

# Federal-Aid Project Oversight Agreement

## Background and Purpose

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

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

## Project Oversight Responsibilities

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

**Non-Interstate National Highway System Projects** – MoDOT assumes oversight responsibility for all non-interstate National Highway System projects, regardless of the federal funding source. However, this does not include major bridge or intelligent transportation system projects that will continue to receive full oversight and approval by the Federal Highway Administration. In addition, the Federal Highway Administration will be given the opportunity to participate on MoDOT project management teams to insure that timely input and technical assistance are provided to achieve quality project development.

**Non-National Highway System Projects** - MoDOT assumes oversight responsibility for all non-National Highway System projects, regardless of project cost, type of work, size, or federal funding source. This oversight responsibility includes federal-aid projects awarded for construction and administered under a local public agency agreement. This oversight responsibility is a continuation of the principles included in the Missouri 1993 Stewardship Agreement and as allowed by Section 106(c)(4) of Title 23 U.S.C. as amended by TEA-21.

## **Identification of Full-Oversight Projects**

MoDOT and the Federal Highway Administration will conduct an annual review of the MoDOT Statewide Transportation Improvement Program to identify the projects that will be administered as full-oversight projects by the Federal Highway Administration.

## **Obligation of Funds**

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

## **Other Oversight Agreement Provisions**

This agreement is made with the following understandings.

- MoDOT will administer all projects previously authorized prior to the effective date of this agreement under Certification Acceptance as though the projects were authorized under the provisions of this agreement.
- All non-Title 23 U.S.C. requirements will continue to be subject to the Federal Highway Administration project review, oversight, and approval.
- All projects on the National Highway System (interstate and non-interstate) will conform to MoDOT adopted design and construction standards as approved by the Federal Highway Administration. Amendments or revisions to these standards are subject to the Federal Highway Administration's review and approval.
- All non-National Highway System projects shall be designed, constructed, operated and maintained in accordance with state laws; regulations; directives; and safety, design and construction standards.
- Federal Highway Administration will complete a final inspection and final acceptance on the Federal Highway Administration full-oversight projects. MoDOT assumes this responsibility for all other projects. MoDOT will take action to close projects in a timely manner.
- This agreement does not preclude the Federal Highway Administration from observing a federal-aid highway project under MoDOT responsibility, including those under a local public agency agreement, should the project contain unique features, if unusual circumstances arise, or should such projects be party to inclusion in joint agency MoDOT Quality Assurance Reviews or Federal Highway Administration Process Review and Evaluations.

- Federal Highway Administration and MoDOT enter into this agreement to conduct project oversight activities in accordance with the above stipulated agreement provisions. The effectiveness of these oversight responsibilities will be evaluated periodically and adjustments made upon mutual agreement.

## **Certification**

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