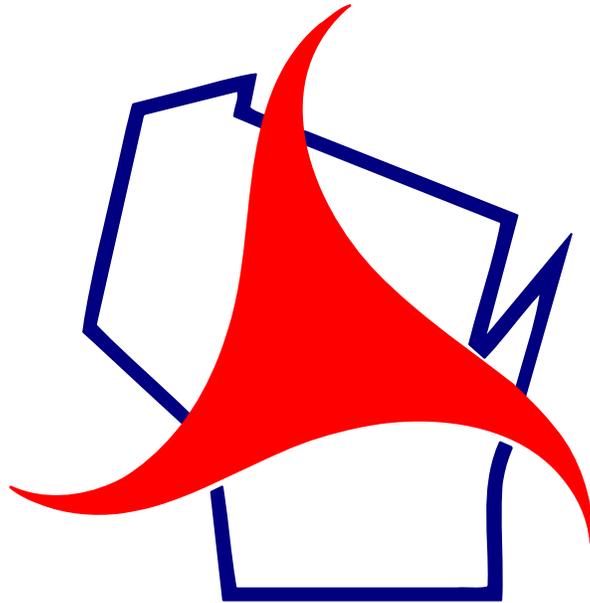


FDM 5-2 Exhibit 1.1 - FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach



Document Dated: August 15, 2015
FDM Publication/Update Date: [October 3, 2016](#)

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

Supplement to the Current Stewardship & Oversight
Agreement

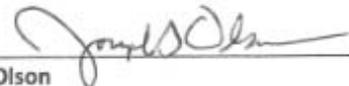
**FHWA and WisDOT
Stewardship & Oversight of
Projects through
Implementation of a Risk-
Based Approach**

This Risk-Based Stewardship and Oversight Agreement supplements the current version of the FHWA and WisDOT Stewardship Agreement and outlines the FHWA Wisconsin Division Office's approach to carrying out stewardship and oversight responsibilities for Projects of Division Interest (PoDI) and Projects of Corporate Interest (PoCI). This supplement also includes approval authority for Delegated/Assumed Projects as reflected in the current version of the FHWA/WisDOT Stewardship Agreement. This document is updated annually based on assessment of current risks and is effective on August 15, 2015.



Kirk Fredrichs
Acting Division Administrator
Federal Highway Administration, WI Division

Date: 08/14/15



Joe Olson
Acting Administrator, DTSD
Wisconsin Department of Transportation

Date: 08/14/15

Risk-Based Project Stewardship & Oversight Agreement – August 15, 2015

This Risk-Based Stewardship and Oversight Agreement outlines the Federal Highway Administration (FHWA) Wisconsin Division Office's approach to carrying out stewardship and oversight responsibilities for Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI). This Agreement also includes approval authority for Delegated/Assumed Projects as reflected in the current version of the FHWA/WisDOT Stewardship Agreement. This Agreement is considered a supplement to the current version of the FHWA/WisDOT Stewardship Agreement and is effective August 15, 2015.

Through this Risk-Based Stewardship and Oversight Agreement, the FHWA Wisconsin Division Office is delegating, and the WisDOT is accepting responsibility for, identified PoCI and PoDI project monitoring and approval actions. This delegation represents a more systematic stewardship and oversight approach for FHWA to fulfill its responsibilities in the delivery of the Federal-aid Highway Program. This approach is intended to be more risk-based and driven by objective data.

This risk-based approach is the result of flexibilities in the responsibilities shared between FHWA and its State partners as provided by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It provides a means to better ensure greater consistency from state to state and to improve FHWA's ability to add value to projects and programs. FHWA's involvement in project and program delivery will be more strategic and based on level of risk (threats and opportunities) and will focus FHWA resources to better assure an appropriate level of compliance as well as meet the goals of WisDOT in efficiently advancing projects.

This Agreement details how FHWA and WisDOT stewardship and oversight of PoCI and PoDI projects will be carried out. PoCI and PoDI project –level stewardship and oversight will use a risk-based approach that incorporates results from the FHWA Wisconsin Division's Risk Management Process, including the annual Project Risk Assessment. This risk-based approach is meant to maximize the use of limited resources and time.

This risk-based approach to PoCI and PoDI project stewardship and oversight will be carried out through five major elements:

- 1) Project Risk Assessment to assess current and potential Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI),
- 2) Project Selection Process for PoCIs and PoDIs,
- 3) Approval Action and Monitoring Responsibilities for PoCIs and PoDIs,
- 4) Project-Specific Agreements for Mega (FHWA Major) Projects, and
- 5) Compliance Assessment Program (CAP) Reviews

The annual Division Risk Assessment results will be integrated into this process in order to address risk in a comprehensive manner. The elements are interdependent in their use of office resources and in addressing office risk areas.

This approach modifies the former process of selecting and designating "oversight" projects. Projects will be defined as Projects of Corporate Interest (PoCI), Projects of Division Interest (PoDI) or Delegated/Assumed. Designation of projects will be based on the following:

Projects of Corporate Interest (PoCI)

PoCIs are a subset of PoDIs. They are projects that are identified by FHWA Headquarters' Program Offices and Division Offices as projects that require additional resources at a corporate level because of their impact on FHWA's performance. They will receive focused, strategic, agency-wide attention, and an increased level of stewardship and oversight.

PoCIs are selected based on their need for focused, strategic, agency-wide attention because their success will require corporate investment and/or they have been deemed of special importance to FHWA's strategic success.

The determination of PoCIs is made by FHWA at the national level and will be reviewed and updated on an annual basis. FHWA expects that nationwide, there would be approximately 50 projects identified as PoCIs.

Projects of Division Interest (PoDIs)

PoDIs are projects identified by Divisions as having an elevated level of risk (threat or opportunity) to the Division's successful delivery of the federal-aid program. A specific focus on PoDIs allows the Division to concentrate resources on project phases or areas that add the most value on important projects to the Division. Project-Specific PoDIs are identified based on an annual Project Risk Assessment of current and potential PoDIs. The Project Risk Assessment will include consideration of corporate goals as well as risks (including opportunities) identified through program health indicators. Programmatic PoDIs are identified based on an annual broad-based Risk Assessment of FHWA programs and program elements.

PoDIs will include the following:

1) Mega (FHWA Major) projects,

Mega (FHWA Major) projects are defined as specified in 23 USC 106 (h) and include all projects meeting the following criteria:

- a) Federally-funded projects with a total estimated cost of \$500 million or more. Total estimated cost includes all costs for design, real estate, utilities and construction in year-of-expenditure dollars.
- b) All projects using Transportation Infrastructure Finance and Innovation Act (TIFIA) loan funding.
- c) Other federally-funded projects, as determined by FHWA, that are appropriate for mega project designation. This may include projects that require a substantial portion of the State Transportation Agency (STA)'s program resources; have a high level of public or congressional interest; are unusually complex; have extraordinary implications for the national transportation system; or are likely to exceed \$500 million in total cost.

2) Projects being developed under an Environmental Impact Statement (EIS),

Projects being developed under an EIS, will be defined as PoDIs during the environmental phases. Following completion of the environmental phase, the project will be assessed to determine future identification as a PoDI.

3) Transportation Investment Generating Economic Recovery (TIGER) discretionary grant projects,

TIGER Projects administered by WisDOT will always be identified as PoDIs since Congress has directed an increased involvement in these projects and the administration of these projects has been delegated to FHWA by the Secretary of Transportation.

4) NHS projects with retained FHWA project approval; 23 USC § 106(c)(1),

NHS projects where FHWA has retained responsibility for one or more of the project approval actions that could be assumed by WisDOT will always be defined as PoDIs. The project approval actions are those listed in 23 USC Section 106(c) and include such actions as design approvals, PS&E approvals, contract awards and inspections. The identification of these types of PoDIs will be consistent with the FHWA/WisDOT Stewardship and Oversight Agreement and reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions, either on a programmatic basis or project-level basis. Identification of Programmatic PoDIs will reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions on a program-wide basis.

