

**HIGH PROFILE PROJECT RESPONSIBILITIES LIST**

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*Caltrans District:* 4

*EA Number:* 04-2A470

*Project Title:* SB I-680 Smart Carpool Lane

*Project Description:* The SB I-680 Smart Carpool Lane is located in Alameda and Santa Clara Counties. The project covers a 14-mile segment along the I-680 corridor extending from Route 84 in Alameda County to Route 237 in Santa Clara County. The project scope is to convert an existing HOV Lane to a combined HOT/HOV facility. The total project cost for the Smart lane is approximately \$36.5 Million which includes \$1,664,000 of Federal Value Pricing Pilot Program Funds and \$2 Million in Federal Earmark funds. The remaining funds come from local, ACTIA Measure B, and RIP contributions.

*The SB I-680 Smart Carpool Lane project will be combined with two other projects and will be constructed in multiple contracts. The two projects are completion of the Southbound HOV project and a southbound roadway rehabilitation project. The total cost for all three projects is approximately \$230 Million. Others funds come from SHOPP, STIP, TCRP, Federal Demo, and Local sources.*

*Project Status:* This project is in the PS&E Phase for the combined work. Construction will begin Fall 2008. A separate Integrator Contract for ETS software design is expected to be awarded November 2008 with installation in mid- 2010.

*Discussion of Involvement:* As this project is under the purview of the Federal Value Pricing Pilot Program, FHWA's areas of involvement have been spelled out in an Agreement between FHWA and Caltrans dated January 14, 2004 and Amendment Number 1 dated May 4, 2006. Within the Agreement, the signing parties established that FHWA shall be considered a full participant to the project. As a full participant, FHWA shall be a member of all project management committees and provided an opportunity for membership on all subcommittees. Furthermore, the Sunol Smart Carpool Lane Joint Powers Authority ("SSCLJPA") as Caltrans' agent shall submit quarterly project progress reports and financial reports in accordance with 49 CFR §18.40(b) and §18.41 respectively. Upon completion of the project, SSCLJPA as Caltrans' agent shall provide a final report which at a minimum shall include the effects or potential effects of the project on driver behavior, traffic volume, etc. SSCLJPA is requested to sign this Project Responsibility List as an acknowledgement of such responsibilities.

*Furthermore, FHWA will provide prior approval for any significant changes related to the project proposal. Such changes may include, but are not limited to: 1) changes in overall project budget which results in a shift of \$25,000 or more of the original budget between tasks; 2) any significant revision of the scope, goals, objective, or tasks of the Scope of Work or proposal, or related activities; and 3) changes in key personnel, including the sub-grantee project manager.*

*Besides those involvement/approval items listed in the Agreement, Caltrans will inform the FHWA representative of the project advertisement for bids date and results of the project bid analysis. All other FHWA required involvement/approval is discussed in detail in the January 14, 2004 agreement or listed within this Project Responsibility List.*

*This agreement identifies the responsible agency for project-level approvals through construction. Within each column, activities are listed and the appropriate approval authority is identified. 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. These assignments do not have to be re-visited unless a specific issue is identified by one of the participating agencies. This agreement does not preclude FHWA from making routine construction inspections.*

<b>APPROVAL ACTION</b>	<b>Approval Authority High Profile Projects</b>
<b>ADMINISTRATION</b>	
<b>Financial Management</b>	
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
<b>PROJECT DEVELOPMENT</b>	
<b>ROW</b>	
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]	Caltrans
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)]	Caltrans
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
<b>Environment</b>	
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)
<b>Preliminary Design</b>	
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

<b>APPROVAL ACTION</b>	<b>Approval Authority High Profile Projects</b>
PIF - Use of Negotiated Consultant Contracts [23 CFR 172.5(3)]	Caltrans
<b>Detailed Design</b>	
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
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
<b>PS&amp;E and Advertising</b>	
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]	FHWA
PIF - Use of contracting method other than competitive bidding [23 CFR 635.104 & 204]	FHWA
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]	FHWA
Supplemental Work Item Justification	FHWA
Utility and railroad agreements [23 CFR 645.113 & 646.216]	Caltrans
Warranties [23 CFR 635.413]	FHWA
<b>Construction</b>	
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]	FHWA
Concur in rejection of all bids [23 CFR 635.114]	FHWA

APPROVAL ACTION	Approval Authority High Profile Projects
Concur in settlement of contract claims [23 CFR 635.124; C&M Manual, Chapter 2]	Caltrans
Concur in termination of contracts [23 CFR 635.125]	FHWA
Construction engineering by local agency [23 CFR 635.105]	Caltrans
Contract time extensions [23 CFR 635.120 & 121]	Caltrans
Final inspection/acceptance of completed work [23 USC 114(a)]	FHWA
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]	Caltrans
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
<b>Research</b>	
Experimental Features [FAPG Ch. 6, Sect G 6042.4]	FHWA
<b>Emergency Relief</b>	
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) 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.</p> <p>(2) Activity is delegated to the local agency.</p> <p>(3) Caltrans approval for On-Federal Aid system, local agency approval for Off-Federal Aid system.</p> <p>(4) Subject to the FHWA's Random Sampling Verification Process.</p>	

  
 Jean G. Mazur  
 FHWA Transportation Engineer, District 4

4/16/08  
 Date

  
 Emily Landin-Lowe  
 Caltrans – Project Manager

4-1-08  
 Date

  
 Jean Hart  
 Executive Director  
 Sunol Smart Carpool Lane Joint Powers Authority

4-1-08  
 Date