

FEDERAL HIGHWAY ADMINISTRATION
High Profile Project Oversight Agreement for
I-5 Boat Section Project
EA: 03-0A3604
May 8, 2008

On September 4, 2007, a new Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) signed a new Joint Stewardship and Oversight Agreement (S&O Agreement). Under the new S&O Agreement, the FHWA and Caltrans will utilize a risk-based approach to project-level management that no longer uses the \$1,000,000 threshold to determine FHWA stewardship and oversight. This risk-based approach to project oversight will be conducted in two steps: 1) selecting the projects that traditionally pose a risk to the health of the Federal-aid Highway Program (High Profile projects) and 2) within the High Profile projects, further delegating approval authorities in activities that pose a low risk to the individual projects.

This project has been determined to be a High Profile Project, since the project has met one of the eleven criteria listed in the S&O Agreement. The criterion is "Controversial and Congressional Interest projects". Project Responsibility List (see Attachment A) has been developed to define which approval actions are to be handled by FHWA or Caltrans. Other areas of Federal involvement and/or approval actions for this project are summarized in this agreement (i.e., attending meetings, design reviews, conducting project inspections, etc.)

FHWA Project Personnel and Resources for Oversight:

An FHWA Transportation Engineer (TE) has been assigned for the oversight of this project. The TE will be responsible for all project actions and approvals, with the guidance of the FHWA Division Office management and the assistance of other FHWA personnel. Division Office specialists will be available for project reviews and technical assistance in order to provide expeditious reviews and approvals of project actions. Oversight will be conducted through project inspections, review of project data and various other means. The United States Department of Transportation (U.S.D.O.T.) Office of Inspector General may also perform audits of project costs and other financial data as required.

Reporting Requirements:

The FHWA TE will be responsible for providing periodic updates of the costs and schedules of the project to FHWA Headquarters and the U.S.D.O.T. – Office of the Secretary. Briefings will also be provided to assist various agencies with tracking information. The Project Management team will provide weekly updates at a minimum (using all available information) with respect to project cost and scheduling to assist with this task. Along with the weekly updates, the FHWA TE will attend regular meetings to discuss the project's progress including any unforeseen circumstances.

PROJECT DESCRIPTION

This project will repair a ¾ mile "Boat Section" of Interstate 5 (I-5) that runs through downtown Sacramento, California, from post mile (PM) 22.6 to PM 23.5. The project includes remove and replace the freeway drainage and pavement, and install back-up groundwater dewatering wells.

PROJECT-SPECIFIC REQUIREMENTS

Oversight activities specific to this project are detailed in Attachment A. Items not addressed by the Project Responsibilities List that pertain to this project are discussed below.

Planning:

The project is included in the current Regional Transportation Plan and Transportation Improvement Plan.

Environment:

FHWA signed Categorical Exclusion (CE) for the project on June 17, 2005.

Design:

Caltrans completed design on 10/12/07

Right of Way:

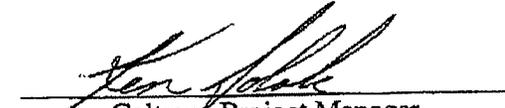
Right of Way Cert. #1 and date 4/1/06
FHWA approvals for right of way activities will be done in accordance with the attached project responsibilities list (Attachment A).

Construction:

Currently, this project is estimated to begin construction on May 30, 2008. The level of construction oversight will vary depending upon the complexity of the construction activities. The FHWA TE is responsible for FHWA construction oversight.

As a High Profile Project, FHWA will remain involved with the project through construction inspections/tours and project updates. During the construction inspections/tours and project updates, Caltrans will provide FHWA with a listing of major and minor change orders, time extensions, and potential contract claims. Furthermore, Caltrans will inform FHWA if/when there are any major changes to the project such as the termination of a contract. Caltrans will offer FHWA the opportunity to be involved as a participant in the final inspection/acceptance of the completed project.


FHWA Transportation Engineer


Caltrans Project Manager

ATTACHMENT A

Overview

The project Responsibilities list identifies the responsible agency for project level actions. Project activities are listed and the appropriate Approval Authority (FHWA or Caltrans) is identified. The FHWA will maintain approval authority for activities that cannot be delegated and activities that may pose a risk to individual projects. The activities with highlighted cells under the High Profile projects column, which show FHWA, may be delegated to Caltrans if the particular activity is of low risk to the project or the federal-aid highway program.