5) Non-NHS projects with retained FHWA project approval; 23 USC § 106(c)(2),

Non-NHS projects where WisDOT has requested FHWA to retain responsibility for one or more of the project approval actions listed in 23 USC Section 106(c) will always be defined as PoDIs. For projects off the NHS, 23 U.S. C. 106(c)(2) requires the State to assume project actions unless the State determines it is inappropriate and asks FHWA to retain the action. Identification of a project as a PoDI does not supersede 23 U.S.C. 106 (c)(2). On non-NHS PoDI projects, the State DOT will continue to do approvals assumed by it under the Stewardship & Oversight Agreement unless it requests FHWA to re-assume the approval for the specific project.

6) Other complex or unique projects that are considered to have an elevated level of risk (threat or opportunity).

Other complex or unique projects that are considered to have an elevated level of risk (threat or opportunity) will be selected as PoDIs as determined by the FHWA Wisconsin Division, with input from WisDOT. The final determination of PoDIs will be based on consideration of criteria listed in this Agreement. Consideration of the criteria will be reflective of identified risk areas as well as resource capacity.

Delegated/Assumed Projects

All projects not specifically identified as PoCIs or PoDIs will be Delegated/Assumed Projects. Approval authority for Delegated/Assumed Projects is provided in the current version of the FHWA/WisDOT Stewardship Agreement. However, Attachment 2, Project Approval Responsibilities List, also includes a

listing of these authorities to allow for the authorities for all types of projects to be shown in a single table.

Risk-Based Process for Stewardship and Oversight of PoCI and PoDI Projects:

The specific steps for carrying out the risk-based approach to PoCI and PoDI project stewardship and oversight are described below.

Project Risk Assessment to assess current and potential Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI)

Each year, the FHWA Division will compile a list of potential PoDI Projects. The list will generally be completed in April or May and will be developed through input from FHWA Division Project and Program Specialists and WisDOT Region and Central Office Management. The list will include all current PoCI and PoDI Projects, any new projects that are automatically identified as PoDIs, and any other projects that are likely to have a higher level of risk based on the screening criteria identified below.

As part of the Project Risk Assessment, all potential PoDI projects will be evaluated by the FHWA Division, with input from Wisconsin DOT as agreed to. The overall level of risk for each project will be determined based on consideration of the following criteria:

- Project cost and complexity
- Project schedule and project urgency
- Level of controversy and political interest
- Environmental considerations/stakeholders
- FHWA Division resource capacity
- Project type/scope of work (e.g., reconstruction, bridge, safety, etc.)
- Geographic location and/or highway system (e.g., region, urban/rural, Interstate, NHS, etc.)
- State or regional significance
- Administrative responsibility (e.g., State, local)
- Funding sources or constraints, including use of non-traditional revenue sources (e.g., tolling, public private partnerships, etc.)
- Use of alternative contracting methods or other innovative or pilot practices or processes
- FHWA corporate actions
- Unusual bridges or structures
- Use of innovative or experimental materials or construction methods
- Complex Traffic/Transportation Management Plan (TMP) issues

For all non-Mega (FHWA Major) projects, the risk assessment will only be applicable to the current phase of the projects. Mega (FHWA Major) projects will be considered PoDIs during all phases of the project.

Project Selection Process for Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI)

PoDIs: Upon completion of the evaluation of all potential PoDI projects, a proposed list of PoDI projects will be completed by the FHWA Division, with input from Wisconsin DOT. The list will include all Mega projects, all EIS projects in the environmental phase, all TIGER projects, all NHS and non-NHS projects where FHWA has retained approval responsibility for actions that are, or could be, delegated, and any other projects that have an overall high level of risk.

PoDIs can be categorized into two types: (1) those based on an assessment of each individual project and its specific risks (Project Specific PoDIs) and (2) those based on an identification of risks that apply program-wide or categorically to a large subgroup of projects, so that the Division wishes to handle approval actions for all projects that share that identified element of risk (Programmatic PoDIs). Programmatic PoDIs are treated differently than Project Specific PoDIs because it is not practical to administer and report on the potentially large number of projects affected by programmatic PoDIs (often unknown at the start of the year) using individual project-specific risk plans. To date, the FHWA Division has not identified the need for any Programmatic PoDIs.

The Division must submit a list of PoDIs to the FHWA Directors of Field Service and justify selections that exceed criteria set forth by the agency. The final selection of PoDIs will be made by the FHWA WI Division Project Team Leader(s) with input from WisDOT. For Mega (FHWA Major), EIS projects, and TIGER projects, selection as a PoDI will generally be made at the scoping phase of the project. For all other projects, PoDI designation will be based on the risks associated with that particular phase of the project. Since the selection is done on an annual basis, some projects may be more advanced prior to selection as a PoDI and some projects may be removed from consideration as PoDIs when risks have been adequately reduced. There will not be a specified number of PoDIs.

With the execution of this Agreement, FHWA has updated the current list of PoDIs (Attachment 1). These PoDIs include projects in various phases of development and reflect current consideration of risk and prior/ongoing FHWA involvement.

PoDI designation and tracking will continue to be done using a process similar to that previously used for Oversight Project designation and tracking. FHWA will send periodic updates to WisDOT, via formal letter, to formally document those projects that have been designated as PoDIs and indicate the specific project IDs that will be subject to FHWA involvement (oversight). WisDOT will document this designation in their financial and project management systems and generate periodic reports that will be reviewed by FHWA for accuracy.

PoCIs: For all projects selected or retained as PoDIs, additional evaluation will be completed as part of the Project Risk Assessment. This additional evaluation will be completed to determine whether the projects should be recommended for consideration as PoCIs. The additional factors that will be considered include the following:

- Whether the project is a National Highway System (NHS) project that has significant national or regional network impact/benefit and of corporate interest,
- Whether the project include significant elements, protocols, or features that could potentially impact or influence a FHWA national goal, objective or policy,

Risk-Based Project Stewardship & Oversight Agreement – August 15, 2015

- Whether the project will require substantial FHWA resources outside the Division Office (HQ, RC, Legal),
- Whether the project has potentially precedent-setting elements, outside political interest, or highly unique circumstances.

Most PoCIs are those that have been sufficiently developed through NEPA to assure that there is a substantial and sustainable amount of support for the project (this usually occurs when the environmental process is completed or well advanced, e.g., within a year of the FEIS).

The identification of potential PoCIs considers input from WisDOT but is completed by FHWA Division and Program Offices based on their assessment of risks, project impact, and priorities. The actual selection of projects as PoCIs is done at a national level and is outside the control of the Division Office. The process for identification and selection of the PoCIs is coordinated by the FHWA Directors of Field Services. The list of selected PoCIs will be updated on an annual basis.

With this update, FHWA has determined the following Wisconsin projects as PoCIs. This includes:

- Zoo Interchange Project
- St. Croix River Crossing Project (Minnesota Lead)
- I-94 East-West Project

Approval Action and Monitoring Responsibilities for PoCIs and PoDIs

Following designation of all federal-aid projects as PoCIs, PoDIs, or Delegated/Assumed Projects, federal approval actions and project monitoring responsibilities will be carried out in accordance with the “Project Approval Responsibilities List” (Attachment 2). As part of the risk-based approach for Delegated/Assumed Projects, FHWA has delegated all approval actions that can be assumed by WisDOT, as provided in the current version of the FHWA/WisDOT Stewardship Agreement. For all PoCIs and all Mega Project PoDIs, an individual project Stewardship and Oversight Agreement will be developed, as explained in the next section of this Agreement. For all other PoDIs (PoDIs that are not Mega projects), FHWA has delegated all actions except those that cannot be delegated and those that are currently determined to be of a higher risk from either a program or project perspective. The delegated approval actions for the non-Mega PoDIs will be adjusted as risk areas change and will be based on the annual Project Risk Assessment.

