

STEWARDSHIP AGREEMENT

FOR IMPLEMENTATION OF THE
SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT
TRANSPORTATION EQUITY ACT:
A LEGACY FOR USERS P. L. 109-59



BETWEEN

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

AND

THE FEDERAL HIGHWAY ADMINISTRATION
WEST VIRGINIA DIVISION

(EFFECTIVE 7/01/07)

STEWARDSHIP AGREEMENT

This stewardship agreement is the result of the joint efforts of the West Virginia Department of Transportation, West Virginia Division of Highways, and the Federal Highway Administration, West Virginia Division.

The purpose of this stewardship agreement is to facilitate the implementation of provisions contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. This stewardship agreement is a comprehensive agreement that covers all aspects associated with administering the Federal-aid Highway Program (FAHP) under Title 23, and other associated laws.

It is understood that this agreement is subject to change and modification as additional information and implementing guidance becomes available. This agreement replaces the existing agreement dated December 1, 1998 and Amendment No. 1 dated July 14, 1999, and becomes effective on July 1, 2007.

6/29/07
Date

Paul A. Mattox, Jr.
Paul A. Mattox, Jr., P.E.
Secretary
West Virginia Department of Transportation

Commissioner of Highways
West Virginia Division of Highways

6/29/07
Date

Thomas J. Smith
Thomas J. Smith, P.E.
Division Administrator
Federal Highway Administration – WV Division

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GLOSSARY

SAFETEA-LU:	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005
TEA-21:	Transportation Equity Act for the 21st Century of 1998
ISTEA:	Intermodal Surface Transportation Efficiency Act of 1991
WVDOH:	West Virginia Division of Highways
WVDOT:	West Virginia Department of Transportation
FHWA:	Federal Highway Administration
AASHTO:	American Association of State Highway and Transportation Officials
NHTSA:	National Highway Traffic Safety Administration
FTA:	Federal Transit Administration
EPA:	Environmental Protection Agency
NEPA:	National Environmental Policy Act
FAHP:	Federal-aid Highway Program
NHS:	National Highway System
STP:	Surface Transportation Program
I:	Interstate
IM:	Interstate Maintenance
3R:	Resurfacing, Rehabilitation and Restoration
USCFR:	United States Code of Federal Regulations
N/A:	Not Applicable
PS&E:	Plans, Specifications and Estimate
PR/PE:	Process Review/Product Evaluation
CPIS:	Continuous Process Improvement Study

TS&L:	Type, Size, and Location
NBIS:	National Bridge Inspection Standards
HSIP:	Highway Safety Improvement Program
HSP:	Highway Safety Program
HPMS:	Highway Performance Monitoring System
MPO:	Metropolitan Planning Organization
SPR:	Statewide Planning and Research
STIP:	State Transportation Improvement Program
FIRE:	Financial Integrity Review and Evaluation Program
DBE:	Disadvantaged Business Enterprise Program

Control Document – Applicable standards, policies, and standard specifications that are acceptable to FHWA for application in the geometric and structural design of highways.

Core Functions – Activities that make up the main elements of the FHWA’s Federal-aid oversight responsibilities based on regulations and national policies. Core functions in the FHWA Division Office are Planning, Environment, Right-of-Way, Design, Construction, Finance, Operations, System Preservation, Safety, and Civil Rights.

Delegated Projects – Projects that do not require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

Full Oversight Projects – Projects that require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

Major Projects – Projects with an estimated total cost greater than \$500 million, or projects approaching \$500 million with a high level of interest by the public, Congress, or the Administration, are requiring the submittal of both a project management plan and an annual financial plan. Projects with an estimated total cost of \$100 to \$500 million require the preparation of an annual financial plan.

Oversight – The act of ensuring that the Federal highway program is delivered consistent with laws, regulations and policies.

Performance/Compliance Indicators – These indicators track performance trends, the relative “health” of the Federal-aid Highway Program, and compliance with Federal requirements.

Risk Management – The systematic identification, assessment, planning, and management of threats and opportunities faced by FHWA projects and programs.

Stewardship – The efficient and effective management of the public funds that have been entrusted to the FHWA.

