the project meets the criteria of an HPP

and should be de-selected, selected, or continued as an HPP. If the reassessment at these milestones reveals that the project meets one of the HPP criteria and should be selected as a HPP, then the same process described under step 2 of **Caltrans – Local Program** above will be followed. Otherwise, the project will proceed as a Delegated Project.

Assistance Tools

For assistance in determining if a project might meet the criteria for HPPs, the following tools are attached to this procedure:

1. Appendix A: Definition of High Profile Projects Criteria
2. Appendix B: Project Responsibilities List
3. Appendix C: HPP Criteria Applicability on the Federal-aid System
4. Appendix D: Strategic Project Oversight Selection Process – Capital Projects
5. Appendix E: Strategic Project Oversight Selection Process – Local Assistance Projects
6. Appendix F: Sample High Profile Project Agreement
7. Appendix G: Sample Major Project Oversight Agreement

Appendix B has been included to assist Caltrans Project Managers and District Local Assistance Engineers with understanding the Approval Authorities under “High Profile Projects” and “Delegated Projects – NHS/Non-NHS”.

Conflict Resolution

Within this process, many of the decisions to be made regarding HPPs under the provisions of the Agreement are to be FHWA/Caltrans joint decisions. Invariably, disagreements may arise between the FHWA and Caltrans representatives that could cause delays to project schedules. Consequently, when circumstances occur whereby there is a disagreement that needs to be resolved, the FHWA has the ultimate responsibility for meeting federal requirements with respect to all projects delivered with FAHP funds.

If a disagreement arises between the FHWA and Caltrans representatives that is impacting the project schedule and cannot be resolved within two weeks at that level, then the decision will be elevated to the representatives’ supervisors. The FHWA and Caltrans representatives will provide the basis for their viewpoint to the supervisors. The supervisors will evaluate each viewpoint and work jointly to arrive at a decision. If after two weeks the supervisors are unable to reach agreement, then the decision will be elevated to the FHWA Chief Operating Officer (COO) and the Caltrans District Director. All viewpoints along with any supporting documentation will be provided to the COO and District Director to help them arrive at a joint decision. If after two weeks the COO and District Director are unable to reach a decision, all documentation will be provided to the FHWA Division Administrator for review. The FHWA Division Administrator will have the final determination authority for the selection HPPs.

EXECUTION OF DOCUMENT

The FHWA and Caltrans concur in this "Process for Identifying and Selecting High Profile Projects" and carrying out their respective project responsibilities with mutual cooperation and collaboration. This Process does not relieve either party from accountability for compliance with federal laws and regulations of the FAHP. Neither does it change or supersede any internal processes for either agency. Signatures on this Process by the FHWA and Caltrans acknowledge a method for identifying High Profile Projects and FHWA approval and involvement for each project.



Rick Land, Deputy Director – Project Delivery
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2/11/08

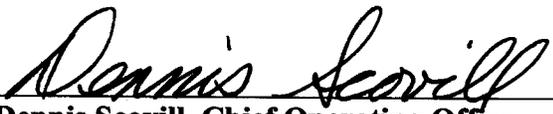
Date



R. Gregg Albright, Deputy Director --
Planning & Modal Programs
California Department of Transportation

2/11/08

Date



Dennis Scovill, Chief Operating Officer
Federal Highway Administration

2/11/2008

Date

APPENDIX A: DEFINITIONS OF HIGH PROFILE PROJECTS CRITERIA

Controversial and Congressional Interest Projects – These are projects that are highly controversial or are of high congressional interest as determined by the FHWA. Examples of these types of projects would be the selections made for the “Corridors of the Future Program” and “Urban Partnership Program.” Furthermore, this criteria could include projects of a National Interest with limited or no Federal funding such as the San Francisco-Oakland Bay Bridge.

Pilot Projects – These are projects included in pilot programs as established by Caltrans or the FHWA. These projects are testing a new or specific feature to determine the benefits to the highway program. These are not the projects which use to be defined in legislation as Demo projects and are now called Congressional earmarks. Some examples of such programs are the Value Pricing Pilot Program, Express Lanes Demonstration Program, Caltrans’ Design/Build Program, Caltrans’ Design Sequencing Pilot Program, buses on shoulders, quiet pavements, and High Occupancy Toll lanes.

Executive Order 13274 Projects – These projects are selected by the Secretary of Transportation to enhance environmental stewardship and to streamline the environmental review and development of transportation infrastructure projects. This criterion applies to 2 projects: 1) Interstate 5 North Coast project and 2) Mid-County Parkway (CTAP) in Riverside.

Interstate Projects with Design Exceptions – These are projects that have non-standard design features relating to design speed, lane width, shoulder width, bridge width, horizontal alignment, vertical alignment, grade, stopping sight distance, cross slope, superelevation, horizontal clearance, vertical clearance or bridge structural capacity (i.e. the 13 controlling criteria for selection of design standards of primary importance for highway safety). It is understood that quite a few Interstate projects have design exceptions. More than likely, the majority of these projects may be delegated unless there are some other distinguishing criteria which may warrant the project being considered as High Profile. Projects meeting these criteria which are not selected as High Profile Projects will be considered as Delegated Projects and approval authority will follow those outlined in the “Delegated Projects – NHS/Non-NHS” column of the Project Responsibilities List in Appendix B of the Stewardship/Oversight Agreement.

Interstate Projects with New/Modified Access – These are projects where the existing points of access are changed or new points of access to the Interstate are proposed. FHWA approval of the New or Modified Access is obtained through a two-step process which is described in the Caltrans Project Development Procedures Manual. Since these projects require FHWA approval, the majority of these projects may be delegated unless there are some other distinguishing criteria which may warrant the project being considered as High Profile. Projects meeting these criteria which are not selected as High Profile Projects will be considered as Delegated Projects and approval authority will follow those outlined in the “Delegated Projects – NHS/Non-NHS” column of the Project Responsibilities List in Appendix B of the Stewardship/Oversight Agreement.

Interstate Projects with Innovative Financing – These are projects which use non-traditional contracting techniques which are competitive in nature but do not fully comply with the requirements in Title 23 United State Code.

Invitational Projects – These are projects where Caltrans requests and establishes the FHWA’s level of involvement. An example of this type project is Devil’s Slide.

Major ITS Projects – These are projects that are described under 23CFR Section 940, as any ITS project that implements part of a regional ITS initiative that is multi-jurisdictional, multi-modal, or otherwise affects regional integration of ITS systems. See Attachment A for additional clarification.

Major Projects – These are projects which have a total cost (including preliminary engineering, ROW, construction, project management, etc.) exceeding \$500 million. The projects are defined usually defined by the NEPA document not the State EA number; therefore, several EA numbers can be included in a Major Project. These require Finance Plans and Project Management Plans.

Non-Traditional Revenue Sources Projects – These are projects that are financed through non-traditional means. An example of this type of project is the TIFIA loan project.

Special Experimental Projects (SEP-14) – Alternative Contracting – The objective of SEP-14 process is to evaluate "project specific" innovative contracting practices undertaken by State highway agencies that have the potential to reduce the life cycle cost of projects, while at the same time, maintain product quality. SEP-14 projects follow a formal application process.