It is important to emphasize that WisDOT accepts responsibility for delegated/assumed PoCI and PoDI project approval actions in accordance with Section 106 of Title 23, United States Code (USC), and is accepting this responsibility on behalf of FHWA. For every delegated action, WisDOT will have a designated action that takes the place of an FHWA action that is required by law, regulation or policy. These actions may not be further delegated to non-WisDOT personnel (locals, consultants, contractors, etc.) without formal agreement by FHWA.

In carrying out these delegated/assumed actions, WisDOT is responsible for administering the Federal-aid Highway Program in a manner that ensures efficient and effective use of federal-aid funds and compliance with MAP-21 (or subsequent transportation laws), 23 USC and other applicable federal laws, 23 CFR and other applicable federal regulations, FHWA policies and standard business practices. The

FHWA retains overall responsibility for the Federal-aid Highway Program, and the use of this risk-based stewardship and oversight approach for PoCI and PoDI projects does not preclude the FHWA from accessing or reviewing any Federal-aid project for program reviews, process reviews, audits or other review and monitoring activities.

Project-Specific Agreements for PoCIs and Mega Project PoDIs

FHWA has determined that individual project stewardship and oversight agreements should be developed for all PoCIs and PoDIs. However, since Wisconsin has a large number of complex and unique projects, resulting in a fairly large number of PoDIs, the FHWA Division Office wants to limit the number of project-specific stewardship and oversight agreements. As such, all non-Mega (FHWA Major) Project PoDI approval and monitoring responsibilities will be carried out in the same manner, in accordance with the “Project Approval Responsibilities List” (Attachment 2). However, for each PoCI and Mega (FHWA Major) Project PoDI, the responsibility for project approval actions will be determined on a project-by-project basis and documented in a project-specific stewardship and oversight agreement (Mega Project Agreement). Project-specific stewardship and oversight agreements may be developed for non-Mega (FHWA Major) PoDI projects if specific risk factors identify specific needs that vary from those shown in the “Project Approval Responsibilities List”.

The “Project Approval Responsibilities List” shows specific PoCI and Mega (FHWA Major) Project PoDI approval actions that have been retained by FHWA, actions that have been delegated to/assumed by WisDOT, and actions that will be as specified in the Mega Project Agreements. Those actions that have not been specifically assigned to FHWA or WisDOT must be fully detailed in the Mega Project Agreements and include the specific variations for the many different types of project IDs that comprise the overall Mega (FHWA Major) project.

Specific variations in the Mega Project Agreements will be based on the Project Risk Assessment, project history, and FHWA Division Office capacity. For all projects that are identified as PoCI or PoDI projects, additional analysis as part of the Project Risk Assessment must be completed in order to determine appropriateness of approval actions in the “Project Approval Responsibilities List” and/or to evaluate considerations for the variations within the project-specific agreements. This additional assessment will look at the level of risk for specific phases of the project and will include the following factors:

1. NEPA Phase
 - a. Environmental Document Type
 - b. Anticipated Level of Public, Interest Group and Resource Agency Controversy
 - c. Extent and Sensitivity of Resources Impacted
 - d. Extent and Complexity of Mitigation Measures
 - e. Precedent-Setting Potential
 - f. Requires Detailed Consideration of Indirect and Cumulative Impacts
 - g. Other Unique Factors
 - h. Project Schedule for NEPA Completion

2. Design Phase
 - a. Extent of Use of Specialized Materials (Innovative, Proprietary, State or Locally Furnished, Salvaged, etc.)

- b. Use of Experimental Products or Processes
 - c. Complex or Extensive Exceptions to Standards
 - d. Complex or Extensive Interstate Access Additions or Modifications
 - e. Potential PS&E Issues, Including Potential for Exceptions
 - f. Complex Structures
 - g. Other Unique Factors
 - h. Project Schedule for Design Completion
3. Construction Phase
- a. Change Order History/Type/Status
 - b. Materials Quality History/Testing History/Status
 - c. Experience of Project Management and Staff with Type of Project
 - d. Complex Construction Staging, Sequencing and Contract Relationship
 - e. Complexity of Contract(s) / Type of Contract
 - f. Partnering Efforts / Project Communications
 - g. History of Traffic, Safety or Crash Issues

The results of this additional assessment, along with consideration of project history and FHWA Division Office capacity, will be used to determine variations in project-level responsibilities, where appropriate. The “Project Approval Responsibilities List” (Attachment 2) shows which actions must be retained by FHWA, which actions must be delegated to WisDOT, and which actions may vary by project. A Mega Project Agreement template is provided as Attachment 3.

The Mega Project Agreement will be developed just before final approval of the environmental document and will be negotiated with the WisDOT Mega Project Team. The Agreements will be signed and dated by both agencies. The agreement should also include project goals, FHWA focus areas and a summary of expected FHWA project involvement, including participation in project meetings, project inspections, etc. The Agreement should be incorporated into, or referenced in, the project’s PMP.

Compliance Assessment Program (CAP) Reviews

The FHWA Wisconsin Division, in accordance with national requirements, will be conducting Compliance Assessment Program (CAP) reviews on federally-funded construction projects (PoCIs, PoDIs and Delegated/Assumed projects). The CAP process is as provided in the current version of the FHWA/WisDOT Stewardship Agreement and annual CAP Project Reviews and Inspections Guidance.

PoCI and PoDI projects are subject to CAP reviews. Projects to be reviewed through the CAP will be selected by FHWA’s Headquarters’ Office, and will be a statistically-based random sample of projects authorized for construction during a one-year period.

FHWA Division Method for Managing this Risk-Based Stewardship & Oversight Process

The Division Office will assign project responsibilities for PoCIs and PoDIs on a project-by-project basis to current staff including Field Operation Engineers, the Major Project Engineer, the Major Project

Environmental Program Manager, the Projects Team Leader or the Major Projects Program Manager. Attachment 1, which shows the current list of PoCIs and PoDIs, also shows Division responsibilities for each project.

This method of assigning project responsibilities means that WisDOT Regions do not have a single Field Operations Engineer assigned to their Region. The Division will make every effort to assign most projects within a given Region to one or two specific individuals, but due to the varying number of PoCIs and PoDIs in each Region, this may not always be possible.

FHWA Division management will assign project-level responsibilities on a project-by-project basis. The Division has assigned responsibilities for all current PoCI and PoDI projects.

All projects that are currently in early stages of development, and new projects that are initiated will be assigned as the need arises. The assignment of responsibility may occur upon project scoping or upon submittal of the first action requiring an FHWA response or action. Regions and appropriate Statewide Bureau staff will be notified of FHWA project assignments as they are made. If the Regions or Statewide Bureaus have project inquiries or approval actions associated with projects that have not been assigned they should be submitted to the Division's Project Team Leader(s) for project assignment and action. Project inquiries and approval actions associated with non-assigned Delegated/Assumed Projects should be sent to the Division's Major Projects Program Manager (all NEPA documents, NEPA approval actions and project-related NEPA questions) or the Projects Team Leader (all other documents, approval actions and project-related questions). Program-related questions and approval actions should still be directed to the FHWA Division program specialists.

The project-specific documents, approval actions and inquiries will be assigned to staff in the office with consideration given to current workloads. When documents and approval actions come into the Division, confirmation will be sent to the Region and/or Statewide Bureaus to notify them of who has been assigned the responsibility for processing. This process improves the timeliness and consistency of service to WisDOT and improves the Division's ability to manage available resources.