BACKGROUND AND INTRODUCTION

Congress has charged the Federal Highway Administration (FHWA) with administering the Federal-Aid Highway Program (FAHP) under *Title 23*, and other associated laws. In addition, FHWA’s responsibility for administering the FAHP has been clearly outlined in the following legislation: the *Intermodal Surface Transportation Efficiency Act* (ISTEA) of 1991; the *Transportation Equity Act for the 21st Century* (TEA-21) of 1998; and, the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) of 2005. These laws allow States to assume certain delegated responsibilities for FHWA in certain *National Environmental Policy Act* approvals and in the design, construction, award and inspection of certain Federal-aid projects.

The FHWA, the West Virginia Department of Transportation (WVDOT) and/or other highway program funds recipients have jointly administered the FAHP with a strong sense of partnership for many years. These parties have been tasked with jointly carrying out the FAHP efficiently and effectively to help accomplish national and mutual or local goals—to maintain a national highway network, improve its operation and safety, and provide for national security while protecting and improving the environment. Stewardship efforts include oversight and approval actions, as well as many day-to-day actions that are routinely performed by either or both of the parties to ensure that the FAHP is administered in regulatory compliance and in ways that enhance the value of the program funds authorized by Congress. The Stewardship/Oversight Agreement formalizes these delegated responsibilities and agreements to address how the FAHP will be administered in West Virginia.

Initially, when Stewardship Agreements were first introduced and developed several years ago in response to ISTEA provisions, the documents that were produced principally addressed how the WVDOT and FHWA Division Office would handle the delegated authorities for certain project actions. Since that time, and with the passage of SAFETEA-LU, the overall program has evolved requiring a more comprehensive Agreement that covers all aspects of the FAHP. This new Agreement provides a road

map to effectively and efficiently execute the Federal-aid program relating to programs/project delivery to include financial integrity.

PURPOSE

Section 106 of Title 23, United States Code, requires that the FHWA and the State enter into an agreement documenting the extent to which the State assumes the responsibilities of FHWA under Title 23. This Agreement formalizes these delegated responsibilities and agreements and provides a written document setting forth standards and procedures adopted by the WVDOT and the FHWA. This document will be used for the planning, design, construction, operations, maintenance, and administration of Federal-aid projects as well as programs and systems which meet the requirements of SAFETEA-LU.

The purpose of this Stewardship Agreement is also intended to provide an approach consistent with the May 8, 2006 guidance issued by FHWA headquarters for developing future Agreements with State DOTs throughout the country. It requires a risk-based approach where FHWA and the WVDOT agree on how the FAHP will be administered in the State, with specific actions to be taken by one or both parties. This Agreement outlines the basic stewardship concepts and approaches as well as mandatory specific procedures. It also addresses the delegation of certain project actions to the State with specified exceptions for special interest projects. Notwithstanding the Agreement, FHWA retains overall responsibility for all aspects of Federal-aid programs and this Agreement does not preclude FHWA's access to and review of a Federal-aid project at any time and does not replace the provisions of *Title 23, USC*.

On the broader program level, FHWA will continue to provide stewardship and oversight of the FAHP through a rigorous risk management process, programmatic monitoring, and through general actions and concurrences in its day-to-day activities, including improvements to program procedures, training, technical assistance, sampling and testing of program/project data, and development and deployment of new technologies, as well as routine program/project involvement and approvals. Each of these activities contributes to the intent that the FAHP operates with integrity and for the public's maximum benefit. The FHWA and, by extension the WVDOT (including sub-recipients), are responsible for the effective and efficient use of Federal funds.

The Agreement is signed by both the WVDOT and FHWA Division Office to signify it as a Memorandum of Agreement regarding how the FAHP will be administered in the State including any programs conducted jointly with the Federal Transit Administration (FTA). The West Virginia Parkways Authority (West Virginia Turnpike) is a division of the WVDOT. The West Virginia Turnpike is on the Interstate System and is a part of the approved NHS, therefore, references in this Agreement to NHS requirements apply to the Turnpike.

STATE AND DIVISION ROLES AND RESPONSIBILITIES

The FHWA and the WVDOH are implementing the project approval and oversight provisions in SAFETEA-LU and Section 106 of Title 23. This Agreement highlights the revised operating procedures resulting from implementation of SAFETEA-LU and describes the stewardship and oversight responsibilities, including those that are delegated to the WVDOH, along with those that are retained by FHWA.

The Agreement references a list of the actions and procedures that are required or needed to administer the FAHP. These specific actions are broken out by functional area under the section of this Agreement titled “Delegated Program and Project Responsibilities”.