Special Experimental Projects (SEP-15) – Public Private Partnerships - SEP-15 is a new experimental process for the FHWA to identify, for trial evaluation, new public-private partnership approaches to project delivery. It is anticipated that these new approaches will allow the efficient delivery of transportation projects without impairing the FHWA's ability to carry out its stewardship responsibilities to protect both the environment and American taxpayers. SEP-15 projects follow a formal application process.

Unusual Bridges – These projects include bridges with difficult or unique foundation problems; new or complex designs with unique operational or design features; bridges with exceptionally long spans (greater than 150 m); or bridges designed with procedures that depart from currently recognized practices.

Unusual Structures – Unusual structures are tunnels, geotechnical structures featuring new or complex wall systems or ground improvement systems, hydraulic structures that involve complex stream stability countermeasures, and structures using atypical or unique designs or design techniques.

Attachment A -- Major ITS Projects

The Final Rule, 23 CFR 940 states “*Major ITS project* means any ITS project that implements part of a regional ITS initiative that is multijurisdictional, multi-modal, or otherwise affects regional integration of ITS systems.”

Major ITS projects are defined in terms of significant risks or costs. If one or more of the following risk factors is present, then the project is high risk and considered a *Major ITS project*.

1. Multi-Jurisdictional or Multi-modal
2. New Software Creation
3. New Hardware Integrated with new or COTS software
4. New Technology Applications
5. New Interfaces - especially to external systems
6. System Requirements not well defined nor documented
7. Likely technology changes

Major ITS projects are often referred to as ***ITS System*** developments.

Examples of *Major ITS projects* include:

- Multi-jurisdictional or multi-modal system implementation. Because of the external interfaces, these projects generally include substantial software development. For example:
 - A traveler information system that collects data from multiple agencies or modes
 - A Bus Traffic Signal Priority system between City X and Regional Transit, or that crosses multiple jurisdictions.
- The first stage of an “umbrella” system implementation. During this first stage, the full system engineering process would be used to develop the overall system framework plus the first implementation of that framework. For example:
 - New Traffic Signal Coordination system design plus instrumentation at initial number of signals along an arterial or within an eventual larger network
 - The overall Information Exchange Network (IEN) design plus the first implementation in City X
 - The Universal Fare System design and initial implementation on Metro busesSubsequent stages that replicate the initial implementation would not be a Major ITS project; instead, fit the definition of a Minor ITS project, as defined below – expansion of existing systems with no new capabilities, no new interfaces

ITS projects that are not considered “Major” are labeled as ***Minor ITS projects***. They are low risk developments where none of the above risk factors are met. Minor ITS projects involve the design and installation of ITS field devices expanding and/or upgrading existing systems, which add no new capabilities. In other words all of these characteristics of low risk are met:

1. Single jurisdiction; single mode
2. No software creation; COTS or proven software used

3. Proven COTS hardware & communications used
4. No new interfaces
5. System requirements well defined, documented
6. Operating procedures well documented
7. Uses only stable technologies

Minor ITS projects are often referred to as **ITS infrastructure expansion**. For example, Standard Plans, Standard Specification, and Standard Special Provisions are well documented.

Examples of *Minor ITS projects* include:

- Adding four identical DMS to the existing 40 – using exactly the same specifications, interfaces, operating procedures, etc. (no changes)
- Adding five identical CCTV cameras to the existing 20 – with no other changes to the system or how it’s used.
- Adding 50 identical new loops to the existing 200 – no other changes
- Installing the existing parking management system at 2 new garages – no changes
- Expanding the existing system by adding several new XXXX units – no changes. (XXXX = almost anything)
- Leasing turnkey services only (e.g., Nextbus web service) – no hardware or software purchases

Lastly, experience in implementing the Final Rule in California has resulted in an identification of certain ITS projects that we consider **Exempt** to the ITS regulatory requirements totally.

Exempt ITS projects are the following:

- Routine maintenance and operation of existing systems
- Signal re-timing projects that do not implement any new hardware or software
- Studies, analyses, or plans that do not implement any new hardware or software
- Installation of traffic signals at isolated intersections

The first three bullets highlight the fact that NO new hardware or software is being implemented to provide a transportation service. The last bullet takes into account that there is no current integration potential or likely opportunity for integration in the future because of the isolation of the location. Traditional roadway project development procedures apply. The exclusion of **Exempt** ITS projects from the requirements of the Final Rule is an interpretation that only applies in California.

Until such time as Caltrans formally addresses the requirements of 23CFR940.11 statewide and program-wide, the ITS procedures for Local Assistance projects are being followed. These are in the Local Assistance Program Guidelines (LAPG) in Chapter 12.6 *Intelligent Transportation Systems*. FHWA requires that a Systems Engineering Review Form (SERF) be completed close to time of PSR for all Major and Minor ITS projects. The SERF is to be submitted to FHWA for review and approval for Major ITS projects only. For Minor ITS projects, the SERF shall reside in Caltrans project file. In addition, a Systems Engineering Management Plan (SEMP) is to be completed and submitted to FHWA for review and approval at completion of requirements and

high-level functional design - before detailed specification/design and implementation take place. This information will address completely the elements of the SERF that were not known when system development began.

APPENDIX B: PROJECT RESPONSIBILITIES LIST

Overview

The Project Responsibility List identifies the responsible agency for project level actions. It is organized by columns listed as High Profile and Delegated Projects. Within each column, activities are listed and the appropriate Approval Authority (FHWA or Caltrans) is identified. The FHWA will maintain approval authority for activities that cannot be delegated and activities that may pose a risk to individual projects. The activities with highlighted () cells under the High Profile projects column, which show FHWA, may be delegated to Caltrans if the particular activity is of low risk to the project or the FAHP.

APPROVAL ACTION	Approval Authority	
	High Profile Projects	Delegated Projects NHS/Non-NHS
ADMINISTRATION		
Financial Management		
All Vouchers (progress payments and final)	FHWA	FHWA
Federal-aid Project Agreement and Modification—Preliminary Engineering through Construction [23 CFR 630.110]	FHWA	FHWA
Funding Eligibility Determinations	FHWA	Caltrans (4)
Obligate funds	FHWA	FHWA
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA	FHWA
PROJECT DEVELOPMENT		
ROW		
Accept ROW certificate 3 as a condition of PS&E approval [23 CFR 635.309(c)(3)]	FHWA	FHWA
Accept ROW certificates 1 and 2 as a condition of PS&E approval [23 CFR 635.309(c)(1)&(2)]	FHWA	Caltrans
Air space agreements / Non-highway use and occupancy not on the Interstate [23 CFR 710.405]	FHWA	Caltrans
Air space agreements / Non-highway use and occupancy on the Interstate [23 CFR 710.405]	FHWA	FHWA
Control of Access [23 CFR 620.203(h)]	FHWA	FHWA
Functional Replacement [23 CFR 710.509]	FHWA	FHWA
Junkyard Control [23 CFR 751.25]	FHWA	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA	FHWA
Protective Buying and Hardship Acquisition [23 CFR 710.307, 503]	FHWA	FHWA
Public Interest Finding (PIF) - Disposal of federally funded ROW [23 CFR 710.403, 409]	FHWA	FHWA
Railroad Agreement [23 CFR 646.216 (3)(d)]	FHWA	Caltrans
Relinquishment of a Highway Facility for continued highway purposes [23 CFR 620.201, 202, 203]	FHWA	FHWA
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	FHWA	FHWA
Request for Direct Federal Acquisition [23 CFR 710.603]	FHWA	FHWA

