

## 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 to administer specific Federal Aid highway projects exempt from FHWA oversight. See **Exemption Agreement** and **23 USC 106 Exception Process, Topic No. 700-000-020**. Under this agreement FHWA accepts the Department's certification that the design and construction phases of specific Federal Aid highway projects on the National Highway System (NHS) have been carried out in accordance with all appropriate Department manuals, guidelines and procedures, and in compliance with all applicable Federal Statutes, Regulations, Executive Orders, and FHWA Directives and Standards. The Department assumes the oversight responsibilities and duties previously performed by FHWA during the final design, award and construction of these federally funded projects.

This agreement do not preclude FHWA access to and review of Federal Aid projects at any time, and does not replace the fundamental provisions of law in **Title 23** with respect to the basic structure of the Federal Aid program. FHWA may at any time have access to and review project phases and records under the exemption agreement. In accordance with **23 CFR 17.5**, 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 Exemption Coverage

The exemption process (permitted under **23 U.S.C. 106**) applies to the design and construction of all Federal Aid highway projects except new or reconstruction projects on the Interstate System with cost estimates greater than \$1 million. All Interstate RRR and National Highway System projects off the Interstate System are covered under the exemption process.

The Exemption Agreement does not prohibit FHWA's involvement, at the Department's request, in the review of design plans and subsequent participation in construction inspections of major, unusual or innovative structures on Non-Interstate Systems within the State. The Department is encouraged to include FHWA in such projects to the extent practical.

### 24.2.1 Exclusions

Full FHWA oversight procedures will be followed on all Federal Aid construction/reconstruction projects on the Interstate System with cost estimates greater than \$1 million. For these oversight projects, there are certain special features that will require special FHWA review and involvement in addition to normal FHWA reviews. These special features are:

1. Individual structures with an estimated total deck area greater than 125,000 square feet.
2. Major storm drainage systems designed to carry more than 200 cfs.
3. Storm drainage systems that have a surface detention storage with an accumulated volume greater than five acre-feet.
4. Storm water pumping facilities designed to discharge more than 20 cfs.
5. Unusual or moveable bridges, unusual hydraulic structures and unusual geotechnical structures.

Other areas not exempt from FHWA oversight and not covered under the exemption agreement include:

1. Activities for compliance with **Section 102 (2)(c)** of the **National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et.set.)** and **23 CFR 771**. Project Evaluations must still be submitted to the FHWA for review and appropriate action as required in **23 CFR 771.129** in accordance with normal procedures as outlined in FDOT's PD&E Guidelines.

2. Activities for compliance with **Section 4(f)** of the **Department of Transportation Act of 1966, P.L. 89-665, 49 USC 303**.
3. Activities for compliance with any other federal law other than Title 23.
4. **Highway Safety, Title 23, Chapter 4**.
5. Public Transportation Projects not administered by the FHWA under Title 23.
6. **Civil Rights Act of 1964, 42 USC 2000(d) et.seq.** and **23 CFR 200 (Title VI)**, and **23 CFR 230 (EEO)**.
7. **Uniform Relocation and Assistance and Real Properties Acquisition Policies Act of 1970, 42 USC 4601, et.seq. 23 CFR Parts 710-740 and 49 CFR Part 24** (Administered under the Right of Way Certification Program approved by FHWA for statewide use on August 7, 1998).
8. **Executive Order 12372, Intergovernmental Review of Federal Programs**.
9. Transportation Planning and Research, **23 USC 134 & 307**.
10. Buy America provisions, **23 CFR 635.410**.
11. Minimum wage provisions, Davis Bacon, **23 USC 113**.
12. Advertising and Award of construction contracts, **23 CFR 112**.
13. Procurement of consultant services, **23 CFR 172**.
14. The use of proprietary or sole source items or materials.

## 24.3 Certification Responsibilities

The final design documents, reports and plans for projects exempt from 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 procedures used in the exemption process.

## 24.4 Certification Documentation and Reviews

FHWA will perform periodic reviews of projects developed under the exemption agreements 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. I, 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. I, 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. I, 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. I, 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. I, 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. I, 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