

**EXHIBIT 2-B: FEDERAL-AID PROJECT RESPONSIBILITIES LIST  
FOR DELEGATED PROJECTS OFF THE STATE HIGHWAY SYSTEM  
(Pursuant to 2010 FHWA & Caltrans Joint Stewardship and Oversight Agreement)**

Project Action/Activity	Local Agency	Caltrans District	Caltrans HQ	FHWA
<b>Project Authorization (Chapter 3)</b>				
Construction Engineering > 15% Total Contract Item Costs	Prepare	Approve	Review	Verify
Project Agreement and Modification [23 CFR 630.110]	Prepare	Recommend	Approve <sup>2</sup>	Verify <sup>3</sup>
Obligate Funds	-	-	-	Approve <sup>4</sup>
Funding Eligibility Determinations	Prepare	Recommend	Approve	Verify <sup>5</sup>
Reimbursement Vouchers (interim and final)	-	-	Prepare	Approve
Section 1.9 Approvals of Incurred Costs. [23 CFR 1.9]	Prepare	Recommend	Recommend	Approve
<b>Agreements (Chapter 4)</b>				
Master Agreement	Sign	File Copy	Prepare/Approve	-
Program Supplement Agreement	Sign	File Copy	Initiate/Approve	-
<b>Accounting/Invoices (Chapter 5)</b>				
Invoice	Prepare	<i>Approve</i> <sup>6</sup>	Approve <sup>7</sup>	-
Project Eligibility	Prepare	Approve	Review	-
<b>Environmental Procedures (Chapter 6)</b>				
Project-Level Transportation Conformity Determination for CE pursuant to SAFETEA-LU 6005 MOU	Prepare	Request	-	Approve
NEPA Approval Consistent with SAFETEA-LU 6004 & 6005 MOUs (for detailed NEPA actions and approvals refer to LAPM Chapter 6 and the SER)	Prepare	Approve	-	-
<b>Field Review (Chapter 7)</b>				
Field Review	Perform	Participates <sup>8</sup>	-	-
Minor ITS Project development [23 CFR 940.11] (SERF)	Prepare	Approve	-	-

<sup>2</sup> Approval and signatures are needed by both Caltrans and FHWA.

<sup>3</sup> Subject to FHWA's random sample verification process. Verification is defined as routine, independent confirmation of sampled projects.

<sup>4</sup> Obligation of funds by FHWA is the final step in the project authorization process.

<sup>5</sup> Subject to FHWA's random sample verification process.

<sup>6</sup> Actions in italics such as "Review" indicate a change in procedures.

<sup>7</sup> DLAE performs initial review and approval. Headquarters Local Programs Accounting performs final review of invoice prior to payment by the State which is subsequently reimbursed by FHWA.

<sup>8</sup> DLAE participates in field reviews unless otherwise documented in project files.

Project Action/Activity	Local Agency	Caltrans District	Caltrans HQ	FHWA
<b>Public Hearings (Chapter 8)</b>				
Public Hearing [23 CFR 771.111(h)]	Perform & Certify	-	-	-
<b>Civil Rights &amp; Disadvantaged Business Enterprises (Chapter 9)</b>				
DBE Implementation Agreement [LAPM]	Prepare	Approve	-	-
DBE Annual Goals [LAPM]	Prepare	Approve	-	-
ADA Coordinator [49 CFR 27.13(a)]	Certify	Accept	-	-
ADA Complaint Procedure [49 CFR 27.13(b)]	Certify	Accept	-	-
ADA Agency Self-Evaluation [28 CFR 35.105]	Certify	Accept	-	-
ADA Transition Plan [28 CFR 35.150]	Certify	Accept	-	-
<b>Consultant Selection (Chapter 10)</b>				
Consultant Selection [23 CFR 172.7-172.9]	Perform	Review <sup>9</sup>	-	-
Consultant Agreements	Approve	Review <sup>10</sup>	-	-
PIF – Use of Non-Competitive Negotiated Consultant Contracts [23 CFR 172.5(3)]	Prepare	Approve	-	-
Cognizant Agency Audit [23 CFR 172.7-172.9]	Prepare	Review <sup>11</sup>	-	-
Consultants in Management Role [23 CFR 172.9(d)]	Approve	Review <sup>12</sup>	-	-
<b>Design Standards (Chapter 11)</b>				
Preliminary Plans for Major and Unusual Structures	Prepare	Approve	-	-
Design Standards	Approve	-	-	-
Design Exceptions, non-Interstate [23 CFR 625.3]	Approve	-	-	-
Experimental Features	Prepare	Recommend	Recommend	Approve
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	Approve	Review <sup>13</sup>	-	-
Financial Plans for Projects from \$100 Million to \$499 Million [SAFETEA-LU 1904]	Prepare	Review & Approve	-	-
High Risk ITS Project Development [23 CFR 940.11]	Prepare	Recommend	Recommend	Approve

<sup>9</sup> DLAE receives DBE information and may participate in consultant selection process upon request and contingent on available resources.