APPROVAL ACTION	Approval Authority	
	High Profile Projects	Delegated Projects
		NHS/Non-NHS
Request for Federal Land Transfer [23 CFR 710.601]	FHWA	FHWA
Request for Waivers [49 CFR 24.204(b)]	FHWA	FHWA
Utility Agreement [23 CFR 645.113, 119]	Caltrans	Caltrans
Utility Relocation [23 CFR 645 subparts A and B]	FHWA	Caltrans
Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA	FHWA
Environment		
Categorical Exclusion (CE) [23 CFR 771.117 (c) and (d): SAFETEA-LU 6004; 23 CFR 771.117 all other CEs: SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Certification of Public Hearing [23 CFR 771.111(h)(2)(vi)]	Caltrans	Caltrans
Draft Environmental Impact Statement (DEIS) [23 CFR 771.123; 23 CFR 771.123 (e); SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Environmental Assessment (EA) Availability to the Public [23 CFR 771.1199(c); SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Final Environmental Impact Statement (FEIS) [23 CFR 771.125; 23 CFR 771.125(c); SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
FEIS Legal Sufficiency [23 CFR 771.125(b); SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Finding of No Significant Impact [23 CFR 771.121; SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Noise Abatement [23 CFR 772]	Caltrans	Caltrans
Project-Level Transportation Conformity for CE processed under SAFETEA-LU 6004 MOU [40 CFR 93]	Caltrans (1)	Caltrans (1)
Project-Level Transportation Conformity for CE, EA and Environmental Impact Statement (EIS) processed under SAFETEA-LU 6005 MOU [40 CFR 93]	FHWA	FHWA
Record of Decision [23 CFR 771.127; SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Re-evaluation on Approved Environmental Documents [23 CFR 771.129; SAFETEA-LU 6004 & 6005]	Caltrans (1)	Caltrans (1)
Section 4(f) <i>De Minimis</i> Determination [SAFETEA-LU 6004, 6005 & 6009, 49 USC 303]	Caltrans (1)	Caltrans (1)
Section 4(f) Individual [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)	Caltrans (1)
Section 4(f) Programmatic [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)	Caltrans (1)
Supplemental EIS [23 CFR 771.130; SAFETEA-LU 6005]	Caltrans (1)	Caltrans (1)
Preliminary Design		
Consultant Selection [23CFR 172.5]	FHWA	Caltrans (2)
Financial Plans for projects from \$100M to \$499M [SAFETEA-LU 1904]	Caltrans	Caltrans
Major ITS Project Development [23 CFR 940.11]	FHWA	FHWA
Major Projects and TIFIA Loan Projects - Project Management Plan and Financial Plan Approval [SAFETEA-LU 1904]	FHWA	FHWA
Minor ITS Project Development [23 CFR 940.11]	Caltrans	Caltrans

APPROVAL ACTION	Approval Authority	
	High Profile Projects	Delegated Projects
		NHS/Non-NHS
New/Modified Interstate Access Determination of Engineering and Operations Acceptability [Feb 1998 Federal Register, Vol#28 - (minor access changes delegated to Caltrans, see letter dated September 15, 1994]	FHWA (Caltrans)	FHWA (Caltrans) / N/A
PIF – Airspace Clearance FAA [CFR 620.104]	FHWA	FHWA / N/A
PIF - Use of Negotiated Consultant Contracts [23 CFR 172.5(3)]	FHWA	Caltrans
Detailed Design		
Approve preliminary plans for major and unusual structures	FHWA	Caltrans
Design Exceptions, non-Interstate (all other projects) [23 CFR 625.3]	Caltrans	Caltrans/ Local (3)
Design Exceptions on the Interstate (13 controlling Criteria) [23 CFR 625.3]	FHWA	FHWA/NA
Experimental Features (Pilot and Demo) aka CEWP, design/sequencing	FHWA	FHWA
New/Modified Interstate Access Control Change - Final Approval [Feb 1998 Federal Register, Vol#28]	FHWA	FHWA
PIF – Statewide and project specific use of proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval.	FHWA	Caltrans
PIF and Cost Justification Letter - Statewide and Project Specific - Concur in use of publicly furnished materials and expenses [23 CFR 635.407]. If statewide, FHWA approval.	FHWA	Caltrans
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401, HDM 504.8]	FHWA	FHWA
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	Caltrans	Caltrans/ Local (3)
PS&E and Advertising		
Authorize advertising for bids [23 CFR 635.112]	FHWA	Caltrans
Authorize utility or railroad force account work [23 CFR 645.113 & 646.216]	FHWA	Caltrans
Bid Analysis (Engineer Estimates)	FHWA	Caltrans (2)
Consultant Agreements [23 CFR 172.7 - 172.9]	FHWA	Caltrans (2)
Exempt bridge from Coast Guard permit requirements [23 CFR 650.805]	FHWA	FHWA
Hiring of consultant to serve in a "management" role [23 CFR 172.9(d)]	FHWA	Caltrans
Noise - Reasonable and Feasible Determination for PS&E approval [23 CFR 772.11(g)]	Caltrans (1)	Caltrans
PIF - Advertising period less than three weeks [23 CFR 635.112]	FHWA	Caltrans
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	FHWA	Caltrans
PIF - Use of Force Account [23 CFR 635.204, 205]	FHWA	Caltrans
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA	Caltrans
PIF - Use of Publicly Owned Equipment [23 CFR 635.106]	FHWA	Caltrans
PS&E [23 CFR 630.205, 23 USC 106]	FHWA	Caltrans (2)
Supplemental Work Item Justification	FHWA	Caltrans

