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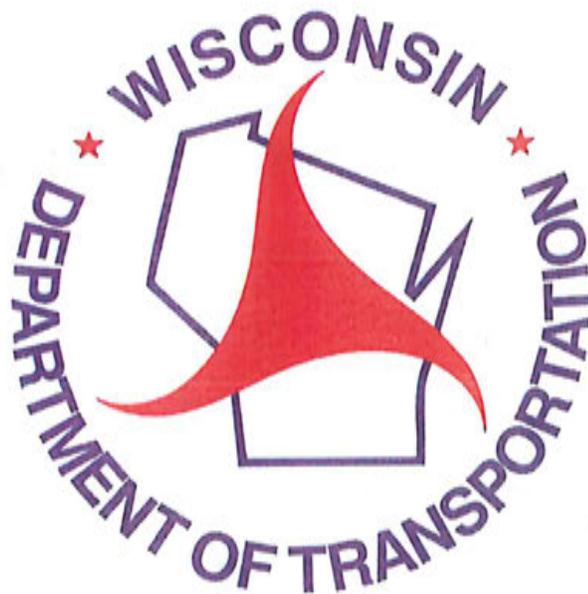
FHWA
WISCONSIN DIVISION

**Federal Highway Administration
and
Wisconsin Department of Transportation
Stewardship & Oversight Agreement**



U.S. Department
of Transportation

**Federal Highway
Administration**



May 2015

EXECUTION BY THE FHWA WISCONSIN DIVISION OFFICE

Executed this 26 day of MAY, 2015.



Signature

George R. Poirier, P.E.
Wisconsin Division Administrator

EXECUTION BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION

Executed this 27 day of May, 2015.



Signature

Mark Gottlieb, P.E.
WisDOT Secretary of Transportation

ACTION	AGENCY RESPONSIBLE (Excluding PoDIs, which are subject to separate PoDI plans)	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve use of local force account agreements [23 CFR 635.104 & 204]	WisDOT	WisDOT
Approve use of publicly owned equipment [23 CFR 635.106]	WisDOT	WisDOT
Approve the use of proprietary products & processes [23 CFR 635.411]	WisDOT	WisDOT
Concur in use of publicly furnished materials [23 CFR 635.407]	WisDOT	WisDOT
RIGHT-OF-WAY (Design and Operational Phases)		
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	WisDOT	WisDOT
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)(3)]	FHWA for Interstate WisDOT for Non-Interstate	WisDOT
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	WisDOT	WisDOT
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA

ACTION	AGENCY RESPONSIBLE (Excluding PoDIs, which are subject to separate PoDI plans)	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by WisDOT)	FHWA	N/A
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate WisDOT for Non-Interstate (3)	WisDOT (3)
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA
Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and WisDOT to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA for Interstate WisDOT for Non-Interstate (3)	WisDOT (3)
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA

ACTION	AGENCY RESPONSIBLE (Excluding PoDIs, which are subject to separate PoDI plans)	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA
SYSTEM OPERATIONS AND PRESERVATION (Design Phase)		
Accept Transportation Management Plans (23 CFR 630.1012(b))	WisDOT	WisDOT
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	WisDOT	WisDOT
PS&E AND ADVERTISING (Design Phase)		
Approve PS&E [23 CFR 630.201]	WisDOT	WisDOT
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by WisDOT)	FHWA	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	WisDOT	WisDOT
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	WisDOT	WisDOT
Approve use of consultants by utility companies [23 CFR 645.109(b)]	WisDOT	WisDOT
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	WisDOT	WisDOT
Authorize (approve) advertising for bids [23 CFR 635.112, 309]	WisDOT	WisDOT
CONTRACT ADVERTISEMENT AND AWARD (Design Phase)		
All contracts to be done by competitive bidding unless otherwise authorized by law		

ACTION	AGENCY RESPONSIBLE (Excluding PoDIs, which are subject to separate PoDI plans)	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
action cannot be assumed by WisDOT)		

FOOTNOTES:

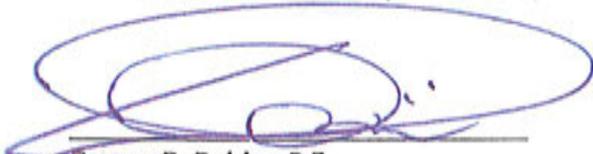
- (1) WisDOT is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.
- (2) If there is a 23 U.S.C. 326 or 325 assignment or programmatic categorical exclusion (PCE) agreement, decisions are handled in accordance with those assignments or agreements.
- (3) WisDOT's process and modifications to, or variation in process, require FHWA approval.
- (4) Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydraulic elements, or that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch, segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems).