<sup>10</sup> DLAE coordinates review of proposed consultant contract costs, etc. with Caltrans Audits & Investigations.

<sup>11</sup> DLAE coordinates review of proposed consultant contract indirect cost rates, etc. with Caltrans Audit & Investigations.

<sup>12</sup> DLAE reviews completed “Conflict of Interest for Consultants in Management Positions” form and the procedure used to hire consultant.

<sup>13</sup> For all Federal-aid projects exceeding \$25 million on the National Highway System and bridge projects exceeding \$20 million on or off the Federal-aid system. DLAE to coordinate review of local agency Value Analysis Study with District Value Analysis Coordinator.

Project Action/Activity	Local Agency	Caltrans District	Caltrans HQ	FHWA
Major Projects and TIFIA Loan Projects – Project Management Plan and Financial Plan [SAFETEA-LU 1904]	Prepare	Review <sup>14</sup>	Review	Approve
Low Risk ITS Project development [23 CFR 940.11]	Prepare	Approve	-	-
<b>Plans, Specifications &amp; Estimates (Chapter 12)</b>				
PS&E [23 CFR 630.205, 23 USC 106]	Approve & Certify	Verify	-	-
Public Interest Finding (PIF) – Statewide Application	-	Recommend	Prepare	Approve
Environmental Commitments are incorporated	Prepare	Verify	-	-
PIF – Use of publicly furnished materials [23 CFR 635.407]	Approve	-	-	-
PIF – Use of proprietary products and processes [23 CFR 635.411]	Approve	-	-	-
PIF – Use of contracting method other than competitive Bidding [23 CFR 635.104/204]	Prepare	Approve	-	-
Utility or Railroad Force Account Work [23 CFR 645.113 & 646.216]	Approve	Verify	-	-
PIF – Advertising Period less than 3 Weeks [23 CFR 635.112]	Prepare	Approve	-	-
PIF – Use of Force Account [23 CFR 635.204,205]	Prepare	Approve <sup>15</sup>	-	-
PIF – Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	Approve	-	-	-
PIF – Use of Publicly-Owned Equipment [23 CFR 635.106]	Approve	-	-	-
Buy America Waiver [23 CFR 635.410]	Prepare	Recommend	Recommend	Approve
Innovative Contracting Requirements [SEP 14 & 15]	Prepare	Recommend	Recommend	Approve
<b>Right-Of-Way (Chapter 13)</b>				
Qualify Local Agencies	-	Approve	-	-
Qualify/Select Consultants	Perform/Select	Verify	-	-
R/W certificate 3 – Conceptually concur as a condition of PS&E approval [23 CFR 635.309(r)(3)]	Prepare	Recommend	Recommend	Approve
Accept ROW certificate 1 and 2 as a condition of PS&E approval [23 CFR 635.309(c)(1)&(2)]	Prepare	Approve	-	-
Functional Replacement [23 CFR 710.509]	Prepare	Recommend	Recommend	Approve
Protective Buying and Hardship Acquisition [23 CFR 710.503]	Prepare	Recommend	Recommend	Approve
Public Interest Finding (PIF) – Concur on declaring Federally funded R/W as excess for disposal [23 CFR 710.403, 409]	Prepare	Recommend	Recommend	Approve
Railroad Agreement [23 CFR 646.216 (3)(d)]	Prepare	Approve		

<sup>14</sup> DLAE to coordinate with Division of Project Management.

<sup>15</sup> Copy of approved force account PIFs to be forwarded to FHWA. For ARRA projects, force account PIFs are to be submitted to FHWA for approval.