APPROVAL ACTION	Approval Authority	
	High Profile Projects	Delegated Projects
		NHS/Non-NHS
Utility and railroad agreements [23 CFR 645.113 & 646.216]	FHWA	Caltrans (2)
Warranties [23 CFR 635.413]	FHWA	FHWA
Construction		
Accept Materials Certification [23 CFR 637.207]	FHWA	Caltrans (2)
Addenda during advertising period [23 CFR 635.112(c)]	FHWA	Caltrans (2)
Buy America Waiver [23 CFR 635.410, ISTE A Sec. 1041(a) & 1048(a), 41 CFR 10 (a-d)] Submit to HQ if >\$50K.	FHWA	FHWA
Concur in award of contract [23 CFR 635.114]	FHWA	Caltrans (2)
Concur in rejection of all bids [23 CFR 635.114]	FHWA	Caltrans (2)
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	FHWA	Caltrans (2)
Concur in termination of contracts [23 CFR 635.125]	FHWA	Caltrans (2)
Construction engineering by local agency [23 CFR 635.105]	FHWA	Caltrans
Contract time extensions [23 CFR 635.120 & 121]	FHWA	Caltrans (2)
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA	Caltrans (2)
Incentive/Disincentive Amount Justification [23 CFR 635.127]	FHWA	Caltrans (2)
Innovative Contracting Requirements [SEP 14 & 15]	FHWA	FHWA
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA	Caltrans
Major changes and extra work [23 CFR 635.120]	FHWA	Caltrans
Minor changes and extra work [23 CFR 635.120]	FHWA	Caltrans (2)
Subcontracting Requirements [23 CFR 635.116(b)]	FHWA	Caltrans (2)
Research		
Experimental Features [FAPG Ch. 6, Sect G 6042.4]	FHWA	FHWA
Emergency Relief		
ER Damage Assessments and Reports on the SHS [23 CFR 668, 23 USC 120 and 125]	FHWA	FHWA
ER Damage Assessments and Reports off the SHS [23 CFR 668; 23 USC 120 and 125; ER Q&A, Question #5 Revised DAF and #8 Coordination with Other Agencies]	FHWA/ Caltrans	Caltrans
<p>(1) Caltrans has assumed responsibility for these items under the Section 6004 and 6005 MOUs. The FHWA will reassume responsibility should any of the applicable agreements be terminated or expire. Additionally, the FHWA remains responsible for several projects that have been excluded from the assumption of NEPA responsibilities by Caltrans.</p> <p>(2) Activity is delegated to the local agency.</p> <p>(3) Caltrans approval for State Highways on the Federal Aid system, local agency approval for non-State Highways on the Federal Aid system.</p> <p>(4) Subject to the FHWA's Random Sampling Verification Process.</p>		

APPENDIX C: HIGH PROFILE PROJECTS CRITERIA APPLICABILITY ON THE FEDERAL-AID SYSTEM (✓ DENOTES APPLICABILITY)

High Profile Projects Criteria	Interstate		National Highway System (NHS)		Non-NHS	
	Fed Funds	Non-Fed	Fed Funds	Non-Fed	Fed Funds	Non-Fed
A. Controversial and Congressional Interest Projects (*See explanation in Appendix A)	✓	✓*	✓	✓*	✓	✓*
B. Pilot Projects	✓		✓		✓	
C. Executive Order 13274 Projects (2 Projects) 1. Interstate 5 North Coast Project 2. Mid-County Parkway (CTAP) in Riverside	✓		✓		✓	
D. 1 - Interstate Projects – Projects w/ design Exceptions relating to the 13 controlling Criteria	✓	✓				
D. 2 - Interstate Projects – New or modified Access points	✓	✓				
D. 3 – Interstate Projects – Innovative contracting method	✓					
E. Invitational Projects	✓		✓		✓	
F. Major Intelligent Transportation Systems (ITS) Projects	✓		✓		✓	
G. Major Projects (>\$500M)	✓		✓		✓	
H. Non-Traditional Revenue Sources projects (Such as TIFIA Loans, etc.)	✓	✓	✓	✓	✓	✓
I. Special Experimental Projects – Alternative Contracting (SEP-14)	✓		✓		✓	
J. Special Experimental Projects – Public Private Partnerships (SEP-15)	✓	✓	✓	✓	✓	✓
K. Unusual Bridge or Structure Projects	✓	✓	✓		✓	

APPENDIX D: STRATEGIC PROJECT OVERSIGHT SELECTION PROCESS (CAPITAL PROJECTS)

Summary

The Strategic Project Oversight Selection Process would identify High Profile Projects for additional oversight by FHWA. These projects would meet the criteria described below and be mutually agreed to by FHWA and Caltrans. This review process diagram charts what these criteria are, when they may be met, and how a project would be selected for FHWA involvement. All projects not meeting these criteria would be delegated to Caltrans and administered per the Project Responsibilities List.

Summary Criteria:

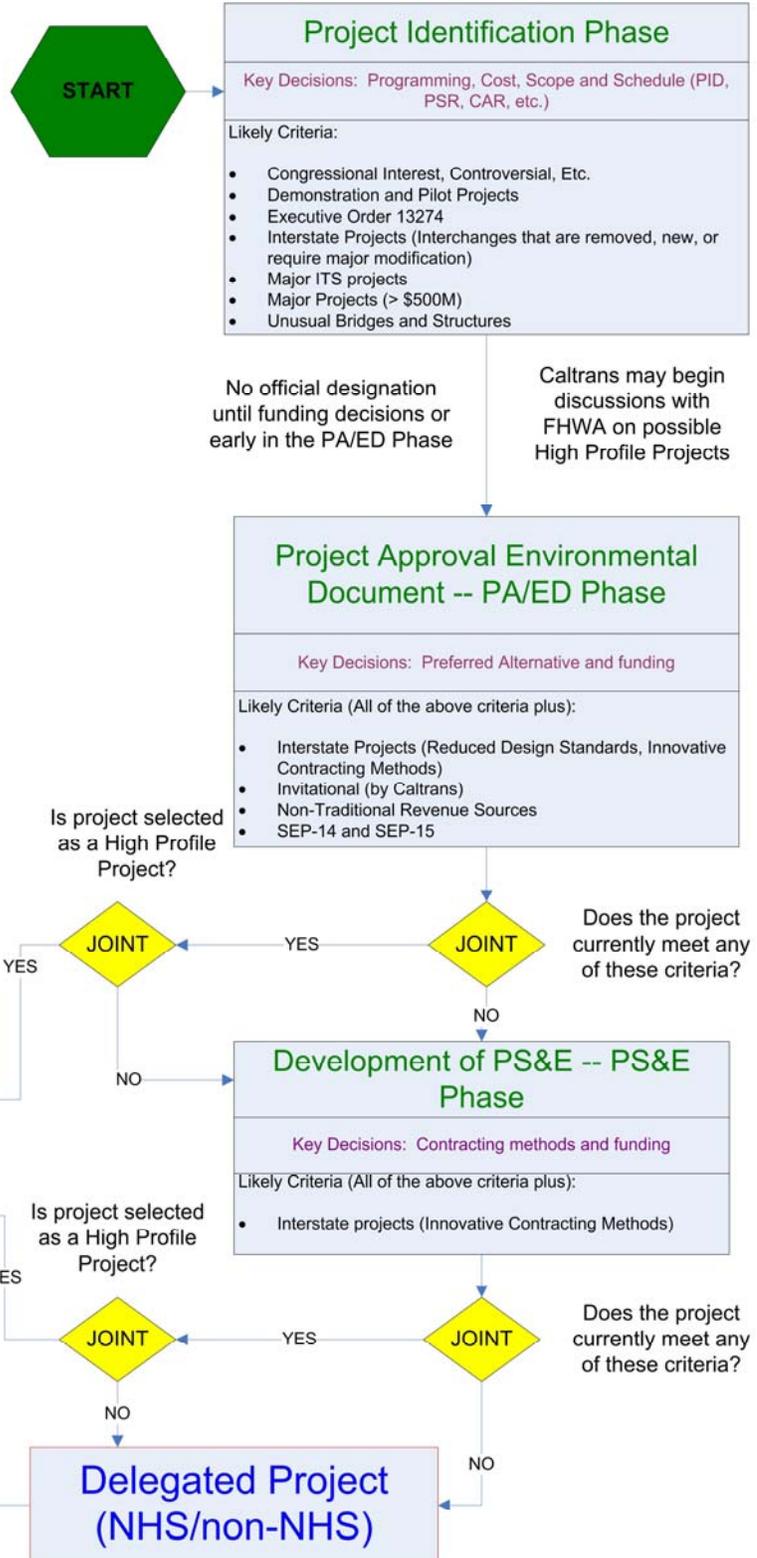
- Congressional Interest, Controversial etc
- Demonstration and Pilot projects
- Executive Order 13274
- Interstate projects (Reduced Design Standards, Interchanges that are removed, new or require major modification, Innovative Contracting methods)
- Invitational (by Caltrans)
- Major ITS projects
- Major Projects (> \$500M)
- Non-traditional Revenue Sources
- SEP-14 and SEP-15
- Unusual bridges and structures