ATTACHMENT 1: 2015 - 2016 PoCIs and PoDIs

WisDOT employees can check for updated list of PoCIs and PoDIs at:
<http://dotnet/pmm/05/attachment%201%20list%20of%20pocis%20and%20podis%20fpy%2017.pdf>

PoCI / PoDI List including FHWA Responsibilities (FPY 2017)

Projects of Corporate Interest (PoCIs)

FHWA Major Projects	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	D. Platz	Blankenship ¹	Bacher-Gresock – Legal/NEPA Lead
St. Croix River Crossing; Wisconsin Approaches; St. Croix County, Master ID 1550-00-02	NW	\$0.7 B	Construction	Garcia	Holt ²	Blankenship – Management Oversight
I-94 E-W Freeway; 70 th Street to 16 th Street; Milwaukee County, Master ID 1060-27-00	SE	\$1.0 B	NEPA	D. Platz Bacher-Gresock (NEPA Lead)	Blankenship ¹	

Projects of Division Interest (PoDIs)

FHWA Major Projects	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	Varney	Blankenship ²	
I-41; Brown & Winnebago Counties, Master IDs 1133-03-01 & 1120-11-01	NE	\$1.5 B	Construction	Newhouse	Blankenship ²	
I-39/90; Madison – Illinois St; Dane & Rock Counties ³ , Master ID 1001-10-01	SW	\$1.3 B	Final Design & Construction	Gerbitz (Design Lead) Varney (Construction Lead)	Blankenship ²	Bacher-Gresock – NEPA Assistance
US 10/Wis 441; County CB – Oneida; Winnebago County, Master ID 1517-07-04	NE	\$0.5 B	Final Design & Construction	Newhouse	Holt ²	Blankenship – Management Oversight
I-43 N-S; Silver Spring Dr – Wis 60; Milwaukee & Ozaukee Counties, Master ID 1229-04-00	SE	\$0.5 B	Final Design	Chidister (NEPA Lead) Newhouse	Holt ²	Blankenship – Management Oversight
Beltline Interchange (I-39/90 and US 12/18); Madison; Dane Co. ³ , Master ID 1001-10-01	SW	\$0.5 B	NEPA (Phased)	Gerbitz	Blankenship & Holt ²	Chidister – NEPA Assistance
US 51; Stoughton Road, Madison – Windsor; Dane County, Master ID 5410-05-00 & 5411-02-03	SW	TBD	NEPA (Phased)	Gerbitz	Blankenship & Holt	Chidister – NEPA Assistance
I-39/90/94 Study; Madison – Portage Section; Dane & Columbia Counties, Master ID 1010-10-00	SW	TBD	NEPA (Tiered)	Varney	Blankenship ²	Bacher-Gresock – NEPA Assistance
I-90/94 Study; Portage – WI Dells Section; Columbia & Sauk Counties, Master ID 1014-10-00	SW	TBD	NEPA (Tiered)	Gerbitz	Blankenship & Holt	Bacher-Gresock – NEPA Assistance
US 12; Madison Beltline Study, US 14 (Middleton)-County N; Dane County, Master ID 5304-02-00	SW	TBD	NEPA (PEL)	D. Platz Bacher-Gresock (NEPA Lead)	Blankenship ¹	

As of August 9, 2016

ATTACHMENT 1: 2015 - 2016 PoCIs and PoDIs

Other PoDI Projects	Reg.	Total Cost	Current Phase	Primary FHWA Project Lead	Project Team Lead	Comments
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) Garcia (Construction Lead)	Holt ²	<i>Bacher-Gresock – NEPA Assistance & PEL Lead</i>
US 12; Lake Delton – Baraboo, Sauk County, Master ID 1674-00-00	SW	\$0.2 B	Construction	Varney	Holt	<i>Gerbitz – Design Assistance</i>
I-90 Reconstruction, MN State Line – Wis 16; La Crosse County, Master ID 1071-06-08 & 1071-1610	SW	\$59 M	Construction	Garcia	Holt	
I-94 Study; West Central Freeway; US 12 – Wis 65; St. Croix County, Master ID 1020-01-02	NW	TBD	Final Design	Garcia	Holt	<i>Chidister – NEPA Assistance</i>
Wis 23, Fond du Lac – Plymouth; Fond du Lac & Sheboygan Counties, Master ID 1440-13-00	NE	\$0.1 B	Post-Legal Claim Actions	Varney	Holt	<i>Bacher-Gresock and Blankenship– Legal Assistance</i>
West Waukesha Bypass; County TT, I-94 to Wis 59, Waukesha County, Master ID 2788-01-00	SE	TBD	Post-NEPA Legal Claim and Final Design	Newhouse	Holt	<i>Chidister – NEPA Assistance</i>
La Crosse N-S Corridor, (Coulee Connections); La Crosse County, Master ID 5991-04-01	SW	TBD	NEPA / PEL	Varney	Holt	<i>Bacher-Gresock – PEL Assist</i>
Wis 15; New London - Greenville; Outagamie County, Master ID 6430-06-00	NE	\$0.1 B	Final Design	Garcia	Holt	
Brown County Southern Arterial, Fox River Crossing, Master ID 4556-02-00	NE	TBD	NEPA	Holt *	Holt	
Wisconsin 100; Watertown Plank – Silver Spring Dr. (North) and Layton – I-94 (South); Milwaukee County, ID 2030-00-06	SE	TBD	NEPA	Varney	Holt	
TIGER Project – Regional Truck Parking and Information Management System (Multi-State)	CO	\$25 M		Holt	Holt	

As of August 9, 2016

¹ Oversight Manager (D. Platz) has direct management responsibilities for assigned projects. Team Lead engaged on controversial/elevated issues.

² Team Leader and Oversight Manager (D. Platz) directly responsible for major project management activities/requirements.

³ Projects considered as one project from a State perspective.

* Denotes temporary assignment.

**Risk-Based Project Stewardship & Oversight Agreement – Originally Implemented October 1, 2013
Updated 08/15/2015 and 09/14/2016**

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/Assumed Projects. Note that PoCI and Mega (FHWA-Major) PoDI approval actions will be determined on a project-by-project basis, as documented in project-specific Mega Project Agreements. However, they are shown here in this list to provide a summary of what may or may not be delegated within the project-specific Agreements. Project-specific Agreements will be developed upon completion of the environmental phase of the project, or during the environmental phase, if the project is identified as a PoCI.

The approval authority shown below for all PoCI and PoDI Projects are subject to change each year based on assessed risks. Changes over the previous year’s version are highlighted in bright yellow. The approval authority shown for Delegated/Assumed Projects does not change from year to year and is taken from the current version of the FHWA/WisDOT Stewardship Agreement. The approval authority shown below and in the FHWA/WisDOT Stewardship Agreement delegates all of FHWA’s Title 23 responsibilities for design, PS&E, contract awards and inspection to WisDOT for all projects off the NHS. The approval authority shown below presumes all PoDIs are on the NHS. If FHWA ever selects a non-NHS PoDI, a project-specific agreement will be developed.

Within each column, activities are listed and the appropriate Approval Authority (FHWA or WisDOT) is identified. FHWA has maintained approval authority for activities that cannot be delegated and for NHS PoCI and PoDI activities that have been identified as higher risk through the Division’s Risk Assessment and Management process.