Through the implementation of the program efficiencies provided for in SAFETEA-LU and Section 106 of Title 23, FHWA and WVDOH have agreed, in general, that WVDOH will assume FHWA’s former responsibility for project level review and oversight for all Federal-aid projects with the exception of those new and reconstruction projects of \$1 million or greater on the Interstate System, all new construction projects on the Appalachian Development Highway System, and those new and reconstruction projects of \$15 million or greater on the remainder of the NHS, although the FHWA and the WVDOH Commissioner of Highways may agree at any time that select other NHS or non-NHS high priority corridors or portions thereof will retain full FHWA oversight (See Table below).

The provisions of the Agreement do not modify the FHWA’s non-*Title 23* program oversight and project approval responsibilities for activities such as required under the *Clean Air Act*; the *National Environmental Policy Act of 1969 (NEPA)* and other related environmental laws and statutes; the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*; and the *Civil Rights Act of 1964* and related statutes, unless expressly permitted by SAFETEA-LU Section 6004 and 6005. Also, under *Title 23*, planning functions cannot be delegated.

FHWA Federal-aid Project Oversight Responsibilities West Virginia

System	Full FHWA Oversight	Delegated (Exempt)	Standards
Interstate System: New/Reconstruction ≥ \$1 million New/Reconstruction < \$1 million 3R & Other*	√	√ √	Meet or Exceed AASHTO Meet or Exceed AASHTO Meet or Exceed AASHTO
Appalachian Development Highway System: All New Construction Reconstruction 3R & Other	√	√ √	Meet or Exceed AASHTO Meet or Exceed AASHTO FHWA Approved Standards
Other National Highway System (NHS): New/Reconstruction ≥ \$15 million All Other Projects*	√	√	Meet or Exceed AASHTO Meet or Exceed AASHTO Except 3R & Other may be FHWA Approved Standards
Non-NHS: All Projects*		√	State Standards

*Note: FHWA and WVDOH Commissioner of Highways may agree at any time that select other NHS or non-NHS high priority corridors or portions thereof will retain full FHWA oversight (e.g. Fairmont Connector, New River Parkway, section of WV 9). Refer to approved control documents for definitions of 3R and Reconstruction.

METHODS OF OVERSIGHT

FHWA will utilize various approaches to accomplish oversight activities. Continuous Process Improvement Study (CPIS) reviews, process reviews, sampling/testing of program and/or project compliance, project-by-project involvement, telephone contacts, participation in meetings, participation on task forces and committees, and similar types of activities will be used. CPISs will be the primary method of program oversight.

The following techniques may be used to provide stewardship and oversight to the FAHP:

Program Assessments – This technique may take many forms including joint risk assessments, self-assessments and program assessments. All of these tools are based on the common concepts of identifying strengths, weaknesses and opportunities and the identification and sharing of “best” practices to continually improve the program.

Program Reviews – These reviews are a thorough analysis of key program components and the processes employed by the WVDOT in managing the program. The reviews are conducted to 1) ensure compliance with Federal requirements; 2) identify opportunities for greater efficiencies and improvements to the program; and/or 3) identify exemplary practices. They can be referred to, or known as, program improvement reviews, program assessments, program accountability and results reviews, process reviews, program/product evaluations, or continuous process improvement studies (CPIS).

Program Management – This includes the daily stewardship of Federal-aid programs, including project and program oversight and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value in the course of routine program approval actions, participating on joint task forces, joint committees and joint quality improvement teams, and aiding and assisting the State and other transportation stakeholders in answering questions on program issues.

In monitoring the program, various techniques can be used to help determine which reviews are to be conducted including risk assessments, and pre-determined schedules for regular reviews of specific programs or components. The incorporation of the Division Office Financial Integrity Review and Evaluation (FIRE) Program may also be used as a means to assess the financial aspects of programs and projects.

The FHWA, WVDOT, or both may initiate process and program evaluations of the FAHP. All evaluations are intended to evaluate procedures and policies used in delivering the FAHP, along with identifying deficiencies and opportunities for improvement. FHWA will employ a risk management framework in consultation with the WVDOT to evaluate program areas to balance risk with consideration of staffing resources, funding within FAHP and highway needs within the State. The WVDOT may work collaboratively with FHWA to identify risks and make practical resources available to address FHWA's risk assessment findings.

CPIS reviews will be accomplished using a team approach. WVDOT will be fully involved with selecting review areas, developing review guidelines, conducting the actual reviews, and resolving issues resulting from the reviews. Within the FHWA, those individuals having direct or collateral responsibilities associated with the particular review areas will generally be assigned as the team leaders. FHWA Resource Center personnel will be made aware of the process review areas and will be offered an opportunity to participate.