High Profile Project

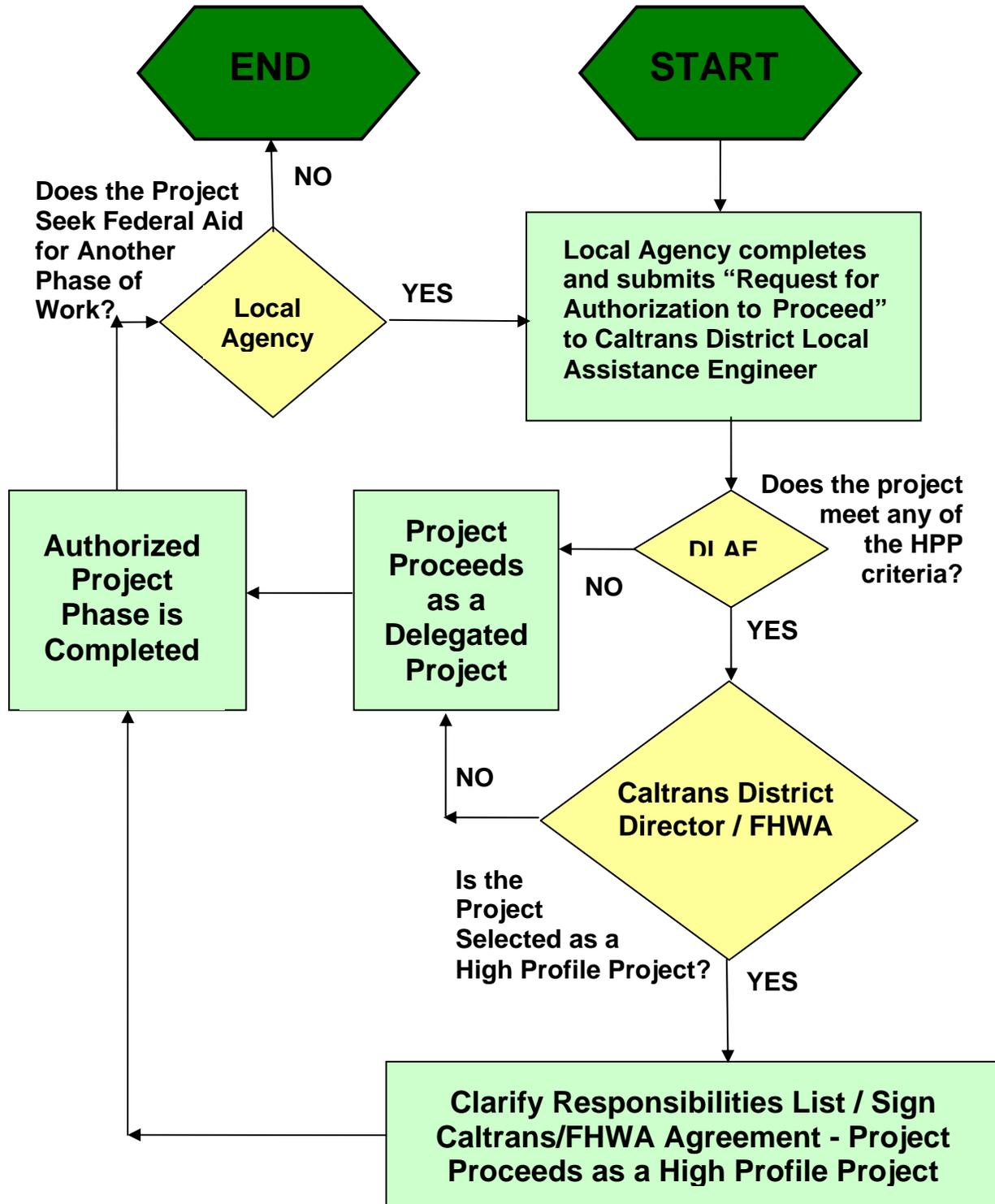
Action: Identify approving organization based on level of risk for each activities highlighted yellow on Project Responsibilities List

- High Risk = FHWA maintains approval authority
- Low Risk = Caltrans assumes approval authority

Project is administered per the Project Responsibilities List



**APPENDIX E: STRATEGIC PROJECT OVERSIGHT SELECTION PROCESS
(LOCAL ASSISTANCE PROJECTS)**



APPENDIX F: SAMPLE HIGH PROFILE PROJECT AGREEMENT

HIGH PROFILE PROJECT RESPONSIBILITIES LIST DOCUMENT NO:

Project Description:

EA Number:

Discussion of Involvement:

The activities with highlighted cells indicate whether this approval action will be made either by FHWA or delegated to Caltrans if the particular activity is of low risk to the project or the Federal Aid Highway Program.

APPROVAL ACTION	Approval Authority
	High Profile Projects
ADMINISTRATION	
Financial Management	
All Vouchers (progress payments and final)	FHWA
Federal-aid Project Agreement and Modification—Preliminary Engineering through Construction [23 CFR 630.110]	FHWA
Funding Eligibility Determinations	FHWA
Obligate funds	FHWA
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA
PROJECT DEVELOPMENT	
ROW	
Accept ROW certificate 3 as a condition of PS&E approval [23 CFR 635.309(c)(3)]	FHWA
Accept ROW certificates 1 and 2 as a condition of PS&E approval [23 CFR 635.309(c)(1)&(2)]	FHWA
Air space agreements / Non-highway use and occupancy not on the Interstate [23 CFR 710.405]	FHWA
Air space agreements / Non-highway use and occupancy on the Interstate [23 CFR 710.405]	FHWA
Control of Access [23 CFR 620.203(h)]	FHWA
Functional Replacement [23 CFR 710.509]	FHWA
Junkyard Control [23 CFR 751.25]	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA
Protective Buying and Hardship Acquisition [23 CFR 710.307, 503]	FHWA
Public Interest Finding (PIF) - Disposal of federally funded ROW [23 CFR 710.403, 409]	FHWA
Railroad Agreement [23 CFR 646.216 (3)(d)]	FHWA