Federal Highway Administration (FHWA) Wisconsin Division and
Wisconsin Department of Transportation (WisDOT)

Amendment to the 2011 Stewardship & Oversight
Agreement *updating*

**FHWA and WisDOT
Stewardship & Oversight of
Projects through
Implementation of a Risk-
Based Approach**

This Risk-Based Stewardship and Oversight Agreement, which amends the 2011 FHWA and WisDOT Stewardship and Oversight Agreement, outlines the FHWA Wisconsin Division Office's approach to carrying out stewardship and oversight responsibilities of the Federal-aid Highway Program effective October 1, 2013. This Risk-Based Stewardship and Oversight Agreement will be incorporated into an updated version of the full FHWA/WisDOT Stewardship and Oversight Agreement. However, until such time as that Agreement is updated, this Risk-Based Stewardship and Oversight Agreement will supersede portions of the current FHWA/WisDOT Stewardship and Oversight Agreement.



George R. Poirier, P.E.
Division Administrator
Federal Highway Administration, WI Division

Date: 005 / 2013



Daniel Grasser, P.E.
Administrator, DTSD
Wisconsin Department of Transportation

Date: 10 / 11 / 13

Projects of Corporate Interest (PoCIs)

Project	Reg.	Total Cost	Current Phase	Primary FHWA Project Lead	Project Team Lead	Comments
Zoo Interchange; Milwaukee County, Master ID 1060-33-00	SE	\$1.7 B	Final Design & Construction	Shemwell	Blankenship	Bacher-Gresock – Legal/NEPA Lead
St. Croix River Crossing; Wisconsin Approaches; St. Croix County, Master ID 1550-00-02	NW	\$0.7 B	Final Design & Construction	Garcia	Blankenship ¹	
I-94 E-W Freeway; 70 th Street to 16 th Street; Milwaukee County, Master ID 1060-27-00	SE	TBD	NEPA	Bacher-Gresock (NEPA Lead) Shemwell (Design and Maj. Proj. Mgmt. Lead)	Blankenship	

Projects of Division Interest (PoDIs)

Project	Reg.	Total Cost	Current Phase	Primary FHWA Project Lead	Project Team Lead	Comments
I-94 North-South, Milwaukee to IL SL, Milwaukee; Racine & Kenosha Counties, Master ID 1030-20-00	SE	\$1.65 B	Construction	Shemwell	Blankenship	
US 41; Brown & Winnebago Counties, Master IDs 1133-03-01 & 1120-11-01	NE	\$1.5 B	Construction	Brinkerhoff	Blankenship	
I-39/90; Madison – Illinois SL; Dane & Rock Counties, Master ID 1001-10-01	SW	\$1.0 B	Final Design & Construction	Gerbitz	Blankenship ¹	
US 10/Wis 441; County CB – Oneida; Winnebago County, Master ID 1517-07-04	NE	\$0.5 B	Final Design & Construction	Brinkerhoff	Blankenship	
US 18; Verona Rd; PD – US 12 Beltline; Madison; Dane Co., Master ID 1206-07-09 & 1206-07-03	SW	\$0.4 B	Final Design & Construction	Gerbitz (Design Lead)	Holt ¹	
Hoan Bridge; Milwaukee River – Carferry Dr; Milwaukee County, Master ID 1300-13-00	SE	\$0.3 B	Final Design & Construction	Garcia (Construction Lead) Balice	Holt ¹	
Wis 23, Fond du Lac – Plymouth; Fond du Lac & Sheboygan Counties, Master ID 1440-13-00	NE	\$0.1 B	Post-NEPA Legal Claim & Final Design	Brinkerhoff (NEPA/Legal) Garcia (Final Design and Construction Lead)	Blankenship	Bacher-Gresock – Legal Assistance
US 41 Interstate Conversion; NE, SW & SE Regions, Master ID 1113-00-00	NE, SE & SW	TBD	NEPA & Pre-Designation	Brinkerhoff	Blankenship	PoDI status only until designation approved.
Wis 15; New London - Greenville, Outagamie County, Master ID 6430-06-00	NE	\$0.1 B	Final Design	Garcia	Holt	

