

## Chapter 24

### Federal Aid Project Certification

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## Chapter 24

### Federal Aid Project Certification

#### 24.1 General

The Florida Department of Transportation has a formal agreement with the Federal Highway Administration setting forth the respective roles, responsibilities, and accountability of FDOT and FHWA in the administration and oversight of Federal Aid highway funds. See **Florida Federal-Aid Partnership Agreement, Topic No. 700-000-005** and **Title 23 United States Code (U.S.C.) 106**. Under this agreement FHWA grants to FDOT general oversight responsibilities and approvals for design, plans, specifications, estimates, contract awards, contract administration and project inspections on Federal Aid highway projects except for selected projects as discussed in **Section 24.2** where FHWA retains full oversight. For those projects that FDOT has oversight responsibility, FDOT will follow all applicable FHWA policies, regulations, **Title 23 U.S.C.**, and **non-Title 23 U.S.C.** requirements as if FHWA were involved. Notwithstanding this, FHWA may become involved with any Federal-aid project and retains overall responsibility for all aspects of Federal-aid programs. As such, FHWA has full access to and the legal authority to review any aspect or record of any Federal-aid project at any time. In accordance with **49 CFR Part 18**, records will be retained for a minimum of three years or until litigation, claims or audit findings initiated before the three-year period have been resolved.

## 24.2 Selection of FHWA Oversight Projects

In accordance with the Partnership Agreement, annually in July, FHWA and FDOT will negotiate which new projects will be selected for “full oversight” by FHWA. FHWA Transportation Engineer will coordinate the project selection with their assigned FDOT District Office. Ideally, the projects will be selected from projects listed in the Statewide Transportation Improvement Program (STIP) to be approved by FHWA the following October 1<sup>st</sup>, and will include projects selected from all four years of the STIP. The projects selected should be on the Federal-aid system to primarily include the Interstate and National Highway System (NHS) routes, but non-NHS projects can be selected. The projects should be selected considering the factors below:

1. All major projects as defined by FHWA’s major project criteria (cost  $\geq$  \$500 million)
2. Controversial and Congressional interest Projects
3. Demonstration (demo) and pilot projects
4. Interstate projects:
  - a. With Design Exceptions to the 13 controlling criteria
  - b. For new or modified access points
  - c. For major reconstruction and widening
5. Projects utilizing innovative contracting methods, such as design build
6. Special Experimental Projects (SEP):
  - a. Projects requiring SEP-14 approval for alternative contracting methods
  - b. Projects requiring SEP-15 approval for public-private partnerships
7. Projects with an EIS
8. Unusually complex or controversial projects
9. Major unique and/or unusual structures
10. A priority focus for projects on the NHS
11. A desire to have a mix in project size and scope

All federally funded projects must comply with applicable ***non-Title 23 U.S.C.*** requirements which include, but are not limited to:

1. ***National Environmental Policy Act (NEPA) of 1969*** pursuant to ***40 C.F.R. Parts 1500 - 1508, 23 C.F.R. Section 771*** and ***Section 6002 of SAFETEA-LU***
2. ***Section 4 (f)*** of the ***DOT Act of 1966***

3. **Clean Air Act Amendments of 1990**
4. **Civil Rights Act of 1964**
5. Civil Rights approvals
6. Disadvantaged Business Enterprise Program (DBE)
7. **Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970**
8. Hardship acquisition and protecting buying
9. **Americans with Disabilities Act/Section 504 Rehabilitation Act of 1973**
10. Davis-Bacon wage rates
11. Waiver for Buy America requirements
12. SEP-14/SEP15 contracting methods
13. Executive Orders
14. FHWA Guidance and technical advisories
15. Addition/modification of access points to the Interstate (Interchange, locked gate access points, median crossovers for construction)
16. Project by project obligation of federal funds
17. Modifications to Federal-aid project agreements
18. Final Vouchers

## 24.3 FDOT Responsibilities

The final design documents, reports and plans for projects not selected for FHWA oversight will be developed in accordance with all applicable Department manuals, guidelines and procedures, and in compliance with all applicable Federal Statutes, Regulations, Executive Orders, and FHWA Directives and Standards. The Department is responsible for assuring that all appropriate criteria has been adhered to, and for documenting its findings in lieu of FHWA reviews. Several of the major areas and the method to be used by the Department to document the acceptability of various final design activities in place of an FHWA review and approval are:

1. Typical Section Package

The typical section package should be prepared as described in **Chapter 16, Sections 16.2.3** and **16.3.2** of this volume. Concurrence by the District Design Engineer documents the acceptability of the package. Concurrence from the District Structures Design Engineer may also be required on unusual bridge typical sections.