APPROVAL ACTION	Approval Authority
	High Profile Projects
Relinquishment of a Highway Facility for continued highway purposes [23 CFR 620.201, 202, 203]	FHWA
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	FHWA
Request for Direct Federal Acquisition [23 CFR 710.603]	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA
Request for Waivers [49 CFR 24.204(b)]	FHWA
Utility Agreement [23 CFR 645.113, 119]	Caltrans
Utility Relocation [23 CFR 645 subparts A and B]	FHWA
Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA
Environment	
Categorical Exclusion (CE) [23 CFR 771.117 (c) and (d): SAFETEA-LU 6004; 23 CFR 771.117 all other CEs: SAFETEA-LU 6005]	Caltrans (1)
Certification of Public Hearing [23 CFR 771.111(h)(2)(vi)]	Caltrans
Draft Environmental Impact Statement (DEIS) [23 CFR 771.123; 23 CFR 771.123 (e); SAFETEA-LU 6005]	Caltrans (1)
Environmental Assessment (EA) Availability to the Public [23 CFR 771.1199(c); SAFETEA-LU 6005]	Caltrans (1)
Final Environmental Impact Statement (FEIS) [23 CFR 771.125; 23 CFR 771.125(c); SAFETEA-LU 6005]	Caltrans (1)
FEIS Legal Sufficiency [23 CFR 771.125(b); SAFETEA-LU 6005]	Caltrans (1)
Finding of No Significant Impact [23 CFR 771.121; SAFETEA-LU 6005]	Caltrans (1)
Noise Abatement [23 CFR 772]	Caltrans
Project-Level Transportation Conformity for CE processed under SAFETEA-LU 6004 MOU [40 CFR 93]	Caltrans (1)
Project-Level Transportation Conformity for CE, EA and Environmental Impact Statement (EIS) processed under SAFETEA-LU 6005 MOU [40 CFR 93]	FHWA
Record of Decision [23 CFR 771.127; SAFETEA-LU 6005]	Caltrans (1)
Re-evaluation on Approved Environmental Documents [23 CFR 771.129; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) <i>De Minimis</i> Determination [SAFETEA-LU 6004, 6005 & 6009, 49 USC 303]	Caltrans (1)
Section 4(f) Individual [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) Programmatic [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Supplemental EIS [23 CFR 771.130; SAFETEA-LU 6005]	Caltrans (1)
Preliminary Design	
Consultant Selection [23CFR 172.5]	FHWA
Financial Plans for projects from \$100M to \$499M [SAFETEA-LU 1904]	Caltrans
Major ITS Project Development [23 CFR 940.11]	FHWA
Major Projects and TIFIA Loan Projects - Project Management Plan and Financial Plan Approval [SAFETEA-LU 1904]	FHWA
Minor ITS Project Development [23 CFR 940.11]	Caltrans

APPROVAL ACTION	Approval Authority
	High Profile Projects
New/Modified Interstate Access Determination of Engineering and Operations Acceptability [Feb 1998 Federal Register, Vol#28 - (minor access changes delegated to Caltrans, see letter dated September 15, 1994)]	FHWA (Caltrans)
PIF – Airspace Clearance FAA [CFR 620.104]	FHWA
PIF - Use of Negotiated Consultant Contracts [23 CFR 172.5(3)]	FHWA
Detailed Design	
Approve preliminary plans for major and unusual structures	FHWA
Design Exceptions, non-Interstate (all other projects) [23 CFR 625.3]	Caltrans
Design Exceptions on the Interstate (13 controlling Criteria) [23 CFR 625.3]	FHWA
Experimental Features (Pilot and Demo) aka CEWP, design/sequencing	FHWA
New/Modified Interstate Access Control Change - Final Approval [Feb 1998 Federal Register, Vol#28]	FHWA
PIF – Statewide and project specific use of proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval.	FHWA
PIF and Cost Justification Letter - Statewide and Project Specific - Concur in use of publicly furnished materials and expenses [23 CFR 635.407]. If statewide, FHWA approval.	FHWA
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401, HDM 504.8]	FHWA
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	Caltrans
PS&E and Advertising	
Authorize advertising for bids [23 CFR 635.112]	FHWA
Authorize utility or railroad force account work [23 CFR 645.113 & 646.216]	FHWA
Bid Analysis (Engineer Estimates)	FHWA
Consultant Agreements [23 CFR 172.7 - 172.9]	FHWA
Exempt bridge from Coast Guard permit requirements [23 CFR 650.805]	FHWA
Hiring of consultant to serve in a "management" role [23 CFR 172.9(d)]	FHWA
Noise - Reasonable and Feasible Determination for PS&E approval [23 CFR 772.11(g)]	Caltrans (1)
PIF - Advertising period less than three weeks [23 CFR 635.112]	FHWA
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	FHWA
PIF - Use of Force Account [23 CFR 635.204, 205]	FHWA
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA
PIF - Use of Publicly Owned Equipment [23 CFR 635.106]	FHWA
PS&E [23 CFR 630.205, 23 USC 106]	FHWA
Supplemental Work Item Justification	FHWA
Utility and railroad agreements [23 CFR 645.113 & 646.216]	FHWA
Warranties [23 CFR 635.413]	FHWA

APPROVAL ACTION	Approval Authority
	High Profile Projects
Construction	
Accept Materials Certification [23 CFR 637.207]	FHWA
Addenda during advertising period [23 CFR 635.112(c)]	FHWA
Buy America Waiver [23 CFR 635.410, ISTE A Sec. 1041(a) & 1048(a), 41 CFR 10 (a-d)] Submit to HQ if >\$50K.	FHWA
Concur in award of contract [23 CFR 635.114]	FHWA
Concur in rejection of all bids [23 CFR 635.114]	FHWA
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	FHWA
Concur in termination of contracts [23 CFR 635.125]	FHWA
Construction engineering by local agency [23 CFR 635.105]	FHWA
Contract time extensions [23 CFR 635.120 & 121]	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA
Incentive/Disincentive Amount Justification [23 CFR 635.127]	FHWA
Innovative Contracting Requirements [SEP 14 & 15]	FHWA
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA
Major changes and extra work [23 CFR 635.120]	FHWA
Minor changes and extra work [23 CFR 635.120]	FHWA
Subcontracting Requirements [23 CFR 635.116(b)]	FHWA
Research	
Experimental Features [FAPG Ch. 6, Sect G 6042.4]	FHWA
Emergency Relief	
ER Damage Assessments and Reports on the SHS [23 CFR 668, 23 USC 120 and 125]	FHWA
ER Damage Assessments and Reports off the SHS [23 CFR 668; 23 USC 120 and 125; ER Q&A, Question #5 Revised DAF and #8 Coordination with Other Agencies]	FHWA/ Caltrans
<p>(1) Caltrans has assumed responsibility for these items under the Section 6004 and 6005 MOUs. The FHWA will reassume responsibility should any of the applicable agreements be terminated or expire. Additionally, the FHWA remains responsible for several projects that have been excluded from the assumption of NEPA responsibilities by Caltrans.</p> <p>(2) Activity can be delegated to the local agency.</p> <p>(3) Caltrans approval for State Highways on the Federal Aid system, local agency approval for non-State Highways on the Federal Aid system.</p> <p>(4) Subject to the FHWA's Random Sampling Verification Process.</p>	