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/Assumed Projects NHS/Non-NHS
PROGRAMMING, FINANCIAL MANAGEMENT & ADMINISTRATION			
Programming			
Assurance that Project is in the Statewide Transportation Improvement Program (STIP) / Transportation Improvement Program (TIP)	WisDOT	WisDOT	WisDOT
Identification of Proposed Funding Category	WisDOT (1)	WisDOT (1)	WisDOT (1)
FINANCIAL MANAGEMENT & ADMINISTRATION			
Financial Management			
Federal-aid Project Authorizations/Agreements, Advanced Construction, Modifications, AC Conversions & Close-Outs (All Projects Inc. PE, ROW, UTIL, CON, ITS, HSIP, etc.)	FHWA	FHWA	FHWA
Authorize Current Bill / All Vouchers (Progress Payments and Final)	FHWA	FHWA	FHWA
Funding Eligibility Determinations	FHWA	FHWA	WisDOT (1)
FMIS Data (including FHWA-37) Verification	FHWA	FHWA	WisDOT (1)
Financial Plan and Annual Updates for Mega Projects – Review and Approval [23 USC 106(h)]	FHWA		
Financial Plans for Projects from \$100M to \$499M - Develop (FHWA Receives for <u>Information Only</u>) [23 USC 106(i)]		WisDOT	WisDOT

Attachment 2 - Project Approval Responsibilities

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/Assumed Projects NHS/Non-NHS
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 (per current Agreement)	WisDOT	WisDOT	WisDOT
Categorical Exclusion Documentation (for those CEs meeting 23 CFR 771.117 (c) criteria)	WisDOT	WisDOT	WisDOT
Right-of-Way			
ROW Certificate 2 or 3 Exception at PS&E Approval [23 CFR 635.309 (b), 23 CFR 635.309 (c) and 23 CFR 635.309(c)(3)]	Per Agrmt.	FHWA	WisDOT or FHWA (2)
Agreement for Use of Interstate Air Rights for Non-Highway Purposes [23 CFR 710.405]	FHWA	FHWA	FHWA
Use of Right-of-Way for Non-Highway Purposes, excluding Interstate [23 CFR 1.23(c) and 710.407]	FHWA or WisDOT (3)	FHWA or WisDOT (3)	FHWA or WisDOT (3)
Functional Replacement of Real Property in Public Ownership [23 CFR 710.509]	FHWA (3)	FHWA (3)	FHWA (3)
Junkyard Control Programming and Authorization [23 CFR 751.25]	FHWA	FHWA	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA (3)	FHWA (3)	FHWA (3)
Protective Buying and Hardship Acquisition [23 CFR 710.307 and 710.503]	FHWA (3)	FHWA (3)	FHWA (3)
Disposal at Fair Market Value of Federally Funded ROW, Including Disposal of Access Control [23 CFR 710.403, 23 CFR 710.409]	FHWA or WisDOT (4)	FHWA or WisDOT (4)	FHWA or WisDOT (4)
Disposal at Less Than Fair Market Value of Federally Funded ROW, Including Disposal of Access Control [23 USC 156; 23 CFR 710.403(d)]	FHWA	FHWA	FHWA
Relinquishment of a Highway Facility for Continued Highway Purposes [23 CFR 620.201 through 23 CFR 620.203]	FHWA (3)	FHWA (3)	FHWA (3)
Request for Credits for Early Acquisition of ROW [23 CFR 710.501(b)]	FHWA	FHWA	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA	FHWA	FHWA
Request for Emergency Waiver of Available Replacement Dwelling Requirement [49 CFR 24.204(b)]	FHWA	FHWA	FHWA
Violation of or Non-Compliance with Applicable Law - Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA	FHWA	FHWA
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 non-Mega projects [23 CFR 172.9]	WisDOT	WisDOT	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]	FHWA	FHWA	FHWA
High Risk NHS ITS Project Development / System Engineering Analysis [23 CFR 940.11]	FHWA	FHWA	FHWA
Low Risk and Non-NHS ITS Project Development / System Engineering Analysis [23 CFR 940.11]	WisDOT	WisDOT	WisDOT

Attachment 2 - Project Approval Responsibilities

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/Assumed Projects NHS/Non-NHS
Preliminary Design (Continued)			
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 (6)	FHWA (6)	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
Ten-Year Rule Extension Approvals [23 CFR 630.112(c)(2)]	FHWA	FHWA	FHWA
Preventive Maintenance Project Pre-Approval (Applies to Structures Only)	FHWA	FHWA	FHWA
Detailed/Final Design			
Design Study Report	WisDOT (7)	WisDOT (7)	WisDOT
Preliminary Plans for Complex and Unusual Structures on the Interstate System [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	FHWA
Preliminary Plans for Major and Unusual Structures on the NHS [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	FHWA
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. Excludes those certified by WisDOT.	Per Agrmt.	FHWA	WisDOT
PIF - Publicly furnished materials or equipment [23 CFR 635.407 and 635.106]. If statewide, FHWA approval.	Per Agrmt.	WisDOT	WisDOT
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401]	WisDOT (8)	WisDOT (8)	WisDOT (8)
CEF - Use of Force Account / LFA Agreement (over \$25,000) [23 CFR 635.204, 205]	Per Agrmt.	WisDOT	WisDOT
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA	FHWA	WisDOT
Salvage Value – Review of Salvage Value, Transportation Cost, and Use on Future Eligible Projects to Determine Applicability and Amount of Salvage Credit	Per Agrmt.	WisDOT	WisDOT
Incentive/Disincentive Amount Justification [23 CFR 635.127]	Per Agrmt.	WisDOT	WisDOT
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	Per Agrmt.	WisDOT	WisDOT
Innovative and Public-Private Partnership Projects in accordance with SEP-14 and SEP-15 [SEP 14 & 15]	Per Agrmt.	FHWA	FHWA
Warranties [23 CFR 635.413]	FHWA	FHWA	WisDOT
Compensable Utility Relocation [23 CFR 645 subparts A and B]	WisDOT	WisDOT	WisDOT
Use of Consultants by Utility Companies for Compensable Relocation [23 CFR 645.109(b)]	WisDOT	WisDOT	WisDOT
Utility Agreement Execution and Utility Status Report Completion [23 CFR 645.113, 119]	WisDOT	WisDOT	WisDOT
Railroad Agreement Execution [23 CFR 646.216 (3)(d)]	WisDOT	WisDOT	WisDOT
Utility or Railroad Force Account Work Agreement [23 CFR 645.113 & 646.216]	WisDOT	WisDOT	WisDOT
Maximum Railroad Protective Insurance Limits Exceptions [23 CFR 646.111]	WisDOT	WisDOT	WisDOT
Safety Hardware Acceptability / Eligibility	FHWA	FHWA	WisDOT

Attachment 2 - Project Approval Responsibilities

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/Assumed Projects NHS/Non-NHS
Detailed/Final Design (Continued)			
Transportation Management Plan (TMP) – Acceptance [23 CFR 630.1012(b)]	Per Agrmt.	FHWA	WisDOT
Extended Bridge Approach Length (Off-System) – Federal Eligibility Determination	FHWA	FHWA	WisDOT
PS&E and Advertising			
Utility Certificate Exception at PS&E Approval [23 CFR 635.309 (b)]	FHWA	FHWA	WisDOT (2)
Railroad Clearance Exception at PS&E Approval [23 CFR 635.309 (b)]	FHWA	FHWA	WisDOT (2)
Clearance for Advertising for Bids (through PS&E Trak) [23 CFR 635.112]	Per Agrmt.	FHWA	WisDOT
Final Request for Proposal [23 CFR 636] Design Build and Public Private Partnerships.	FHWA	FHWA	WisDOT
Bid Analysis (Engineer Estimate Validation)	WisDOT	WisDOT	WisDOT
Coast Guard Permit Requirement Exemption [23 CFR 650.805]	FHWA	FHWA	FHWA
PIF - Advertising Period Less than Three Weeks [23 CFR 635.112]	WisDOT	WisDOT	WisDOT
PIF - Use of Contracting Method Other than Competitive Bidding [23 CFR 635.104 & 204]	FHWA	FHWA	WisDOT
Owner Controlled Insurance Program (OCIP)	WisDOT	WisDOT	WisDOT
PS&E Approval [23 CFR 630.205]	Per Agrmt.	FHWA (9)	WisDOT
Contract Award and Construction			
Contract Addenda (Except Addenda that Changes the Scope of Work) [23 CFR 635.112(c)]	Per Agrmt.	WisDOT or FHWA (10)	WisDOT
Contract Addenda that Changes the Scope of Work [23 CFR 635.112(c)]	FHWA	FHWA	WisDOT
Design-Build Requests-for-Proposal (RFP) Addenda [23 CFR 635.112]	FHWA	FHWA	WisDOT
Buy America Waiver [23 CFR 635.410].	FHWA	FHWA	FHWA
Concurrence in Award of Construction Contracts [23 CFR 635.114]	WisDOT (7)	WisDOT (7)	WisDOT
Rejection of All Bids Concurrence [23 CFR 635.114]	FHWA	FHWA	WisDOT
Contract Claims Concurrence of Settlement [23 CFR 635.124]	FHWA	FHWA	WisDOT
Termination of Contract Concurrence [23 CFR 635.125]	FHWA	FHWA	WisDOT (7)
Consultant Selection for Construction Engineering [23CFR 172.5]	WisDOT	WisDOT	WisDOT
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 non-Mega projects [23 CFR 172.9]	WisDOT	WisDOT	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 (7)	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	WisDOT (11)
FHWA Final Inspection/Acceptance of Completed Work [23 USC 114(a)]	FHWA	FHWA	WisDOT
Administrative Contract Modifications (Change Orders)	WisDOT(7)	WisDOT(7)	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
CIVIL RIGHTS			
Civil Rights			
DBE Contract Goal Approvals [49 CFR 26.51(e)(3)]	WisDOT	WisDOT	WisDOT