2. Pavement Design Package

The pavement design is developed and approved by the responsible professional engineer in accordance with Department pavement design procedures. Concurrence from the District Design Engineer is required to document the acceptability of the package in lieu of FHWA review and concurrence.

3. Bridge Hydraulics Report

The hydraulics report is developed and approved by the responsible professional engineer in accordance with appropriate design standards. Concurrence from the District Drainage Engineer is required to document the acceptability of the package in lieu of FHWA review and concurrence.

4. Bridge Development Report

The bridge development report is developed and approved by the responsible professional engineer in accordance with appropriate design standards. Concurrence from the District Design, Structures Design, or Project Management Engineer is required to document the acceptability of the report in lieu of FHWA review and concurrence.

5. Design Plans Phase Reviews

Plan reviews should be conducted as described in **Chapter 16** of this volume. Concurrence in the resolution of phase review comments from the District Design, Structures Design, or Project Management Engineer is required to document the acceptability of the reviews in lieu of FHWA review and concurrence. (See **Exhibit 24-B.**)

6. Design Exceptions

Design Exceptions on projects not under full FHWA oversight require approval and concurrence as described in **Chapter 23** of this volume.

7. Special Provisions

Special provisions, which include project specific and technical special provisions, will be developed and approved by the responsible professional engineer. Concurrence from the District Specifications Engineer is required to document the acceptability of the special provisions in lieu of FHWA review and concurrence. (See **Exhibit 24-C**.)

8. Plans, Specifications and Estimate

The Plans, Specifications, and Estimates (PS&E) Package and contract file will be transmitted to Tallahassee as described in **Chapter 20** of this volume. The District Director of Transportation Development (Production) will certify that the design and PS&E Package has been prepared according to the appropriate certification procedures. The date of this certification will be noted on the Transmittal of PS&E Package. The Transmittal will also identify the individuals that reviewed the Plans Package, Specification Package, and Authorization Estimate, and the dates of their respective reviews. The Department's official estimate will be approved by the District Estimates Engineer.

9. Authorization to Advertise

The letter requesting FHWA authorization to advertise for bids and the PS&E package, including reimbursable utility agreements, will be submitted to FHWA by the Federal Aid Office. The Federal Aid Manager will certify in the letter to FHWA that the package was prepared under the appropriate certification procedures. An FHWA PS&E checklist (the Contract File Index, filled out by the District and submitted as part of the Transmittal of PS&E Package) will be submitted to FHWA.

10. Revisions

Revisions to the PS&E will be processed as described in **Chapter 20** of this volume. Concurrence from the District Design, Structures Design, or Project Management Engineer is required to document the acceptability of the revision in lieu of FHWA review and concurrence.

In special cases where programs or projects are developed in the Central Office, an appropriate Central Office Manager will provide any necessary concurrences in lieu of a District Manager. **Exhibit 24-A** outlines the approval and concurrence process.

## 24.4 Certification Documentation and Reviews

FHWA will perform periodic reviews of projects developed under the Partnership Agreement and may have access to review project phases and records at any time. To support the exemption program, adequate documentation throughout the design phase is critical. All approvals and concurrences outlined in the previous section must be sufficiently documented. A complete, well-organized design project file should be able to support a compliance review. All correspondence and documents must include the Federal Aid project number. The Quality Assurance procedures described in **Chapter 18** of this volume will be used by the Central Office to monitor district compliance with the certification requirements.



## **24.5 Certification Statement**

A Federal Aid project certification statement by the District Director of Transportation Development (Production) for each project is no longer required. However, Districts are responsible for insuring that all Federal Aid requirements are met as described in this chapter.