A CPIS report will be prepared for each review and the agreed upon resolution of all findings or recommendations will be documented. The report will also identify best practices both nationwide and as implemented in West Virginia. An electronic copy of the final report will be submitted to the Resource Center for inclusion in the Resource Center Process and Program Review Library.

FHWA Team Leaders will have the responsibility to follow-up to ensure that review findings are satisfactorily resolved. When necessary, the status of resolution of findings will be discussed in monthly meetings held with the DOH Deputy State Highway Engineers. FHWA Team Leaders will maintain an updated status of all reviews performed by them and/or their Team Members and implementation actions will be documented in a "CPIS Status Report." A copy of this Status Report will be provided to the applicable DOH managers on a bimonthly basis until all findings are satisfactorily resolved.

CONTROL DOCUMENTS/STANDARDS

In assuming certain program/project-level responsibilities under 23 USC 106 and SAFETEA-LU , the WVDOT agrees to comply with FHWA-approved standards in accordance with 23 CFR 625.4, 655.603 and related federal regulations and policies. The FHWA Division Office shall approve or accept WVDOT policies or standards that expand on, amplify, or amend these standards. See below for a specific list of control documents for WV. Reference these control documents for definitions not included elsewhere in this Agreement.

State Manuals approved or accepted by FHWA for use on Federal-aid projects:

Design Directives
Value Engineering Manual
Standard Details Book, Volumes 1, 2, and 3
Bridge Design Manual
Erosion and Sediment Control Manual
Drainage Manual
Consultant Services Manual
Traffic Engineering Directives
Sign Fabrication Details Manual
LOGO - TODS/LOGO Signing Programs Manual
Right of Way Manual
Accommodation of Utilities on Highway Right of Way & Adjustment and Relocation of
Utility Facilities Manual
Manual on Rules and Regulations for Constructing Driveways on State Highway Rights
of Way
Materials Procedures
Contract Award Manual
Construction Manual
Traffic Control for Street and Highway Construction and Maintenance Operations
Supplemental and Standard Specifications
Disadvantaged Business Enterprise (DBE) Plan
Title VI Plan
Affirmative Action Plan

Operating Agreements:

NEPA/404
Programmatic CE's
Endangered Species Act Section 7
Endangered Species Act Informal Consultation
Environmental Programmatic Agreements for 4(f) and 106

PERFORMANCE/COMPLIANCE INDICATORS

This section of the Agreement identifies performance/compliance indicators that will be an integral part of the joint Federal/State stewardship/oversight business plan. The FHWA has worked jointly with the WVDOT to develop a broad set of performance/compliance indicators that both parties will use to gauge the health (effectiveness) of the delegated responsibility for the FAHP. These indicators should be used to track performance trends and to implement countermeasures/actions when the

data is not moving in the desired target direction. For example, countermeasures may include raising the attention level of the issue, instituting additional data and trend analysis, developing new processes or procedures, initiating additional targeted oversight activities, or implementing additional program review activities.

The WVDOT will generally provide the performance/compliance indicator data to the Division Office on at least a semi-annual basis (3/31 & 9/30), although some indicator data may be provided less frequently as agreed. The agreed upon performance/compliance indicators are identified in the following table:

Performance/Compliance Indicators for WV		
Program Area	Indicator	Description
Planning	STIP	% of projects (including Grouped Projects) listed in the Statewide Transportation Improvement Program (STIP) advanced.
Environment	Delayed Projects	Number of Projects (EIS & EA only) of significance to the WVDOH being delayed.
Right-of-Way	Clear R/W Certifications	% of Federal-aid construction projects with clear R/W certifications at time of construction authorization.
Design & Construction	Project Cost Growth	For all Federal-aid construction projects > \$1 million closed during the FY, calculate the aggregate percent of project cost change by subtracting the project cost at time of letting (low bid amount) from the project contract cost at the time of final project closeout and dividing that number by the project low bid amount.
	Construction Time	% of Federal-aid construction projects with work completed by contract completion date.
Safety & Operations	Roadway Departure Fatality Rate	Roadway departure fatalities per 100 million vehicle miles traveled.
	Highway Fatalities	# of highway related fatalities.
System Preservation	3R Projects	% of IM Federal-aid Program dollars authorized for 3R projects on the Interstate.
Finance	Inactive Obligations	% of obligated but unexpended balance for all inactive projects compared to total annual apportionments.
Civil Rights	DBE Goal	% DBE goal met for all completed Federal-aid construction projects.
Stewardship/Oversight	CPIS Recommendations	# of CPIS recommendations agreed upon with implementation pending.