Attachment 2 - Project Approval Responsibilities

APPROVAL ACTION	APPROVAL AUTHORITY		
	PoCIs and Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/Assumed Projects NHS/Non-NHS
Civil Rights (Continued)			
Good Faith Waiver Acceptance [49 CFR 26.53]	WisDOT	WisDOT	WisDOT
EEO Contract Compliance Review Approval	WisDOT	WisDOT	WisDOT
Training Special Provision – Approval of Project Goal (Training Hours or Slots) [23 CFR 230, Subpart A]	WisDOT	WisDOT	WisDOT
Training Special Provision – Approval of New Project Training Programs [23 CFR 230.111(d), (e)]	FHWA	FHWA	FHWA

- (1) WisDOT has responsibility for ensuring that all individual elements of a project are eligible. Prior to authorizing funds, FHWA will check overall project eligibility by verifying that the scope of the project, as described in the submitted project agreement, is eligible for the category of funding sought. WisDOT has responsibility for ensuring the accuracy of the data in FMIS. FHWA will verify eligibility of individual elements and accuracy of FMIS data through scheduled authorization, FIRE and/or other reviews. FHWA retains all final determinations of eligibility and participation.
- (2) Interstate projects require FHWA approval. Others approvals are delegated to WisDOT.
- (3) Only if federal funds are or have been used for right-of-way acquisition.
- (4) 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. WisDOT’s processes and modifications to, or variations in process, require FHWA approval.
- ~~(5) FHWA may provide approval on a programmatic basis per the Mega project agreements, provided appropriate review processes are in place.~~
- (6) 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.
- (7) FHWA should receive informational copy.
- (8) FHWA approval is required for revocable occupancy permits for non-conforming outdoor advertising signs on the NHS.
- (9) Requires WisDOT submittal of completed PS&E checklist.
- (10) Addenda approval to be completed by FHWA for all FHWA-approved PS&Es, approval by WisDOT for all others.
- (11) Project site visits may be done by FHWA as part of CAP reviews and process/program reviews.

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

Project-Specific, Risk-Based

Stewardship & Oversight Agreement *for*

Project Name
Master ID 0000-00-00

This Agreement has been developed in response to FHWA's 2013 national initiative to implement a more risk-based approach to the stewardship and oversight of Federal-aid highway projects. This version of the Agreement was developed by the FHWA Wisconsin Division Office and the WisDOT Mega Project Team. This Agreement is considered a supplement to the August 15, 2015 FHWA and WisDOT Risk-Based Project Stewardship & Oversight Agreement, with the components of this Agreement superseding equivalent components of the 2015 Agreement. The effective date of this Agreement is [insert date].

Name of FHWA Division POM
Title

Date: _____

Name of WisDOT Project Team Chief
Title

Date: _____

MAJOR (MEGA) PROJECT AGREEMENT for

Project Name, Master ID 0000-00-00

Project Goals	Measures and/or Outcomes and Expectations
Apply Risk-Based Stewardship & Oversight (RBS&O) strategies	Project-specific Stewardship & Oversight Agreement is implemented and evaluated
Complete the project in a manner in which public trust, support and confidence are maintained	Public feedback and media coverage is generally positive
Complete project with the highest degree of quality	Materials and construction processes meet or exceed quality metrics, materials testing requirements routinely met, project meets expectations of stakeholders
Complete project on time (within established schedule)	Project completed by
Complete project within budget	Project completed within \$xx budget
Comply with federal & state requirements	Compliance with requirements, with remediation plans developed for any non-compliance issues
Document all required approval actions (whether delegated to WisDOT or retained by FHWA)	Project files contain copies of all required approval actions as listed in this agreement
FPY 2016 Focus Areas (Based on Risk)	Measures and/or Outcomes and Expectations

FHWA Involvement	Measures and/or Outcomes and Expectations
Complete required approval actions	Approval actions completed in accordance with this agreement
Perform routine construction inspections on elevated risk construction contracts	Minimum of 3 inspections per construction season completed by FHWA on elevated risk construction contracts
Participation in project management and oversight meetings	Routine FHWA attendance and participation in the following meetings: <ul style="list-style-type: none"> • Issue – Risk Meetings • Change Management Meetings • Program Meetings • Progress Meetings (as available and applicable) • TMP and Traffic Meetings (as available and applicable) • Structures Coordination Meetings (as available and applicable) • Integrated Corridors Progress Meetings • Construction Project Meetings (as available and applicable) • Pre-Construction Meetings (as available and applicable) • WisDOT Statewide Bureaus/FHWA Monthly Design Standards Meeting • Oversight Committee Meetings • WisDOT Mega/Major Project Meetings • WisDOT Major Program Peer Committee • Other Special Meetings as appropriate or as needed
Technical and program assistance as requested	Timely assistance, that meets WisDOT expectations, provided
Additional reviews and evaluations	Inclusion of {Project Name} projects as part of FHWA program, major project, CAP, OIG, GAO and/or other reviews
Input in resolution of project issues	Effective input provided

MAJOR (MEGA) PROJECT AGREEMENT for
Project Name, Master ID 0000-00-00

Although all PoCIs and PoDI Mega projects have been selected to be of elevated risk (threat and opportunity), this does not mean that each of the project’s construction contracts will be considered to have that same elevated risk. As such, some of the construction contracts will be handled similar to Delegated projects, with any specific variances listed within this Mega Project Agreement. For each PoCI and PoDI Mega project, the FHWA Project Oversight Manager (POM) will work with the Mega Project Team to define all construction contracts as **Elevated Risk** or **Delegated**. This will be done based on contract packages and may be modified periodically as contract packages change. This effort will allow WisDOT to code and track projects in FIIPS. The following outlines how construction contracts will be defined for this specific mega project:

CONSTRUCTION CONTRACT TYPE	DEFINED CONTRACT TYPES for this MEGA PROJECT (List)
<u>Elevated Risk</u> Construction Contracts	<p><i>(Example: All Mainline Contracts, All Interchange Projects, Major Crossroad Projects, Bridge/Structure Projects, etc.)</i></p> <p>Note: This designation as elevated risk only applies if the contracts are federally-funded. If any ID within the contract package is federally-funded, the contract is federally-funded. Any contracts packages that are fully State and/or locally funded are fully delegated to WisDOT and will not include FHWA approvals or oversight during construction.</p>
<u>Delegated Construction</u> Contracts	<p><i>(Example: All Other Contracts Not Listed as High Risk, Non-Major Crossroad Projects, Utility Projects, ITS Projects, TMP Projects, Landscaping Projects, Alternate Route Projects, etc.)</i></p> <p>Note: For any contract packages where there is uncertainty, FHWA should be consulted. Initial assignment as elevated or delegated is based on current plans for contract packages. If contract packages change, this agreement may be updated to reflect changes in assignment of contracts as Elevated or Delegated.</p>
Other Construction Contracts	<p><i>(Use This Only if a Third Classification of Contracts is Needed to More Easily Define Approval Action Responsibilities)</i></p>

DETAILED PROJECT APPROVAL ACTION RESPONSIBILITIES

Note: Gray- Shaded areas indicate pre-established responsibility where the action has already been delegated to WisDOT or the action is required to be retained by FHWA.