**Exhibit 24-A Approval and Concurrence Process**

<p align="center"><b>TYPICAL SECTION PACKAGE</b></p> <p>Approved: 6                  Concurrence: 3 or 4                  (<i>PPM Vol. 1, Section 16.2.3</i>)</p>	<p align="center"><b>PAVEMENT DESIGN PACKAGE</b></p> <p>Approved: 6                  Concurrence: 3                  (<i>Pavement Design Manual</i>)</p>		
<p align="center"><b>BRIDGE DEVELOPMENT REPORT</b></p> <p>Approved: 6                  Concurrence: 3 4 5 or 7                  (<i>PPM Vol. 1, Chap. 26</i>)</p>	<p align="center"><b>APPROVAL OF PHASE REVIEW PLANS (Roadway and Structures)</b></p> <p>Approved: 6                  Concurrence: 3 4 5 7 or District Roadway Design Engineer                  (<i>PPM Vol. 1, Chap. 16</i>)</p>		
<p align="center"><b>ACCIDENT/SAFETY REVIEW</b></p> <p>Approved: District Safety Engineer</p>	<p align="center"><b>SPECIAL PROVISIONS</b></p> <p>Approved: 6                  Concurrence: 9</p>		
<p align="center"><b>DESIGN CRITERIA</b></p> <p>DESIGN EXCEPTIONS                  Requested: 3 or 6                  Concurrence: 8, and 7 when needed.                  Approved: FHWA or 11                  (<i>PPM Vol. 1, Chap. 23</i>)</p>	<p align="center"><b>BRIDGE HYDRAULICS REPORT</b></p> <p>Approved: 6                  Concurrence: District Drainage Engineer                  (<i>Drainage Manual, Chap. 4</i>)</p>		
<p align="center"><b>PLANS, SPECIFICATIONS AND ESTIMATE</b></p> <p>PLANS PACKAGE                  Approved: 2</p> <p>SPECIFICATIONS PACKAGE                  Approved: 9</p> <p>FHWA AUTHORIZATION ESTIMATE                  Approved: 10                  (<i>PPM Vol. 1, Section 20.3</i>)</p>	<p align="center"><b>REVISIONS TO PS&amp;E</b></p> <p>Approved: 6                  Concurrence: 3 4 or 5                  (<i>PPM Vol. 1, Section 20.4</i>)</p>		
	<p align="center"><b>ASSEMBLY OF PS&amp;E &amp; CERTIFICATION OF OTHER REPORTS AS REQUIRED</b></p> <p>Responsibility: FA Manager</p>		
<table border="0"> <tr> <td style="vertical-align: top;"> <ol style="list-style-type: none"> <li>1 District Secretary</li> <li>2 District Director of Transportation Development (Production)</li> <li>3 District Design Engineer</li> <li>4 District Structures Design Engineer</li> <li>5 District Project Management Engineer</li> <li>6 Responsible Professional Engineer</li> <li>7 State Structures Design Engineer</li> <li>8 State Roadway Design Engineer</li> <li>9 District Specifications Engineer</li> <li>10 District Estimates Engineer</li> <li>11 State Director of Design (for exempt projects)</li> </ol> </td> <td style="vertical-align: top; padding-left: 20px;"> <p><b>NOTE:</b>                      In special cases where programs or projects are developed in the Central Office, an appropriate Central Office Manager will provide concurrence in lieu of the District Manager.</p> </td> </tr> </table>		<ol style="list-style-type: none"> <li>1 District Secretary</li> <li>2 District Director of Transportation Development (Production)</li> <li>3 District Design Engineer</li> <li>4 District Structures Design Engineer</li> <li>5 District Project Management Engineer</li> <li>6 Responsible Professional Engineer</li> <li>7 State Structures Design Engineer</li> <li>8 State Roadway Design Engineer</li> <li>9 District Specifications Engineer</li> <li>10 District Estimates Engineer</li> <li>11 State Director of Design (for exempt projects)</li> </ol>	<p><b>NOTE:</b>                      In special cases where programs or projects are developed in the Central Office, an appropriate Central Office Manager will provide concurrence in lieu of the District Manager.</p>
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**Exhibit 24-B Design Plans Phase Review**

DATE:

TO: (See Below)\*

FROM:

COPIES:

SUBJECT: Response to \_\_\_\_\_ Phase Review

REF: Financial Project ID  
FA Project Number  
County

In content of letter include a statement confirming that all review comments have been responded to or satisfactorily resolved.

Include appropriate copies of review comments, responses and other pertinent data.

APPROVED:

CONCURRENCE:

\_\_\_\_\_  
Responsible Professional Eng.  
(Name of Consultant Firm)

\_\_\_\_\_  
\* District Design Engineer  
\* District Structures Design Engineer  
\* District Project Management Engineer

\* As appropriate

### Exhibit 24-C Special Provisions

DATE:

TO: District Design, Structures Design or  
Project Management Engineer

FROM:

COPIES: State Specifications Engineer

SUBJECT: Special Provisions

REF: Financial Project ID  
FA Project Number  
County

Include detailed information concerning special provisions required.

Appropriate section(s) of FDOT Standard Specifications should be referenced.

Questions concerning format and content should be directed to the Specifications Office of FDOT

APPROVED:

CONCURRENCE:

\_\_\_\_\_  
Responsible Professional Eng.  
(Name of Consultant Firm)

\_\_\_\_\_  
\* District Design Engineer  
\* District Structures Design Engineer  
\* District Project Management Engineer

\* As appropriate