APPROVAL ACTION	Approval Authority High Profile Projects
ADMINISTRATION	
Financial Management	
All Vouchers (progress payments and final)	FHWA
Federal-aid Project Agreement and Modification—Preliminary Engineering through Construction [23 CFR 630.110]	FHWA
Funding Eligibility Determinations	FHWA
Obligate funds	FHWA
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA
PROJECT DEVELOPMENT	
ROW	
Accept ROW certificate 3 as a condition of PS&E approval [23 CFR 635.309(c)(3)]	FHWA
Accept ROW certificates 1 and 2 as a condition of PS&E approval [23 CFR 635.309(c)(1)&(2)]	Caltrans
Air space agreements / Non-highway use and occupancy not on the Interstate [23 CFR 710.405]	FHWA
Air space agreements / Non-highway use and occupancy on the Interstate [23 CFR 710.405]	FHWA
Control of Access [23 CFR 620.203(h)]	FHWA
Functional Replacement [23 CFR 710.509]	FHWA
Junkyard Control [23 CFR 751.25]	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA
Protective Buying and Hardship Acquisition [23 CFR 710.307, 503]	FHWA
Public Interest Finding (PIF) - Disposal of federally funded ROW [23 CFR 710.403, 409]	FHWA
Railroad Agreement [23 CFR 646.216 (3)(d)]	FHWA
Relinquishment of a Highway Facility for continued highway purposes [23 CFR 620.201, 202, 203]	FHWA
Request for Credits for Early Acquisition of ROW [23 CFR 710.501]	FHWA

APPROVAL ACTION	Approval Authority High Profile Projects
Request for Direct Federal Acquisition [23 CFR 710.603]	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA
Request for Waivers [49 CFR 24.204(b)]	FHWA
Utility Agreement [23 CFR 645.113, 119]	Caltrans
Utility Relocation [23 CFR 645 subparts A and B]	FHWA
Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA
Environment	
Categorical Exclusion (CE) [23 CFR 771.117 (c) and (d); SAFETEA-LU 6004; 23 CFR 771.117 all other CEs: SAFETEA-LU 6005]	FHWA (1)
Certification of Public Hearing [23 CFR 771.111(h)(2)(vi)]	Caltrans
Draft Environmental Impact Statement (DEIS) [23 CFR 771.123; 23 CFR 771.123 (e); SAFETEA-LU 6005]	N/A
Environmental Assessment (EA) Availability to the Public [23 CFR 771.1199(c); SAFETEA-LU 6005]	N/A
Final Environmental Impact Statement (FEIS) [23 CFR 771.125; 23 CFR 771.125(c); SAFETEA-LU 6005]	N/A
FEIS Legal Sufficiency [23 CFR 771.125(b); SAFETEA-LU 6005]	N/A
Finding of No Significant Impact [23 CFR 771.121; SAFETEA-LU 6005]	N/A
Noise Abatement [23 CFR 772]	Caltrans
Project-Level Transportation Conformity for CE processed under SAFETEA-LU 6004 MOU [40 CFR 93]	Caltrans (2)
Project-Level Transportation Conformity for CE, EA and Environmental Impact Statement (EIS) processed under SAFETEA-LU 6005 MOU [40 CFR 93]	FHWA
Record of Decision [23 CFR 771.127; SAFETEA-LU 6005]	N/A
Re-evaluation on Approved Environmental Documents [23 CFR 771.129; SAFETEA-LU 6004 & 6005]	Caltrans (2)
Section 4(f) <i>De Minimis</i> Determination [SAFETEA-LU 6004, 6005 & 6009, 49 USC 303]	Caltrans (2)
Section 4(f) Individual [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (2)
Section 4(f) Programmatic [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (2)
Supplemental EIS [23 CFR 771.130; SAFETEA-LU 6005]	N/A
Preliminary Design	
Consultant Selection [23 CFR 172.5]	FHWA
Financial Plans for projects from \$100M to \$499M [SAFETEA-LU 1904]	Caltrans
Major ITS Project Development [23 CFR 940.11]	FHWA
Major Projects and TIFIA Loan Projects - Project Management Plan and Financial Plan Approval [SAFETEA-LU 1904]	FHWA
Minor ITS Project Development [23 CFR 940.11]	Caltrans