DELEGATED PROGRAM AND PROJECT RESPONSIBILITIES

The method for selecting “full” oversight versus exempt “delegated” projects is discussed in the *State and Division Roles and Responsibilities* section of the Agreement. FHWA retains authority for the following actions on full oversight projects in addition to those noted under Division Office Responsibilities:

- a. Plan, Specifications & Estimates Approval
- b. Approval Of Design Exceptions
- c. Contract Concurrence In Award
- d. Contract Change Order Approval
- e. Approval Of Contract Claims Settlement
- f. Final Inspection
- g. Project Acceptance
- h. Consultant Agreement Approval

On delegated projects, FHWA delegates to the WVDOT project approvals. These delegations are generally governed by the type of work, route designation (Interstate, ADHS, NHS, and non-NHS), and cost. Delegations are not governed by the category of Federal funds used.

Projects for which defined approval authority is delegated to the WVDOT are not subject to further approvals by FHWA, unless it is jointly agreed with the WVDOT that FHWA should be involved. However, nothing prevents FHWA from reviewing any projects that have unique features; high-risk elements; unusual circumstances; or if the project is included in a program or CPIS review.

FHWA and WVDOT agree to work cooperatively as necessary to develop ad hoc arrangements to address responsibilities for new or evolving areas such as design-build, Public Private Partnership (PPP) agreements, and GARVEE projects.

WVDOT Responsibilities

For all delegated projects or programs, the WVDOT shall comply with *Title 23* and certain non-*Title 23*, USC Federal-aid program requirements, such as metropolitan and statewide planning, environment, procurement of engineering and design related service contracts, Title VI of the *Civil Rights Act*, participation by disadvantaged business enterprises, prevailing wage rates, and acquisition of right-of-way, etc.

For all delegated projects or programs, the WVDOT shall assure that right-of-way approval; utility approval; environmental approvals; railroad approval and related activities; consultant agreement approval; design approval; design exceptions (NHS); PS&E approval; concurrence in award; and construction-related activities are performed in accordance with State policies, practices and standards, and in accordance with all

requirements of *Title 23*, USC. WVDOT will ensure adequate documentation is available to document such compliance.

For delegated projects or programs that are developed and administered by local agencies, the WVDOT shall provide the necessary review and approval to assure compliance with Federal requirements. The WVDOT will be responsible for determining that sub-recipients of Federal funds have adequate staffing, project delivery systems, and sufficient accounting control. The WVDOT is ultimately accountable to FHWA for ensuring compliance with Federal-aid requirements on such projects.

Division Office Responsibilities

For projects or programs delegated to the WVDOT, per above, FHWA retains authority for the following actions and approvals:

- a. All Federal responsibilities for planning and programming oversight specified in 23 USC 134 and 135.
- b. Federal air quality conformity determinations required by the *Clean Air Act*.
- c. Obligation of funds.
- d. Waivers to Buy America requirements (FHWA Washington Headquarters (HQ) approval required as noted in Mr. Horne's July 3, 2003 memorandum).
- e. SEP-14/SEP-15 methods (FHWA HQ approval required for experimental contracting/project delivery methods).
- f. Civil Rights program approvals.
- g. Environmental approvals except those specifically delegated under Sections 6004 and 6005 of SAFETEA-LU.
- h. Addition of access points on the Interstate System.
- i. Use of Interstate airspace for non-highway-related purposes.
- j. Hardship acquisition and protective buying.
- k. Modifications to project agreements.
- l. Final vouchers.

