

HIGH PROFILE PROJECT RESPONSIBILITIES LIST

Project Description: Deck-over I-5 to provide parkway, business, housing so to connect the Old-Town Sacramento to the rest of the City.

EA Number: 03-1C210K

Discussion of Involvement: The City of Sacramento received \$3.5 earmark demonstration funding to perform a feasibility study of decking over I-5.

The project consists of a “deck” over the depressed section of Interstate Route 5 through downtown Sacramento (approximately J Street to O Street) to create a tunnel section for the Interstate 5 traffic. The “deck” would create an open space for downtown amenities, including “gateway” and pedestrian accommodations in the area around Capitol Mall and the Tower Bridge. Cost would vary from \$30 to \$300 million dollars for feasible alternatives.

FHWA Activity: We have reviewed the feasibility report and evaluated any concerns for federal approval for the undertaking for which FHWA would exercise jurisdiction.

Issues:

- We believe the issues are primarily “vision” and funding. While the City is sorting out its vision for this corridor, funding remains as the significant obstacle to proceeding to a limited or full deck-over project.
- The City has probably re-focused its vision and its efforts to redevelopment of the nearby Southern Pacific railyards, a 240-acre parcel which would become available for multimodal transportation hub, as well as major commercial and residential enterprises.
- We do not believe that the City’s priorities would come to direct the limited federal-aid apportionments to a project of this scale and magnitude. If the City were to proceed to deck over I-5, it is imagined that the City would first seek discretionary funding.
- The concerns would be that of engineering and environmental issues, but we perceive no major hurdles to FHWA approval of such a project.
- Other concerns include that of structural connections and seismic response, traffic disruption during construction, potential Section 106 and Section 4(f) for the Old Town historic district, air quality, drainage modifications and target value (for terrorist activity).
- We are committed to working with the City to achieve its vision for fundable and feasible alternatives.

The activities with highlighted cells indicate whether this approval action will be made either by FHWA or delegated to Caltrans if the particular activity is of low risk to the project or the FAHP.

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	CT
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)]	FHWA
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
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	

APPROVAL ACTION	Approval Authority
	High Profile Projects
Categorical Exclusion (CE) [23 CFR 771.117 (c) and (d); SAFETEA-LU 6004; 23 CFR 771.117 all other CEs: SAFETEA-LU 6005]	Caltrans (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]	Caltrans (1)
Environmental Assessment (EA) Availability to the Public [23 CFR 771.1199(c); SAFETEA-LU 6005]	Caltrans (1)
Final Environmental Impact Statement (FEIS) [23 CFR 771.125; 23 CFR 771.125(c); SAFETEA-LU 6005]	Caltrans (1)
FEIS Legal Sufficiency [23 CFR 771.125(b); SAFETEA-LU 6005]	Caltrans (1)
Finding of No Significant Impact [23 CFR 771.121; SAFETEA-LU 6005]	Caltrans (1)
Noise Abatement [23 CFR 772]	Caltrans
Project-Level Transportation Conformity for CE processed under SAFETEA-LU 6004 MOU [40 CFR 93]	Caltrans (1)
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]	Caltrans (1)
Re-evaluation on Approved Environmental Documents [23 CFR 771.129; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) <i>De Minimis</i> Determination [SAFETEA-LU 6004, 6005 & 6009, 49 USC 303]	Caltrans (1)
Section 4(f) Individual [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Section 4(f) Programmatic [23 CFR 771.135; SAFETEA-LU 6004 & 6005]	Caltrans (1)
Supplemental EIS [23 CFR 771.130; SAFETEA-LU 6005]	Caltrans (1)
Preliminary Design	
Consultant Selection [23CFR 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
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)]	CT
Detailed Design	
Approve preliminary plans for major and unusual structures	FHWA
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

APPROVAL ACTION	Approval Authority
	High Profile Projects
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.	CT
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.	CT
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]	CT
Authorize utility or railroad force account work [23 CFR 645.113 & 646.216]	CT
Bid Analysis (Engineer Estimates)	CT
Consultant Agreements [23 CFR 172.7 - 172.9]	CT
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)]	CT
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]	CT
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	CT
PIF - Use of Force Account [23 CFR 635.204, 205]	CT
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	CT
PIF - Use of Publicly Owned Equipment [23 CFR 635.106]	CT
PS&E [23 CFR 630.205, 23 USC 106]	FHWA
Supplemental Work Item Justification	FHWA
Utility and railroad agreements [23 CFR 645.113 & 646.216]	FHWA
Warranties [23 CFR 635.413]	FHWA
Construction	
Accept Materials Certification [23 CFR 637.207]	CT
Addenda during advertising period [23 CFR 635.112(c)]	CT
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]	CT
Concur in rejection of all bids [23 CFR 635.114]	CT
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	CT
Concur in termination of contracts [23 CFR 635.125]	CT
Construction engineering by local agency [23 CFR 635.105]	CT

APPROVAL ACTION	Approval Authority
	High Profile Projects
Contract time extensions [23 CFR 635.120 & 121]	CT
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA
Incentive/Disincentive Amount Justification [23 CFR 635.127]	CT
Innovative Contracting Requirements [SEP 14 & 15]	FHWA
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	CT
Major changes and extra work [23 CFR 635.120]	CT
Minor changes and extra work [23 CFR 635.120]	CT
Subcontracting Requirements [23 CFR 635.116(b)]	CT
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]	FHWA
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]	FHWA/ Caltrans
(1) Caltrans has assumed responsibility for these items under the Section 6004 and 6005 MOUs. The FHWA will reassume responsibility should any of the applicable agreements be terminated or expire. Additionally, the FHWA remains responsible for several projects that have been excluded from the assumption of NEPA responsibilities by Caltrans.	

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