APPROVAL ACTION	Approval Authority High Profile Projects
New/Modified Interstate Access Determination of Engineering and Operations Acceptability [Feb 1998 Federal Register, Vol#28 - (minor access changes delegated to Caltrans, see letter dated September 15, 1994)]	FHWA (Caltrans)
PIF - Airspace Clearance FAA [CFR 620.104]	FHWA
PIF - Use of Negotiated Consultant Contracts [23 CFR 172.5(3)]	Caltrans
Detailed Design	
Approve preliminary plans for major and unusual structures	Caltrans
Design Exceptions, non-Interstate (all other projects) [23 CFR 625.3]	Caltrans
Design Exceptions on the Interstate (13 controlling Criteria) [23 CFR 625.3]	FHWA
Experimental Features (Pilot and Demo) aka CEWP, design/sequencing	FHWA
New/Modified Interstate Access Control Change - Final Approval [Feb 1998 Federal Register, Vol#28]	FHWA
PIF - Statewide and project specific use of proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval.	Caltrans
PIF and Cost Justification Letter - Statewide and Project Specific - Concur in use of publicly furnished materials and expenses [23 CFR 635.407]. If statewide, FHWA approval.	Caltrans
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401, HDM 504.8]	FHWA
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	Caltrans
PS&E and Advertising	
Authorize advertising for bids [23 CFR 635.112]	Caltrans
Authorize utility or railroad force account work [23 CFR 645.113 & 646.216]	Caltrans
Bid Analysis (Engineer Estimates)	Caltrans
Consultant Agreements [23 CFR 172.7 - 172.9]	Caltrans
Exempt bridge from Coast Guard permit requirements [23 CFR 650.805]	FHWA
Hiring of consultant to serve in a "management" role [23 CFR 172.9(d)]	Caltrans
Noise - Reasonable and Feasible Determination for PS&E approval [23 CFR 772.11(g)]	Caltrans (1)
PIF - Advertising period less than three weeks [23 CFR 635.112]	N/A
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	N/A
PIF - Use of Force Account [23 CFR 635.204, 205]	Caltrans
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	Caltrans
PIF - Use of Publicly Owned Equipment [23 CFR 635.106]	Caltrans
PS&E [23 CFR 630.205, 23 USC 106]	Caltrans
Supplemental Work Item Justification	FHWA
Utility and railroad agreements [23 CFR 645.113 & 646.216]	N/A
Warranties [23 CFR 635.413]	FHWA

APPROVAL ACTION	Approval Authority High Profile Projects
Construction	
Accept Materials Certification [23 CFR 637.207]	Caltrans
Addenda during advertising period [23 CFR 635.112(c)]	Caltrans
Buy America Waiver [23 CFR 635.410, ISTEA Sec. 1041(a) & 1048(a), 41 CFR 10 (a-d)] Submit to HQ if >\$50K.	FHWA
Concur in award of contract [23 CFR 635.114]	Caltrans
Concur in rejection of all bids [23 CFR 635.114]	Caltrans
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	FHWA
Concur in termination of contracts [23 CFR 635.125]	FHWA
Construction engineering by local agency [23 CFR 635.105]	N/A
Contract time extensions [23 CFR 635.120 & 121]	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA/Caltrans
Incentive/Disincentive Amount Justification [23 CFR 635.127]	Caltrans
Innovative Contracting Requirements [SEP 14 & 15]	FHWA
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA
Major changes and extra work [23 CFR 635.120]	FHWA
Minor changes and extra work [23 CFR 635.120]	Caltrans
Subcontracting Requirements [23 CFR 635.116(b)]	Caltrans
Research	
Experimental Features [FAPG Ch. 6, Sect G 6042.4]	FHWA
Emergency Relief	
ER Damage Assessments and Reports on the SHS [23 CFR 668, 23 USC 120 and 125]	N/A
ER Damage Assessments and Reports off the SHS [23 CFR 668; 23 USC 120 and 125; ER Q&A, Question #5 Revised DAF and #8 Coordination with Other Agencies]	N/A
<p>(1) FHWA approved the project's CE before the NEPA Assignment took place. (2) Caltrans has assumed responsibility for these items under the Section 6005 MOU. The FHWA will reassume responsibility should any of the applicable agreements be terminated or expired.</p>	