Summary of Responsibilities by Program Area

The table below summarizes State versus Federal responsibilities for full oversight and delegated projects for each of the following program areas:

- a. Planning & Environment
- b. Right-of-Way (ROW)
- c. Safety & Operations
- d. System Preservation
- e. Design and Construction
- f. Finance
- g. Civil Rights

PROJECT AND PROGRAM ACTION RESPONSIBILITY

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
ENVIRONMENT			
Programmatic Categorical Exclusions	WVDOT	WVDOT	WVDOT
Categorical Exclusions	FHWA	FHWA	FHWA
Programmatic 4(f) Evaluations	FHWA	FHWA	FHWA
Draft & Final Individual 4(f) Evaluations	FHWA	FHWA	FHWA
Environmental Assessments	FHWA	FHWA	FHWA
Findings of No Significant Impact (FONSI)	FHWA	FHWA	FHWA
Draft Environmental Impact Statements (DEIS)	FHWA	FHWA	FHWA
Final Environmental Impact Statements (FEIS)	FHWA	FHWA	FHWA
Record of Decision (ROD)	FHWA	FHWA	FHWA
FINANCIAL MANAGEMENT			
Obligate funds	FHWA	FHWA	FHWA
Approve vouchers	FHWA	FHWA	FHWA
Approve Federal-aid Project Agreement Modifications	FHWA	FHWA	FHWA
SAFETY & OPERATIONS			
ITS Projects and ITS Elements (Architecture compliance and Systems Engineering Analysis)	FHWA	FHWA	WVDOT
Development of Highway Safety Improvement Program (HSIP)	WVDOT	WVDOT	WVDOT
Submission of annual 5% report – due August 31	WVDOT	WVDOT	WVDOT
Determination whether state qualifies for 10% flex authority – annually	FHWA	FHWA	FHWA
Development & Updating (as necessary) Strategic Highway Safety Plan (SHSP)	WVDOT	WVDOT	WVDOT
Development of implementation plan for all strategic or focus areas in SHSP	WVDOT	WVDOT	WVDOT
Approved agreement on implementation of safety measures on 3R and preventative maintenance projects	FHWA	FHWA	N/A
Submission of “split” letters on NHTSA transfer funds	WVDOT	WVDOT	WVDOT
Periodic review of safety standards and details	FHWA	FHWA	WVDOT
Maintain a traffic records coordinating committee (TRCC)	WVDOT	WVDOT	WVDOT
SYSTEM PRESERVATION			
National Bridge Inspection Standards compliance (23 CFR 650)	WVDOT	WVDOT	WVDOT

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
Maintenance of Federal-aid highway projects (23 CFR 1.27)	WVDOT	WVDOT	WVDOT
PRELIMINARY DESIGN			
Value Engineering Reviews	WVDOT	WVDOT	WVDOT
Consultant Selection	WVDOT	WVDOT	WVDOT
Consultant Contract Approval (23 CFR 172.9)	FHWA	WVDOT	WVDOT
Approve exceptions to design standards [23 CFR 625.3(f)]	FHWA	WVDOT ^(1,2)	WVDOT
Interstate System Access Change	FHWA	FHWA	NA
Corridor/Design Study Report [DD-202]	WVDOT	WVDOT	WVDOT
Public interest finding with respect to airport-highway clearance (23 CFR 620.104)	FHWA	WVDOT	NA
Preliminary Field Review/Span Arrangement [DD-202]	FHWA	WVDOT	WVDOT
Slope Review [DD-202]	FHWA	WVDOT	WVDOT
DETAILED/FINAL DESIGN			
Approve preliminary plans for major and unusual structures [23 USC 109(a)]	FHWA	WVDOT ⁽²⁾	WVDOT
Approve use of publicly owned equipment (23 CFR 635.106)	FHWA	WVDOT	WVDOT
Approve the use of proprietary products, processes (23 CFR 635.411)	FHWA	WVDOT	WVDOT
Concur in use of publicly furnished materials (23 CFR 635.407)	FHWA	WVDOT	WVDOT
Combined Type, Size, and Location Review [DD-202]	FHWA	WVDOT	WVDOT
Final Field Review [DD-202]	FHWA	WVDOT	WVDOT
Final Office Review [DD-202]	FHWA	WVDOT	WVDOT
Bridge Rating Submission	WVDOT	WVDOT	WVDOT
Final Detail Bridge Plan Review [DD-202]	FHWA	WVDOT	WVDOT
PS&E AND ADVERTISING			
Approve plans, specifications and estimates (23 CFR 630.205)	FHWA	WVDOT	WVDOT
Authorize advance construction and conversions (23 CFR 630.703 & 709)	FHWA	FHWA	FHWA

