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SECTION A

INTRODUCTION

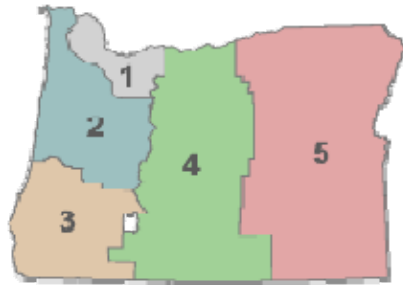
Chapter 2

Roles and Responsibilities

This chapter addresses the roles and responsibilities of FHWA, ODOT and local agencies for federally funded transportation projects.

A. OVERVIEW

As noted in Chapter 1, the role of fulfilling FHWA stewardship responsibilities and supporting local agencies in the delivery of their federal-aid transportation projects resides with ODOT's Local Agency Program. ODOT's Local Agency Program consists of the central [Local Government Section](#) and [Regional Local Program Units](#) that serve [five geographical areas](#) in Oregon.



ODOT's [Local Government Section](#) provides statewide administration, support and management of the Local Agency Program. However, to provide optimum service to local agencies in all parts of Oregon, each ODOT Region has [Regional Local Agency Liaisons](#) that serve as the local agency's primary ODOT contact for processing projects, providing assistance for local agency project delivery efforts and answering local agency questions.

A variety of ODOT resources and contact persons can also be found online within the [ODOT Contact List](#).

B. FHWA RESPONSIBILITIES

FHWA has the authority and responsibility for implementing and monitoring federal laws, regulations and executive orders affecting highway transportation projects undertaken with federal funding. When a project involves FHWA funding, FHWA is involved according to these responsibilities, delegations of authority and FHWA's [Stewardship Agreement](#) with ODOT.

For local agency projects involving federal funding, FHWA's responsibilities typically involve project implementation and process review activities.

NOTE: For any new or revised Interstate access (regardless of funding), FHWA review and approval is required along with FHWA's applicable National Environmental Policy Act (NEPA) clearance.

1. Project Implementation

For all federal-aid projects, FHWA is responsible for the following activities:

- Obligation of federal funds;
- Buy America waivers;
- Approval of NEPA and other federally required environmental documents except for projects that qualify for Programmatic Categorical Exclusion; and
- Experimental features.

For projects that are under FHWA "Full Oversight" (e.g. projects over \$5 million on the National Highway System) per the [Stewardship Agreement](#), FHWA is also responsible for the following activities:

- Authorization to proceed;
- Approval of additional access points on the Interstate;
- Any major changes to the project (See ODOT's [Construction Manual](#) for more details during the construction phase); and
- Final inspection.

2. Oversight

FHWA has oversight responsibilities for the following types of projects:

- [Interstate](#) – Ensuring compliance with federal requirements regarding non-Title 23 activities (environmental, right of way and civil rights).
- [Intelligent Transportation Systems \(ITS\)](#) – Section [940.11 of Title 23 CFR](#), requires that all federally funded ITS projects shall be developed using a systems engineering analysis. An ITS project is any project meeting the definition included in [23 CFR 940.3](#). The systems engineering analysis shall be commensurate with the size and scope of the project being developed. It is strongly recommended that the project sponsor use existing systems engineering analysis tools and guidance available from FHWA, which can be found at www.ops.fhwa.dot.gov/int_its_deployment/sys_eng.htm.

FHWA has full oversight on the ITS portion of any project that meets the following criteria:

- Projects developing software;
- Projects developing new ITS and/or communications technologies; and
- When the type of project or the systems engineering analysis process for conforming to [23 CFR 940.11](#) is new to the agency responsible for project development.

Prior to authorization of highway trust funds for construction or implementation of the ITS portion of projects with full oversight, the project sponsor shall provide identification of the parts of the regional ITS architecture being implemented, a systems engineering management plan, a concept of operations for the project or a plan on how it will be achieved and rationale behind procurement approach selected. Further documentation may be requested for high-risk projects, or if an ITS project is not conforming to the requirements in [23 CFR 940.11](#).

Projects not meeting the above requirements are not subject to full oversight, but must still conform to the requirements in [23 CFR 940.11](#). These projects will be subject to audit by FHWA.

The following examples of projects are not considered ITS projects and are not subject to the requirements in [23 CFR 940.11](#):

- Installation of isolated rural traffic signals and
- Signal re-timing projects.

While it is FHWA's policy to rely primarily on their Program Review/Product Evaluation Program to carry out these responsibilities, other process review techniques including project specific activities, may be used when appropriate.

C. ODOT RESPONSIBILITIES

With the FHWA/ODOT [Stewardship Agreement](#), ODOT has received major delegations of authority and responsibility from FHWA. ODOT is responsible to FHWA for administering the successful implementation of federal-aid programs and projects. These responsibilities can be categorized as Policy and Procedures, Program Management and Project Implementation.