Yellow highlights indicate a change in the approval authority or the addition of a new item from what was previously in place in the prior agreement. This is to be used as an aid in assessing the revised approval authority with the Major Project Agreement in place.

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs^	Other Minor Design Project IDs^	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
PROGRAMMING, FINANCIAL MANAGEMENT & ADMINISTRATION						
Programming						
Assurance that Project is in the Statewide Transportation Improvement Program (STIP) / Transportation Improvement Program (TIP)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Identification of Proposed Funding Category	WisDOT (1)	WisDOT (1)	WisDOT (1)	WisDOT (1)	WisDOT (1)	
FINANCIAL MANAGEMENT & ADMINISTRATION						
Financial Management						
Federal-aid Project Authorizations/Agreements, Advanced Construction, Modifications, AC Conversions & Close-Outs (All Projects Inc. PE, ROW, UTIL, CON, ITS, HSIP, etc.)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	
Authorize Current Bill / All Vouchers (Progress Payments and Final)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	
Funding Eligibility Determinations	FHWA	WisDOT (1)	FHWA	WisDOT (1)	WisDOT (1)	
FMIS Data (including FHWA-37) Verification	FHWA	WisDOT (1)	FHWA	WisDOT (1)	WisDOT (1)	
Financial Plan and Annual Updates for Mega Projects – Review and Approval [23 USC 106(h)]	FHWA					One Financial Plan for entire Mega Project. Updated annually; updated Financial Plan requires FHWA formal approval.
Administration						
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA	FHWA	FHWA	FHWA	FHWA	

Attachment 3 - Project Specific, Risk-Based Stewardship and Oversight Agreement Template

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs [^]	Other Minor Design Project IDs [^]	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
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					CER for entire Mega Project. Initial CER required in late NEPA stage and second CER required in final design prior to development of the Financial Plan.
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	FHWA	FHWA	Generally one NEPA document for entire Mega Project.
Section 106 (no adverse effect)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Programmatic Environmental Report (pER) Documents (per current Agreement)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Categorical Exclusion Documentation (for those CEs meeting 23 CFR 771.117 (c) criteria)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Right-of-Way						
ROW Certificate 2 or 3 Exception at PS&E Approval [23 CFR 635.309 (b), 23 CFR 635.309 (c) and 23 CFR 635.309(c)(3)]	N/A	N/A	FHWA	FHWA (3)	FHWA (3)	
Agreement for Use of Interstate Air Rights for Non-Highway Purposes [23 CFR 710.405]	FHWA	FHWA	FHWA	FHWA	FHWA	
Preliminary Design						
Consultant Selection for Design and Specialty Contracts [23 CFR 172.5]	WisDOT	WisDOT	N/A	N/A	N/A	
PIF - Sole Source/Negotiated Consultant Contract Selection for Design [23 CFR 172.5(3)]	FHWA	WisDOT	N/A	N/A	N/A	
Consultant Agreements and Amendments for Design on Mega Projects [23 CFR 172.9]	FHWA (4)	FHWA (4)	N/A	N/A	N/A	
Consultant Agreements and Amendments for the Use of Consultants in a Management Role [23 CFR 172.9]	FHWA	FHWA	N/A	N/A	N/A	

Attachment 3 - Project Specific, Risk-Based Stewardship and Oversight Agreement Template

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs [^]	Other Minor Design Project IDs [^]	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
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	N/A	N/A	N/A	
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	N/A	N/A	N/A	
New/Modified Interstate Non-Interchange Access (emergency, maintenance, temporary construction, etc.) [23 USC 111]	FHWA	FHWA	N/A	N/A	N/A	
PIF – Airspace Clearance FAA [23 CFR 620.104]	FHWA (5)	WisDOT	N/A	N/A	N/A	
Request for Qualifications [23 CFR 636] Design Build, Public Private Partnerships Statement of Qualifications	FHWA	FHWA	N/A	N/A	N/A	
Safety Criteria (Roadside Design Guide & NCHRP 350) Assurance	WisDOT	WisDOT	N/A	N/A	N/A	
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	WisDOT	WisDOT	N/A	N/A	N/A	
Agreement on Bike and Pedestrian Accommodation Exemptions [23 CFR 652]	FHWA	WisDOT	N/A	N/A	N/A	
Ten-Year Rule Extension Approvals [23 CFR 630.112(c)(2)]	FHWA	FHWA	N/A	N/A	N/A	
Preventive Maintenance Project Pre-Approval (Applies to Structures Only)	FHWA	FHWA	N/A	N/A	N/A	
Detailed/Final Design						
Design Study Report	WisDOT (6)	WisDOT	N/A	N/A	N/A	
Preliminary Plans for Complex and Unusual Structures on the Interstate System [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	N/A	N/A	N/A	
Preliminary Plans for Major and Unusual Structures on the NHS [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	N/A	N/A	N/A	

Attachment 3 - Project Specific, Risk-Based Stewardship and Oversight Agreement Template

APPROVAL ACTION	APPROVAL AUTHORITY					Additional Details/Variations
	Main Design Project IDs [^]	Other Minor Design Project IDs [^]	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	
Mega Project PMP (Project Management Plan) [23 USC 106(h)]	FHWA					Generally one PMP for entire Mega Project. Approval required within 90 days of final environmental determination.
Design Exceptions (13 controlling Criteria) [23 CFR 625.3]	FHWA or WisDOT	WisDOT	N/A	N/A	N/A	Only includes approvals that are on the NHS regardless of funding source
Use of Experimental Products or Processes (Pilot and Demo) 23 CFR 635.411	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
New/Modified Interstate Access Control Change - Final Approval [23 USC 111]	FHWA	FHWA	N/A	N/A	N/A	
PIF – Proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval. Excludes those certified by WisDOT.	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. If delegated to WisDOT, must follow FDM process and include WisDOT Bureau of Project Development approval. Informational copies of the approved PIFs must be provided to FHWA prior to PS&E submittal.
PIF - Publicly furnished materials or equipment [23 CFR 635.407 and 635.106]. If statewide, FHWA approval.	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. If delegated to WisDOT, must follow FDM process and include WisDOT Bureau of Project Development approval. Informational copies of the approved PIFs must be provided to FHWA prior to PS&E submittal.
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401]	WisDOT (7)	WisDOT (7)	WisDOT (7)	WisDOT (7)	WisDOT (7)	
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA	WisDOT	N/A	N/A	N/A	
Salvage Value – Review of Salvage Value, Transportation Cost, and Use on Future Eligible Projects to Determine Applicability and Amount of Salvage Credit	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. Must follow FDM and CMM process and include complete documentation in project files. FHWA will review periodically.

