

<b>OFFICE OF STATE AID ROAD CONSTRUCTION</b>			S.O.P. NO. SA II-1-30
<b>STANDARD OPERATING PROCEDURES</b>			Page 1 of 3
Subject: S.O.P. ADMINISTRATION OF FEDERAL AID PROJECTS			Distribution A, B, C, D, E
EFFECTIVE  July 1, 2005	ISSUED  July 1, 2005	SUPERSEDES Page 1 of 3  S.O.P. NO. SA II-1-30  EFFECTIVE: July 1, 1999	APPROVED  J. Brooks Miller, Sr.  STATE AID ENGINEER

**PURPOSE:** To establish guidelines and procedures for the administration of projects utilizing Federal Aid Funds. These guidelines are based on the MDOT EXEMPTION FROM FHWA OVERSIGHT IMPLEMENTATION PLAN and 23 USC 106(b) as amended by the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the 21<sup>st</sup> Century of 1998.

1. **GENERAL:**

The administration of projects utilizing Federal Funds will generally fall under two categories, as described below.

2. **NON-EXEMPT PROJECTS:**

- 2.1. FHWA full oversight and involvement is required during all phases of non-exempt projects as outlined in the Exemption Plan.
- 2.2. Federal Highway Administration involvement in non-exempt projects will generally include:
  - 2.2.1. Participation in location team reviews.
  - 2.2.2. Approval of environmental documents and participation in public hearings.
  - 2.2.3. Participation in preliminary plan reviews and plans-in-hand field inspection.
  - 2.2.4. Approval of right-of-way plans.
  - 2.2.5. Participate in conferences relating to design, construction and administrative procedures.
  - 2.2.6. Participate in review of the PS&E Assembly.
  - 2.2.7. Authorize and approve project agreements for engineering, right-of-way and construction.
  - 2.2.8. Approve the completed PS&E assembly.
  - 2.2.9. Concur in the award of the contract or rejection of bids.
  - 2.2.10. Monitor construction progress.
  - 2.2.11. Participate in the final inspection of the completed project.

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2.2.12. Grant FHWA's final acceptance of the project.

2.2.13. Approve the final payment voucher.

3. **EXEMPT PROJECT:**

3.1. Projects on Non-NHS routes are exempt from full oversight by the FHWA.

3.2. The following procedures apply in the administration of exempt projects.

3.2.1. Plans are developed using State Aid policies and standards. The State Aid standards must be acceptable under 23 USC 109.

3.2.2. FHWA approval of environmental documents is required (See SOP Nos. SA II-2-13, SA II-2-15 and SA II-2-16).

3.2.3. Right-of-way certification is required (See SOP No. SA II-2-7).

3.2.4. All fiscal documentation must be furnished to FHWA for review/approval. This includes:

3.2.4.1. Project Agreements.

3.2.4.2. Final payment voucher.

3.2.5. FHWA will not generally be involved in:

3.2.5.1. Design Monitoring

3.2.5.2. PS&E Approval

3.2.5.3. Award of Contract

3.2.5.4. Construction Monitoring

3.2.5.5. Final Inspection

3.2.5.6. Final Acceptance

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4. **ENVIRONMENTAL, RIGHT-OF-WAY, CIVIL RIGHTS AND DAVIS-BACON ACT:**

- 4.1. FHWA exemption applies only to functions that fall under Title 23. Right-of-way, Environmental, Civil Rights and the Davis-Bacon Act do not fall under Title 23, therefore, FHWA will remain fully involved, except as amended herein.
- 4.1.1. The procedures described in SOP Nos. SA II-2-13, SA II-2-15, and SA II-2-16 are applicable to all projects utilizing federal funds.
- 4.1.2. Guidelines for the acquisition of right-of-way is stated in SOP No. SA II-2-7. For exempted projects detailed certification is not required but certification that rights-of-way acquisition is in compliance with 49 CFR Part 24 is required.
- 4.1.3. Compliance with Title VI of the 1964 Civil Rights Act is required on all projects utilizing federal funds. Procedures for compliance are stated in SOP No. SA II-2-12.
- 4.1.4. SOP No. SA II-2-10 states the procedures for complying with the provision of the Davis-Bacon Act. Compliance is required on all projects utilizing federal aid funds.