US 12; La...-elton - Baraboo, Sauk County, Master ID 1674-00-00	SW	\$0.2 B	Design, Construction	Chandler	Holt	Gerbitz, Assistance
US 12; Madison Beltline Study, US 14 (Middleton)-County N; Dane County, Master ID 5304-02-00	SW	TBD	Study/NEPA (PEL)	Bacher -Gresock (NEPA)	Blankenship	Gerbitz - TIA & Design Involvement
I-39/90/94 Study; Madison - Portage Section; Dane & Columbia Counties, Master ID 1010-10-00	SW	TBD	NEPA	Blankenship	Blankenship	Gerbitz (Back Up and TIA & Design Involvement)
I-43 N-S Study; Silver Spring Dr - Wis 60; Milwaukee & Ozaukee Counties, Master ID 1229-04-00	SE	\$0.5 B	NEPA	Chidister (NEPA Lead) Shemwell (Design and Maj. Proj. Mgmt. Lead)	Blankenship	
US 51 Study; Stoughton Road, Madison - Windsor; Dane County, Master ID 5410-05-00 & 5411-02-03	SW	TBD	NEPA	Gerbitz	Blankenship	Chidister - NEPA Assistance
I-90/94 Study; Portage - WI Dells Section; Columbia & Sauk Counties, Master ID 1014-10-00	SW	TBD	NEPA	Blankenship	Blankenship	Gerbitz (Back Up and TIA & Design Involvement)
I-94 Study; West Central Freeway; US 12 - Wis 65; St. Croix County, Master ID 1020-01-02	NW	TBD	NEPA	Garcia	Holt	Chidister - NEPA Assistance
Brown County Southern Arterial, Fox River Crossing, Master ID 4556-02-00	NE	TBD	NEPA	Brinkerhoff	Holt	Chidister - NEPA Assistance
West Waukesha Bypass; County TT, I-94 to Wis 59, Waukesha County, Master ID 2788-01-00	SE	TBD	NEPA	Chandler	Holt	Chidister - NEPA Assistance
US 51; Stoughton - McFarland; Dane County, Master ID 5845-06-01	SW	TBD	NEPA	Gerbitz	Holt	Chidister - NEPA Assistance
La Crosse North-South Corridor, (Coulee Connections); La Crosse County, Master ID 5991-04-01	SW	TBD	NEPA	Chandler	Holt	Bacher-Gresock & Gerbitz - NEPA Assistance
I-90 Reconstruction, MN State Line - Wis 16; La Crosse County, Master ID 1071-06-08	SW	\$59 M	Final Design / Construction	Garcia	Holt	

ATTACHMENT 2: PROJECT APPROVAL RESPONSIBILITIES LIST

Overview

The Project Responsibility List identifies the responsible agency for project-level approval actions. It is organized by columns listed as PoCI and Mega (FHWA-Major) PoDI Projects, Non-Mega PoDI Projects and Delegated Projects. Within each column, activities are listed and the appropriate Approval Authority (FHWA or WisDOT) is identified. FHWA will maintain approval authority for activities that cannot be delegated and activities that have been identified as higher risk through the Division’s Risk Assessment and Management Process. Note that some of the PoCI and Mega PoDI Project approval actions will be determined on a project-by-project basis, as documented in individual Mega Project Agreements. For Non-Mega PoDIs, FHWA will periodically revise delegated approval actions based on updated risk results. When this is done an updated Attachment 2 will be provided. *(Note: Approval authority actions highlighted in bright yellow represent those that are change from the current Stewardship and Oversight Agreement.)*