FHWA Project Oversight Manager

Caltrans Project Manager

APPENDIX G: SAMPLE MAJOR PROJECT OVERSIGHT AGREEMENT

FEDERAL HIGHWAY ADMINISTRATION
Major Project Oversight Agreement for
<Project>
Fed Project No. / EA
<Date>

On September 4, 2007, a new Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) Stewardship and Oversight (Stewardship/Oversight) Agreement was signed. Under the new Stewardship/Oversight Agreement, the FHWA and Caltrans will utilize a risk-based approach to project –level management that no longer uses the \$1,000,000 threshold to determine FHWA stewardship and oversight. This risk-based approach to project oversight will be conducted in two steps: 1) selecting the projects that traditionally pose a risk to the health of the Federal-aid Highway Program (High Profile projects) and 2) within the High Profile projects, further delegating approval authorities in activities that pose a low risk to the individual projects.

A Major Project is defined as having a total project cost of greater than \$500 million. Under the Stewardship/Oversight Agreement, all Major Projects are considered “High Profile” Projects. Each “High Profile” project will have a Project Responsibility List developed to define which approval actions are to be handled by FHWA or Caltrans/Local Agency. Other areas of Federal involvement and/or approval actions for this project are summarized in this agreement. <i.e., attending meetings, design reviews, conducting project inspections, etc.>

FHWA Project Personnel and Resources for Oversight:

An FHWA Project Oversight Manager (POM) has been assigned for the oversight of this project. The POM will be responsible for all project actions and approvals, with the guidance of the FHWA Division Office management and the assistance of other FHWA personnel. Division Office specialists will be available for project reviews and technical assistance in order to provide expeditious reviews and approvals of project actions. Oversight will be conducted through project inspections, review of project data and various other means. The U.S.D.O.T. Office of Inspector General may also perform audits of project costs and other financial data as required.

Reporting Requirements:

The FHWA POM will be responsible for providing periodic updates of the costs and schedules of the project to FHWA Headquarters and the United States Department of Transportation (US DOT) – Office of the Secretary. Briefings will also be provided to assist various agencies with tracking information. The Project Management team will provide the POM with quarterly updates at a minimum (using all available information) with respect to project cost and scheduling to assist with this task. Along with the quarterly updates, the FHWA POM will attend regular meetings to discuss the project’s progress including any unforeseen circumstances.

PROJECT DESCRIPTION

This project consists of <type of work> from <project limits>. The total project cost is estimated to be <\$\$>.

PROJECT-SPECIFIC REQUIREMENTS

Oversight activities specific to this project are detailed in Attachment A. Items not addressed by the Project Responsibilities List that pertain to this project are discussed below.

<For projects in NEPA or pre-NEPA stages add this sentence: Since this project has not yet completed the NEPA phase, the approval actions to be taken by FHWA, as indicated in Attachment A, may be delegated to Caltrans when the project has advanced enough to more accurately determine low-risk activities in later phases. Should a decision be made after NEPA but prior to construction that significantly changes the project's risks, i.e., a change to design-sequencing or design-build, another evaluation of approval action responsibilities may be necessary. >

Planning:

FHWA has ensured that the Project is included in a conforming Transportation Improvement Plan.

Environment:

<For non-delegated projects the Project Responsibilities list will need to be changed accordingly. Any approvals changed to "FHWA" from "Caltrans" can be footnoted as follows: (1) FHWA remains responsible for this project which has been excluded from the assumption of NEPA responsibilities by Caltrans.>

Design:

<for projects with complex or high risk design features, conduct preliminary design reviews as needed, and review and approval of project PS & E prior to authorization for construction>

Right of Way:

<Activities in addition to those established on Attachment A>

Construction:

<Level of Construction oversight will vary depending upon the complexity of the construction activities. Possible wording: The FHWA POM is responsible for FHWA construction oversight. This oversight may include routine inspections throughout the life of the project. If FHWA approval for Major Contract change orders is retained, it will be implemented per the Caltrans

Construction Manual Procedure 5-308B (1) Federal Highway Administration Involvement Requirements – Major Contract Change Orders.>

Plan of Finance:

The initial Finance Plan will be submitted to FHWA as early as possible but no later than ninety days prior to authorization of funds for construction. Updates to the initial plan will be provided to the FHWA Division Office and the FHWA Major Projects Team by the annual submission date established in the Initial Finance Plan for each subsequent year until all construction is completed.

Project Management Plan

A draft Project Management Plan (PMP) will be submitted to FHWA prior to finalization of the NEPA decision document. The final PMP will be due 90 days after completion of NEPA. The final PMP will be approved by the FHWA California Division, in concurrence with the FHWA Headquarters Major Projects Team. Updates to the PMP will be completed and submitted on a regular basis if significant changes occur to the project cost and/or schedule.

FHWA Project Oversight Manager

Caltrans Project Manager

Local Sponsor (if applicable)

ATTACHMENT A

Overview

The Project Responsibility List identifies the responsible agency for project level actions. It is organized by columns listed as High Profile and Delegated Projects. Within each column, activities are listed and the appropriate Approval Authority (FHWA or Caltrans) is identified. The FHWA will maintain approval authority for activities that cannot be delegated and activities that may pose a risk to individual projects. The activities with highlighted () cells under the High Profile projects column, which show FHWA, may be delegated to Caltrans if the particular activity is of low risk to the project or the FAHP.

APPROVAL ACTION	APPROVAL AUTHORITY
	High Profile Projects
ADMINISTRATION	
Financial Management	
All Vouchers (progress payments and final)	FHWA
Federal-aid Project Agreement and Modification—Preliminary Engineering through Construction [23 CFR 630.110]	FHWA
Funding Eligibility Determinations	FHWA
Obligate funds	FHWA
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA
PROJECT DEVELOPMENT	
ROW	
Accept ROW certificate 3 as a condition of PS&E approval [23 CFR 635.309(c)(3)]	FHWA
Accept ROW certificates 1 and 2 as a condition of PS&E approval [23 CFR 635.309(c)(1)&(2)]	FHWA
Air space agreements / Non-highway use and occupancy not on the Interstate [23 CFR 710.405]	FHWA
Air space agreements / Non-highway use and occupancy on the Interstate [23 CFR 710.405]	FHWA
Control of Access [23 CFR 620.203(h)]	FHWA
Functional Replacement [23 CFR 710.509]	FHWA
Junkyard Control [23 CFR 751.25]	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA
Protective Buying and Hardship Acquisition [23 CFR 710.307, 503]	FHWA
Public Interest Finding (PIF) - Disposal of federally funded ROW [23 CFR 710.403, 409]	FHWA
Railroad Agreement [23 CFR 646.216 (3)(d)]	FHWA
Relinquishment of a Highway Facility for continued highway purposes [23 CFR 620.201, 202, 203]	FHWA
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	FHWA
Request for Direct Federal Acquisition [23 CFR 710.603]	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA