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
Authorize utility or railroad force account work (23 CFR 645.113 & 646.216)	FHWA	FHWA	FHWA
Approve utility and railroad agreements (23 CFR 645.113 & 646.216)	WVDOT	WVDOT	WVDOT
Approve use of consultants by utility companies [23 CFR 645.109(b)]	FHWA	WVDOT	WVDOT
Approve exceptions to maximum railroad protective insurance limits (23 CFR 646.111)	FHWA	WVDOT	WVDOT
Exempt bridge from Coast Guard permit requirements (23 CFR 650.805)	FHWA	FHWA	FHWA
Authorize advertising for bids (23 CFR 635.112)	FHWA	FHWA	FHWA
Approve hiring of consultant to serve in a "management" role [23 CFR 172.9(d)]	FHWA	WVDOT	WVDOT
Verify project in STIP	FHWA	WVDOT	WVDOT
Verify eligibility for proposed funding category	FHWA	WVDOT	WVDOT
PLANNING			
Statewide Planning & Research (SPR) Work Program & Revisions (23 CFR 420.115(a))	FHWA	FHWA	FHWA
Public Participation Plan (23 CFR 450.210)	WVDOT	WVDOT	WVDOT
Non-Metropolitan Local Officials Participation Plan (23 CFR 450.210)	WVDOT	WVDOT	WVDOT
Statewide Long Range Transportation Plan (23 CFR 450.214)	WVDOT	WVDOT	WVDOT
State/MPO Self Certification on Planning Process (23 CFR 450.218)	WVDOT	WVDOT	WVDOT
Statewide Transportation Improvement Program (STIP) (23 CFR 450.216 & 218)	FHWA/FTA	FHWA/FTA	FHWA/FTA
STIP Revisions & Amendments (23 CFR 450.218)	FHWA/FTA	FHWA/FTA	FHWA/FTA
Federal Finding on STIP (23 CFR 450.218 (b))	FHWA/FTA	FHWA/FTA	FHWA/FTA
Highway Performance Monitoring System (HPMS) Data Submittal	WVDOT	WVDOT	WVDOT
Certified Public Road Mileage (23 CFR 460.3 (b)) *Division Office Submits to Washington Office with Review/Concurrence	WVDOT	WVDOT	WVDOT
Congestion Mitigation Air Quality (CMAQ) Program Annual Report (July 13, 1995 CMAQ Guidelines) *(Division Office Submits to Washington Office with Review/Concurrence)	WVDOT	WVDOT	WVDOT
Interstate System Actions (23 CFR 470.111 & 115)	FHWA	N/A	N/A

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
NHS & NHS Intermodal Connector Actions (23 CFR 470.113 &115)	FHWA	N/A	N/A
Functional Classification (23 CFR 470.105(b) &115))	FHWA	FHWA	FHWA
RIGHT-OF-WAY			
Review/Comment & Approve WVDOT Right of Way Manual & Updates	FHWA	FHWA	WVDOT
Authorize Right-of-Way activities (23 CFR 712.204) (If a Federal-aid project)	FHWA	FHWA	FHWA
Review/Comment RW 1 & 2 Plans	FHWA	WVDOT	WVDOT
Review/Comment & Concur RW 3 Plans	FHWA	WVDOT	WVDOT
Review & Approve Appraisals	WVDOT	WVDOT	WVDOT
Review for Oversight – Appraisals > \$250,000	FHWA	WVDOT	WVDOT
Review & Approve Relocation Housing Payments (RHP)	WVDOT	WVDOT	WVDOT
Review for Oversight – RHPs > \$60,000	FHWA	WVDOT	WVDOT
Review/Comment & Concur – Administrative Settlements	FHWA	WVDOT	WVDOT
Review/Comment & Concur – Legal Settlements	FHWA	WVDOT	WVDOT
Review/Comment & Concur – Court Awards	FHWA	WVDOT	WVDOT
Accept Right-of-Way certificate as a condition of PS&E approval [23 CFR 635.309(b)(c)]	FHWA	WVDOT	WVDOT
Approve Hardship and Protective Buying [23 CFR 712.204(d)] (If Federal-aid project)	FHWA	FHWA	FHWA
Approve air space agreements [23 CFR 713.204]	FHWA	FHWA	NA ⁽³⁾
Approve non-highway use and occupancy [23 CFR 713.203B]	FHWA	FHWA	NA ⁽³⁾
Approve disposal of federally funded right-of-way [23 CFR 713.305]	FHWA	FHWA	NA ⁽³⁾
Federal Land Transfers – Plan Development, Abstracting, Appraisal, Deed Preparation, etc.	WVDOT	WVDOT	WVDOT
Federal Land Transfers – Coordination, Submissions of Documentation, Field Work, etc.	FHWA/WVDOT	FHWA/WVDOT	FHWA/WVDOT
Federal Land Transfers – Execution of Deed	FHWA	FHWA	FHWA
CONSTRUCTION			