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated Projects NHS/Non-NHS
FINANCIAL MANAGEMENT & ADMINISTRATION			
Financial Management			
Federal-aid Project Authorizations/Agreements, Advanced Construction, Modifications & Close-Outs (All Projects Inc. PE, ROW, UTIL, CON, ITS, HSIP, etc.)	FHWA	FHWA	FHWA
All Vouchers (Progress Payments and Final) / Authorize Current Bill	FHWA	FHWA	FHWA
Funding Eligibility Determinations	FHWA	FHWA	WisDOT (1)
FMIS Data (Including FHWA-37) Verification	FHWA	FHWA	WisDOT (1)
Financial Plans for Mega Projects [23 USC 106(h)]	FHWA		
Financial Plans (Acceptance) for Projects from \$100M to \$499M [23 USC 106(h)]		FHWA	
Administration			
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA	FHWA	FHWA
Cost Estimate Review for Mega Projects (NEPA Phase & Final Design Phase) [23 USC 106(h)(2) and January 2007 Major Project Cost Estimating Guidance]	FHWA		
PROJECT DEVELOPMENT			
Environment			
All ER, EA/FONSI, EIS/ROD, 4(f), 106 (adverse effects only) and Other Environmental Actions Required by Law	FHWA	FHWA	FHWA
Section 106 (no adverse effect)	WisDOT	WisDOT	WisDOT
Programmatic Environmental Report (pER) Documents	WisDOT	WisDOT	WisDOT
Categorical Exclusion (meeting 23 CFR 771.117 (c) criteria) Documentation	WisDOT	WisDOT	WisDOT
Right-of-Way			
ROW Certificate 2 or 3 Exception at PS&E Approval [23 CFR 635.309 (c)(2)&(3)]	Per Agrmt.	FHWA	WisDOT
Air Space Agreements and Non-Highway Use and Occupancy [23 CFR 710.405 and 710.407]	FHWA or WisDOT (2)	FHWA or WisDOT (2)	FHWA or WisDOT (2)
Control of Access [23 CFR 620.203(h)]. (Does not include Interstate access approvals which are covered below under Design).	FHWA	FHWA	WisDOT (3)

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCJs and Mega PoDl Projects	Non-Mega PoDl Projects	Delegated Projects NHS/Non-NHS
Right-of-Way (Continued)			
Functional Replacement of Property [23 CFR 710.509]	FHWA (4)	FHWA (4)	FHWA (4)
Junkyard Control [23 CFR 751.25]	FHWA	FHWA	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA (4)	FHWA (4)	FHWA (4)
Protective Buying and Hardship Acquisition [23 CFR 710.307, 503]	FHWA (4)	FHWA (4)	FHWA (4)
Public Interest Finding (PIF) - Disposal of Federally Funded ROW [23 CFR 710.403, 409]	FHWA or WisDOT (2)	FHWA or WisDOT (2)	FHWA or WisDOT (2)
Relinquishment of a Highway Facility for Continued Highway Purposes [23 CFR 620.201, 202, 203]	FHWA (4)	FHWA (4)	FHWA (4)
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	FHWA	FHWA	FHWA
Request for Direct Federal Acquisition [23 CFR 710.603]	FHWA	FHWA	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA	FHWA	FHWA
Request for Waivers [49 CFR 24.204(b)]	FHWA (4)	FHWA (4)	FHWA (4)
Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA (4)	FHWA (4)	FHWA (4)
Preliminary Design			
Consultant Selection for Design and Specialty Contracts [23CFR 172.5]	WisDOT	WisDOT	WisDOT
PIF - Sole Source/Negotiated Consultant Contract Selection for Design [23 CFR 172.5(3)]	FHWA	FHWA	WisDOT
Consultant Agreements and Amendments for Design on Mega Projects [23 CFR 172.9]	WisDOT		
Consultant Agreements and Amendments for the Use of Consultants in a Management Role [23 CFR 172.9]	WisDOT	WisDOT	WisDOT
High Risk ITS Project Development [23 CFR 940.11]	FHWA	FHWA	FHWA
Low Risk ITS Project Development [23 CFR 940.11]	WisDOT	WisDOT	WisDOT
New/Modified Interstate Interchange Access Determination of Engineering and Operations Acceptability [23CFR 625.4 & 49 CFR1.48 (b)(1)] - (minor interchange modifications assigned to WisDOT)	FHWA	FHWA	FHWA
New/Modified Interstate Non-Interchange Access (emergency, maintenance, temporary construction, etc.) [23 USC 111]	FHWA	FHWA	FHWA
PIF – Airspace Clearance FAA [23 CFR 620.104]	FHWA (5)	FHWA (5)	WisDOT
Request for Qualifications [23 CFR 636] Design Build, Public Private Partnerships Statement of Qualifications	FHWA	FHWA	WisDOT
Safety Criteria (Roadside Design Guide & NCHRP 350) Assurance	WisDOT	WisDOT	WisDOT
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	WisDOT	WisDOT	WisDOT
Agreement on Bike and Pedestrian Accommodation Exceptions [23 CFR 652]	FHWA	FHWA	WisDOT
Detailed/Final Design			
Design Study Report	WisDOT (6)	WisDOT (6)	WisDOT
Preliminary Plans for Major and Unusual Structures [23 USC 109(a)]	FHWA	FHWA	WisDOT
Mega Project PMP (Project Management Plan) [23 USC 106(h)]	FHWA		
Design Exceptions (13 controlling Criteria) [23 CFR 625.3]	Per Agrmt.	FHWA	WisDOT
Use of Experimental Products or Processes (Pilot and Demo) 23 CFR 635.411	Per Agrmt.	WisDOT	WisDOT
New/Modified Interstate Access Control Change - Final Approval [23 USC 111]	FHWA	FHWA	FHWA
PIF – Proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval.	Per Agrmt.	FHWA	WisDOT