APPROVAL ACTION	APPROVAL AUTHORITY
	High Profile Projects
Request for Waivers [49 CFR 24.204(b)]	FHWA
Utility Agreement [23 CFR 645.113, 119]	Caltrans
Utility Relocation [23 CFR 645 subparts A and B]	FHWA
Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA
Environment	
Categorical Exclusion (CE) [23 CFR 771.117 (c) and (d): SAFETEA-LU 6004; 23 CFR 771.117 all other CEs: SAFETEA-LU 6005]	Caltrans (1)
Certification of Public Hearing [23 CFR 771.111(h)(2)(vi)]	Caltrans
Draft Environmental Impact Statement (DEIS) [23 CFR 771.123; 23 CFR 771.123 (e); SAFETEA-LU 6005]	Caltrans (1)
Environmental Assessment (EA) Availability to the Public [23 CFR 771.1199(c); SAFETEA-LU 6005]	Caltrans (1)
Final Environmental Impact Statement (FEIS) [23 CFR 771.125; 23 CFR 771.125(c); SAFETEA-LU 6005]	Caltrans (1)
FEIS Legal Sufficiency [23 CFR 771.125(b); SAFETEA-LU 6005]	Caltrans (1)
Finding of No Significant Impact [23 CFR 771.121; SAFETEA-LU 6005]	Caltrans (1)
Noise Abatement [23 CFR 772]	Caltrans
Project-Level Transportation Conformity for CE processed under SAFETEA-LU 6004 MOU [40 CFR 93]	Caltrans (1)
Project-Level Transportation Conformity for CE, EA and Environmental Impact Statement (EIS) processed under SAFETEA-LU 6005 MOU [40 CFR 93]	FHWA
Record of Decision [23 CFR 771.127; SAFETEA-LU 6005]	Caltrans (1)
Re-evaluation on Approved Environmental Documents [23 CFR 771.129; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) <i>De Minimis</i> Determination [SAFETEA-LU 6004, 6005 & 6009, 49 USC 303]	Caltrans (1)
Section 4(f) Individual [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) Programmatic [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Supplemental EIS [23 CFR 771.130; SAFETEA-LU 6005]	Caltrans (1)
Preliminary Design	
Consultant Selection [23 CFR 172.5]	FHWA
Financial Plans for projects from \$100M to \$499M [SAFETEA-LU 1904]	Caltrans
Major ITS Project Development [23 CFR 940.11]	FHWA
Major Projects and TIFIA Loan Projects - Project Management Plan and Financial Plan Approval [SAFETEA-LU 1904]	FHWA
Minor ITS Project Development [23 CFR 940.11]	Caltrans
New/Modified Interstate Access Determination of Engineering and Operations Acceptability [Feb 1998 Federal Register, Vol#28 - (minor access changes delegated to Caltrans, see letter dated September 15, 1994)]	FHWA (Caltrans)

APPROVAL ACTION	APPROVAL AUTHORITY
	High Profile Projects
PIF – Airspace Clearance FAA [CFR 620.104]	FHWA
PIF - Use of Negotiated Consultant Contracts [23 CFR 172.5(3)]	FHWA
Detailed Design	
Approve preliminary plans for major and unusual structures	FHWA
Design Exceptions, non-Interstate (all other projects) [23 CFR 625.3]	Caltrans
Design Exceptions on the Interstate (13 controlling Criteria) [23 CFR 625.3]	FHWA
Experimental Features (Pilot and Demo) aka CEWP, design/sequencing	FHWA
New/Modified Interstate Access Control Change - Final Approval [Feb 1998 Federal Register, Vol#28]	FHWA
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PIF and Cost Justification Letter - Statewide and Project Specific - Concur in use of publicly furnished materials and expenses [23 CFR 635.407]. If statewide, FHWA approval.	FHWA
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401, HDM 504.8]	FHWA
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	Caltrans
PS&E and Advertising	
Authorize advertising for bids [23 CFR 635.112]	FHWA
Authorize utility or railroad force account work [23 CFR 645.113 & 646.216]	FHWA
Bid Analysis (Engineer Estimates)	FHWA
Consultant Agreements [23 CFR 172.7 - 172.9]	FHWA
Exempt bridge from Coast Guard permit requirements [23 CFR 650.805]	FHWA
Hiring of consultant to serve in a "management" role [23 CFR 172.9(d)]	FHWA
Noise - Reasonable and Feasible Determination for PS&E approval [23 CFR 772.11(g)]	Caltrans (1)
PIF - Advertising period less than three weeks [23 CFR 635.112]	FHWA
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	FHWA
PIF - Use of Force Account [23 CFR 635.204, 205]	FHWA
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA
PIF - Use of Publicly Owned Equipment [23 CFR 635.106]	FHWA
PS&E [23 CFR 630.205, 23 USC 106]	FHWA
Supplemental Work Item Justification	FHWA
Utility and railroad agreements [23 CFR 645.113 & 646.216]	FHWA
Warranties [23 CFR 635.413]	FHWA
Construction	

APPROVAL ACTION	APPROVAL AUTHORITY
	High Profile Projects
Accept Materials Certification [23 CFR 637.207]	FHWA
Addenda during advertising period [23 CFR 635.112(c)]	FHWA
Buy America Waiver [23 CFR 635.410, ISTEAA Sec. 1041(a) & 1048(a), 41 CFR 10 (a-d)] Submit to HQ if >\$50K.	FHWA
Concur in award of contract [23 CFR 635.114]	FHWA
Concur in rejection of all bids [23 CFR 635.114]	FHWA
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	FHWA
Concur in termination of contracts [23 CFR 635.125]	FHWA
Construction engineering by local agency [23 CFR 635.105]	FHWA
Contract time extensions [23 CFR 635.120 & 121]	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA
Incentive/Disincentive Amount Justification [23 CFR 635.127]	FHWA
Innovative Contracting Requirements [SEP 14 & 15]	FHWA
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA
Major changes and extra work [23 CFR 635.120]	FHWA
Minor changes and extra work [23 CFR 635.120]	FHWA
Subcontracting Requirements [23 CFR 635.116(b)]	FHWA
Research	
Experimental Features [FAPG Ch. 6, Sect G 6042.4]	FHWA
Emergency Relief	
ER Damage Assessments and Reports on the SHS [23 CFR 668, 23 USC 120 and 125]	FHWA
ER Damage Assessments and Reports off the SHS [23 CFR 668; 23 USC 120 and 125; ER Q&A, Question #5 Revised DAF and #8 Coordination with Other Agencies]	FHWA/ Caltrans
(1) Caltrans has assumed responsibility for these items under the Section 6004 and 6005 MOUs. The FHWA will reassume responsibility should any of the applicable agreements be terminated or expire. Additionally, the FHWA remains responsible for several projects that have been excluded from the assumption of NEPA responsibilities by Caltrans.	