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
Approve cost effectiveness and emergency determinations for contracts awarded by other than competitive bidding (23 CFR 635.104 & 204)	FHWA	WVDOT	WVDOT
Approve construction engineering by local agency (23 CFR 635.105)	WVDOT	WVDOT	WVDOT
Approve advertising period less than three weeks (23 CFR 635.112)	FHWA	WVDOT	WVDOT
Approve addenda during advertising period (23 CFR 635.112)	FHWA	WVDOT	WVDOT
Concur in award of contract (23 CFR 635.114)	FHWA	WVDOT	WVDOT
Concur in rejection of all bids (23 CFR 635.114)	FHWA	WVDOT	WVDOT
Approve changes and extra work (23 CFR 635.120)	FHWA	WVDOT	WVDOT
Approve written procedures for contract time extensions (23 CFR 635.121)	FHWA	FHWA	WVDOT
Approve contract time extensions (23 CFR 635.121)	WVDOT	WVDOT	WVDOT
Concur in contract time extensions (23 CFR 635.121)	FHWA	WVDOT	WVDOT
Concur in use of mandatory borrow/disposal sites (23 CFR 635.407)	FHWA	WVDOT	WVDOT
Accept materials certification (23 CFR 637.207)	FHWA	WVDOT	WVDOT
Concur in settlement of contract claims (23 CFR 635.124)	WVDOT	WVDOT	WVDOT
Concur in termination of contracts (23 CFR 635.125)	FHWA	WVDOT	WVDOT
Approve liquidated damages rates (23 CFR 635.127)	FHWA	FHWA	WVDOT
Waive Buy America provisions (23 CFR 635.410)	FHWA	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a) and 23 USC 121]	FHWA	WVDOT	WVDOT
CIVIL RIGHTS			
Title VI Plan Accomplishments and next year's goal [23 CFR 200.9] – Due annually by October 1	FHWA	FHWA	FHWA
Title VI Plan Update [23 CFR 200.9] – Due as needed	FHWA	FHWA	FHWA
State internal EEO affirmative action plan [Title VII] accomplishments and goals [23 CFR 230.311] – Due annually by October 1	FHWA	FHWA	FHWA
State internal EEO [Title VII] plan update [23 CFR 230.311] – Due annually by October 1	FHWA	FHWA	FHWA
EEO Contract Compliance review reports form FHWA	FHWA	FHWA	FHWA

APPROVAL ACTION	AGENCY RESPONSIBLE		
	NHS PROJECTS (Oversight by FHWA)	NHS PROJECTS (Delegated Projects)	Non-NHS PROJECTS
86 [23 CFR 230.409, 230.413] – Due as completed by WVDOH			
State Employment Practices [EEO-4] [23 CFR 311] – Due annually by August 1	FHWA	FHWA	FHWA
DBE Awards & Commitments Form [Form DOT 46300] [49 CFR 23 Subpart C] – Due annually by December 1	FHWA	FHWA	FHWA
DBE Program Revisions [49 CFR 26.21(b)] – Due as needed	FHWA	FHWA	FHWA
Supportive Services Requests [23 CFR 230.11] – As requested by WVDOH	FHWA	FHWA	FHWA
Annual Contractor Employment Report [Form PR 1392] [23 CFR 230.121 (a)] – Due annually by September 25	FHWA	FHWA	FHWA
Report on supportive services [OJT & DBE] [23 CFR 230.111 and 230.113] – Due quarterly	FHWA	FHWA	FHWA
OJT goals & accomplishments [23 CFR 230.111(b)] – Due annually by January 30	FHWA	FHWA	FHWA
Historically Black Colleges & Universities Report – Due annually by November 15	FHWA	FHWA	FHWA
Americans with Disability Act (ADA) complaint review – as requested by HQ	FHWA	FHWA	FHWA
Footnotes:			
(1) Informational copy to FHWA (record keeping and reporting).			
(2) Exceptions for vertical clearance are subject to coordination with the Military Traffic Management Command for the "26,000 mile priority network" (mainly; the Interstate). Coordination may be accomplished through the FHWA.			
(3) Approvals, if any, will be those required by State laws, regulations, policies, and procedures. However, this does not relieve the WVDOH from responsibility for these areas, nor from compliance with non-Title 23 Federal requirements, which may remain applicable.			