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Incentive/Disincentive Amount Justification [23 CFR 635.127]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. Must follow standard practice and FDM guidance. FHWA may periodically review.
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. FHWA program-level approval required on rates approved as part of Standard Spec 108.11. If delegated, project-level approval on any rates that are an exception to the Standard Specification rates is approved by WisDOT. Informational copies of the approved Liquidated Damages must be provided to FHWA prior to PS&E submittal. Include complete documentation in project files. FHWA may periodically review.
Innovative and Public-Private Partnership Projects in accordance with SEP-14 and SEP-15 [SEP 14 & 15]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
Warranties [23 CFR 635.413]	FHWA	WisDOT	N/A	N/A	N/A	
Compensable Utility Relocation [23 CFR 645 subparts A and B]	WisDOT	WisDOT	N/A	N/A	N/A	
Use of Consultants by Utility Companies for Compensable Relocation [23 CFR 645.109(b)]	WisDOT	WisDOT	N/A	N/A	N/A	
Utility Agreement Execution and Utility Status Report Completion [23 CFR 645.113, 119]	WisDOT	WisDOT	N/A	N/A	N/A	
Railroad Agreement Execution [23 CFR 646.216 (3)(d)]	WisDOT	WisDOT	N/A	N/A	N/A	
Utility or Railroad Force Account Work Agreement [23 CFR 645.113 & 646.216]	WisDOT	WisDOT	N/A	N/A	N/A	
Maximum Railroad Protective Insurance Limits Exceptions [23 CFR 646.111]	WisDOT	WisDOT	N/A	N/A	N/A	
Safety Hardware Acceptability / Eligibility	FHWA	WisDOT	N/A	N/A	N/A	
Transportation Management Plan (TMP) – Acceptance [23 CFR 630.1012(b)]	WisDOT or	WisDOT	WisDOT or	WisDOT	WisDOT	Include language necessary to clearly

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	FHWA		FHWA			explain assigned responsibility. FHWA approval required on overall project TMP and any TMP associated with projects identified as elevated risk. All others to be approved by WisDOT. FHWA may periodically review.
Extended Bridge Approach Length (Off-System) – Federal Eligibility Determination (Only if bridge is on a roadway classified as local)	FHWA	WisDOT	N/A	N/A	N/A	
PS&E and Advertising						
Utility Certificate Exception at PS&E Approval	N/A	N/A	FHWA	WisDOT	WisDOT	
Railroad Clearance Exception at PS&E Approval [23 CFR 635.309 (b)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Clearance for Advertising for Bids (through PS&E Trak) [23 CFR 635.112]	N/A	N/A	FHWA	WisDOT	WisDOT	
Final Request for Proposal [23 CFR 636] Design Build and Public Private Partnerships.	N/A	N/A	FHWA	FHWA	FHWA	
Bid Analysis (Engineer Estimate Validation)	N/A	N/A	WisDOT	WisDOT	WisDOT	
Coast Guard Permit Requirement Exemption [23 CFR 650.805]	N/A	N/A	FHWA	FHWA	FHWA	
PIF - Advertising Period Less than Three Weeks [23 CFR 635.112]	N/A	N/A	WisDOT	WisDOT	WisDOT	
PIF - Use of Contracting Method Other than Competitive Bidding [23 CFR 635.104 & 204]	N/A	N/A	FHWA	FHWA	FHWA	
Owner Controlled Insurance Program (OCIP)	N/A	N/A	WisDOT	WisDOT	WisDOT	
PS&E [23 CFR 630.205]	N/A *	N/A *	WisDOT or FHWA	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
Contract Award and Construction						
Contract Addenda [23 CFR 635.112(c)]	N/A	N/A	FHWA	WisDOT	WisDOT	Contract addenda approval is only required if the construction contract is designated as Elevated Risk.

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APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs [^]	Other Minor Design Project IDs [^]	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
Design-Build Requests-for-Proposal (RFP) Addenda [23 CFR 635.112]	N/A	N/A	FHWA	WisDOT	WisDOT	
Buy America Waiver [23 CFR 635.410].	N/A	N/A	FHWA	FHWA	FHWA	
Award of Contract Concurrence [23 CFR 635.114]	N/A	N/A	WisDOT (6)	WisDOT	WisDOT	
Rejection of All Bids Concurrence [23 CFR 635.114]	N/A	N/A	FHWA	WisDOT	WisDOT	
Contract Claims Concurrence of Settlement [23 CFR 635.124]	N/A	N/A	FHWA	WisDOT	WisDOT	
Termination of Contract Concurrence [23 CFR 635.125]	N/A	N/A	FHWA	WisDOT (6)	WisDOT (6)	
Consultant Selection for Construction Engineering [23CFR 172.5]	N/A	N/A	WisDOT	WisDOT	WisDOT	
PIF - Sole Source/Negotiated Consultant Contract Selection for Construction Engineering [23 CFR 172.5(3)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Consultant Agreements and Amendments for Construction Engineering on Mega Projects [23 CFR 172.9]	N/A	N/A	FHWA (4)	WisDOT	WisDOT	
Construction Engineering by Local Agency [23 CFR 635.105]	N/A	N/A	FHWA	WisDOT	WisDOT	
Errors and Omissions FHWA Participation Determination	N/A	N/A	FHWA	WisDOT	WisDOT	
FHWA Project Inspections	N/A	N/A	FHWA	FHWA (10)	FHWA (10)	
FHWA Final Inspection/Acceptance of Completed Work [23 USC 114(a)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Administrative Contract Modifications (Change Orders)	N/A	N/A	WisDOT (6)	WisDOT	WisDOT	
Contract Modifications (AJRs) [23 CFR 635.120]	N/A	N/A	WisDOT or FHWA	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
Contract Time Extension Change Orders [23 CFR 635.120 & 121]	N/A	N/A	FHWA	WisDOT	WisDOT	
Materials Certification Acceptance [23 CFR 637.207]	N/A	N/A	FHWA	WisDOT	WisDOT	

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	Main Design Project IDs [^]	Other Minor Design Project IDs [^]	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
CIVIL RIGHTS						
Civil Rights						
DBE Contract Goal Approvals [49 CFR 26.51(e)(3)]	N/A	N/A	WisDOT	WisDOT	WisDOT	
Good Faith Waiver Acceptance [49 CFR 26.53]	N/A	N/A	WisDOT	WisDOT	WisDOT	
EEO Contract Compliance Review Approval	N/A	N/A	WisDOT	WisDOT	WisDOT	
Training Special Provision – Approval of Project Goal (Training Hours or Slots) [23 CFR 230, Subpart A]	N/A	N/A	WisDOT	WisDOT	WisDOT	
Training Special Provision – Approval of New Project Training Programs [23 CFR 230.111(d), (e)]	N/A	N/A	FHWA	FHWA	FHWA	

- (4) WisDOT has responsibility for ensuring that all individual elements of a project are eligible. Prior to authorizing funds, FHWA will check overall project eligibility by verifying that the scope of the project, as described in the submitted project agreement, is eligible for the category of funding sought. WisDOT has responsibility for ensuring the accuracy of the data in FMIS. FHWA will verify eligibility of individual elements and accuracy of FMIS data through scheduled authorization, FIRE and/or other reviews. FHWA retains all final determinations of eligibility and participation.
- (5) Only applies to Federally-funded projects/project IDs
- (6) Interstate projects require FHWA approval. Others approvals are delegated to WisDOT.
- (7) FHWA may provide approval on a programmatic basis per the Mega project agreements, provided appropriate review processes are in place.
- (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) Addenda approval to be completed by FHWA for all FHWA-approved PS&Es, approval by WisDOT for all others.
- (10) Project site visits may be done by FHWA as part of CAP reviews and process/program reviews.

[^] Main Design Project IDs are the IDs covering general PE work, either in the preliminary design or final design stage, and comprise the overall design of the project. For the US 41 Project (Winnebago & Brown Counties) this includes the following IDs: 1133-03-02, 1133-06-00, 1133-09-00, 1133-10-00, 1133-10-01, 1133-10-02, 9202-07-01, 9202-07-02, 6200-13-00, 1120-09-00, 1120-09-01, 1120-10-00 and 1120-11-02. Minor Design Project IDs are those small design projects that cover very small components of the overall design. For the US 41 Project (Winnebago & Brown Counties) this includes all other Project Design IDs not listed as Main Design Project IDs.

[^] For other types of federally-funded, stand-alone, minor projects (Right-of-Way Projects, Utility Projects, LFA or SFA Projects, Railroad Crossing Projects and ITS Projects); refer to the Risk-Based Project Stewardship & Oversight Agreement – Implemented July, 28, 2015 for guidance on approval authority. Specifically, see **ATTACHMENT 2: PROJECT APPROVAL RESPONSIBILITIES LIST**; Approval Authority falls under the Delegated/Assumed Projects NHS/Non-NHS column.