Project Action/Activity	Local Agency	Caltrans District	Caltrans HQ	FHWA
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	Prepare	Recommend	Recommend	Approve
Request for Direct Federal Acquisition [23 CFR 710.603]	Prepare	Recommend	Recommend	Approve
Request for Federal Land Transfer [23 CFR 710.601]	Prepare	Recommend	Recommend	Approve
Request for Waivers of comparable replacement dwelling requirements [49 CFR 24.204(b)]	Prepare	Recommend	Recommend	Approve
Withholding of Federal Payments upon failure to perform [23 CFR 710.203(c), 23 CFR 1.36]	Prepare	Recommend	Recommend	Approve
<b>Utilities Relocation (Chapter 14)</b>				
Utility Agreement [23 CFR 645.113, 119]	Prepare	Approve	-	-
Utility Relocation [23 CFR 645 subparts A and B]	Prepare	Approve	-	-
<b>Advertise &amp; Award Project (Chapter 15)</b>				
Advertise Project	Prepare	Recommend	Recommend	Approve <sup>16</sup>
Bid Analysis [23 CFR 635.114]	Prepare & Approve	Review		
Consultant Agreements [23 CFR 172.7-172.9]	Approve	Review	-	-
Public Interest Finding (PIF) - Advertising Less than 3 Weeks [23 CFR 635.112]	Prepare	Approve	-	-
PIF - Use of Contracting Method other than Competitive Bidding [23 CFR 635.104 & 204]	Prepare	Approve	-	-
Advertisement Addendum [23 CFR 635.1129(c)]	Approve	-	-	-
Award of Project [23 CFR 635.114]	Approve	-	-	-
Rejection of All Bids [23 CFR 635.114]	Approve	-	-	-
Award Package – Including DBE Reporting	Prepare	Review	Report <sup>17</sup>	-
<b>Administer Construction Contract (Chapter 16)</b>				
Construction engineering by local agency [23 CFR 635.105]	Certify	Approve	-	-
Contract Administration and Inspection	Certify	Review <sup>18</sup>	Verify <sup>19</sup>	Verify <sup>20</sup>
Subcontracting Requirements [23 CFR 635.114]	Certify	-	-	-
Quality Assurance Program [LAPM Chapter 16.14]	Approve	Accept	-	-
Contract Change Orders (CCO) w/no increase in Federal funds	Approve <sup>21</sup>	-	-	

<sup>16</sup> Approval for advertising is included with receipt of construction authorization for the project.

<sup>17</sup> DBE data is reported to Caltrans Civil Rights.

<sup>18</sup> DLAE may select areas for review.

<sup>19</sup> DLA Oversight Engineers perform periodic reviews of contract administration for ARRA projects.

<sup>20</sup> FHWA can verify any aspect of the project as part of a construction field review.

<sup>21</sup> Local agencies are financially responsible for change orders executed without additional e-76 funds.

Project Action/Activity	Local Agency	Caltrans District	Caltrans HQ	FHWA
E-76 Modification for CCO with increase in Federal funds	Prepare	Recommend	Approve	Approve <sup>22</sup>
Environmental Commitments (permit conditions and required mitigation) [23 CFR 771.109(b)]	Implement	-	-	-
Contract Time Extensions [23 CFR 635.120&121]	Approve	-	-	-
Termination of Construction Contract [23 CFR 635.125]	Approve <sup>23</sup>	-	-	-
Settlement of Construction Contract Claims [23 CFR 635.124]	Approve <sup>24</sup>	-	-	-
Incentive/Disincentive Amount Justification [23 CFR 635.127]	Approve	-	-	-
Liquidated Damages [23 CFR 635.127]	Approve	Review	-	-
Reimbursement Invoice	Prepare	Approve <sup>25</sup>	Approve	-
<b>Project Completion (Chapter 17)</b>				
Final Inspection/Contract Acceptance [23 USC 114(a)]	Approve	-	-	-
Materials Certification [LAPM Exhibit 17-G]	Certify	Review	Review <sup>26</sup>	
Project Verification	Recommend	Verify	-	-
Final Report of Expenditures	Prepare	Approve	-	Verify
Post-Project Audits	-	-	Perform <sup>27</sup>	-
<b>Maintenance (Chapter 18)</b>				
Maintenance of completed Federal-aid Projects	Perform	Review	-	-

<sup>22</sup> Local agencies must receive e-76 modification approval prior to executing the CCO.

<sup>23</sup> Local agencies are financially responsible for termination agreements executed without necessary e-76 funds. Anticipated profits for work not performed is not eligible for Federal reimbursement.

<sup>24</sup> Local agencies are financially responsible for settlement of contract claims without necessary e-76 funds. Any contract adjustment shall be fully supported.

<sup>25</sup> DLAE performs initial review and approval. Headquarters Local Programs Accounting performs final review of invoice prior to payment by the State which is subsequently reimbursed by FHWA.

<sup>26</sup> DLA Oversight Engineers perform periodic reviews.

<sup>27</sup> Performed by Caltrans Audits & Investigations with assistance from the DLAE.