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegate Projects NHS/Non-NHS
Contract Award and Construction (Continued)			
PIF - Sole Source/Negotiated Consultant Contract Selection for Construction Engineering [23 CFR 172.5(3)]	FHWA	FHWA	WisDOT
Consultant Agreements and Amendments for Construction Engineering on Mega Projects [23 CFR 172.9]	WisDOT		
Construction Engineering by Local Agency [23 CFR 635.105]	Per Agrmt.	WisDOT (6)	WisDOT
Contract Time Extension Change Orders [23 CFR 635.120 & 121]	Per Agrmt.	FHWA	WisDOT
Errors and Omissions FHWA Participation Determination	FHWA	FHWA	WisDOT
FHWA Project Inspections	FHWA	FHWA	FHWA (9)
FHWA Final Inspection/Acceptance of Completed Work [23 USC 114(a)]	FHWA	FHWA	WisDOT
Administrative Contract Modifications (Change Orders)	WisDOT(6)	WisDOT(6)	WisDOT
Major Contract Modifications (Prior Approval) [23 CFR 635.120]	FHWA	FHWA	WisDOT
Contract Modifications (Non-Major Change Orders) [23 CFR 635.120]	Per Agrmt.	FHWA	WisDOT
Materials Certification Acceptance [23 CFR 637.207]	FHWA	FHWA	WisDOT

- (1) FHWA will verify through scheduled authorization reviews
- (2) FHWA approval required on Interstate only. WisDOT approval required on NHS. For off-NHS project, approvals, if any, will be those required by State laws, regulations, policies and procedures. However, this does not relieve WisDOT from responsibility for these areas, or from non-Title 23 federal requirements which may remain applicable.
- (3) Approval for all access control on the Interstate system is required by FHWA.
- (4) Only if federal funds are used for right-of-way acquisition.
- (5) Applies to approval of PIFs for exceptions to clearances and standards. WisDOT has responsibility for airport and FAA coordination, assurance that clearances are adequate and assurance that the expenditure of public funds for airport and highway improvements in the vicinity of airports is in the public interest.
- (6) FHWA should receive informational copy.
- (7) FHWA approval is required for revocable occupancy permits for non-conforming outdoor advertising signs on the NHS.
- (8) Requires WisDOT submittal of completed PS&E checklist.
- (9) Project inspections to be done through CAP reviews and process/program reviews.