1. Policy and Procedures

As a part of ODOT's obligation to ensure compliance with state and federal laws, ODOT outlines the basic requirements for local agency policy and procedures. In this way, ODOT supports local agencies as they develop their own local policy and procedures to

assure that they comply with state and federal requirements. By doing this, ODOT avoids prescribing uniform policies and procedures upon local agencies which allows greater flexibility for individual agencies.

ODOT, in collaboration with FHWA, interprets federal and state laws, rules and regulations and provides guidance in the form of manuals, guidebooks, handbooks, reference materials and service and training to assist the agencies in planning, designing, constructing and maintaining their transportation systems.

2. Program Management

Each specific local assistance program provides funding which requires distribution, management and oversight control to ensure that the funds are expended to meet the program goals and that allocations and budget authority are not exceeded. ODOT distributes both state and federal fund allocations to the local agencies as specified by law and program requirements.

Once the distributions are established, ODOT provides program guidance for their expenditure. Some funding programs may require annual or periodic project application and selection to establish eligibility lists. ODOT also monitors project implementation to ensure that the projects are implemented in a timely manner to achieve program goals. For details regarding federal funding programs, refer to Section A, Chapter 3 of this *LAG Manual*.

3. Project Implementation

Some activities delegated by FHWA to ODOT cannot be further delegated to local agencies and remain ODOT's responsibility. These include the following activities:

- Approval of authorization to proceed;
- Preparation of federal agreements;
- Pre-award audit review of consultant contract over \$250,000;
- Approval of Utility Relocation Agreements involving federal reimbursement;
- Approval of Specific Authorization for Utility Relocation involving federal reimbursement;
- Independent Assurance Sampling and Testing (IAST) for National Highway System (NHS) projects;
- Approval of payments from ODOT to local agencies;
- Right of Way Certification; and
- Issuance of rail grade crossing orders.

The individual *LAG Manual* chapters covering these topics should be consulted for further details. Where FHWA has not delegated final approval, ODOT monitors local agency activities, reviews or prepares documents and makes recommendation to FHWA.

For example, ODOT will review all environmental documents for completeness and sufficiency before ODOT submits them to FHWA for approval.

ODOT also provides assistance to local agencies in interpreting the regulations, manuals and guidelines, as they apply to specific project conditions. ODOT's [Regional Local Agency Liaisons](#), [Certification Program Manager](#) and other [Local Government Section staff](#) are all available to aid local agencies.

Where expertise is not otherwise available, local agencies may also request assistance from ODOT's technical specialists in solving special technical problems. Environmental issues, right of way concerns, hazardous wastes, labor compliance, equal employment opportunity, Title VI issues and Disadvantaged Business Enterprises are among these areas where assistance is available. The use of this expertise should be requested early and well coordinated with the [Regional Local Agency Liaison](#) and the technical specialist to assure that ODOT's limited resources and personnel will be available when needed.

D. LOCAL AGENCY RESPONSIBILITIES

The [Association of Oregon Counties](#) (AOC), [League of Oregon Cities](#) (LOC) and ODOT entered an agreement entitled [Federal-Aid Project Guidelines and Working Agreement](#) (*Working Agreement*). This *Working Agreement* details the roles and responsibilities for ODOT and local agencies.

Section II G of the *Working Agreement* states:

“Cities and counties certified to administer federal-aid projects that are not on the National Highway System (NHS) shall follow the guidelines set forth in the individual IGAs written for certification. All non-certified cities and counties are required to follow the guidelines set forth in this working Agreement and must contract with the STATE or another certified agency to secure services to perform plans, specifications and estimates (PS&E), contract advertisement, bid, award, contractor payments and contract administration.”

1. Project Implementation

Local agencies have the primary responsibility for utilizing federal-aid funding for specific projects in accord with state and federal laws and program requirements. Local agencies shall ensure that their staff members, consultants and contractors comply with the applicable state and federal laws, regulations and procedures in developing and constructing their projects.

Non-certified local agencies shall contact their ODOT [Regional Local Agency Liaisons](#) prior to commencing any federal-aid project implementation activity. A non-certified local agency may need to seek the services of a certified local agency to assist them with the project delivery process.

Certified local agencies have optimum decision-making authority for the project delivery activities of federal-aid projects for which they have been certified. For further details regarding local agency certification, see Section C of this *LAG Manual*.

E. APPROVAL AUTHORITY

The approving agency for various phases of work is indicated in the Approval Authority Matrix, located in the Appendix to this chapter.

F. OREGON TRANSPORTATION COMMISSION

The [Oregon Transportation Commission](#) (OTC) has programming and fund allocation responsibility for federal-aid programs. The OTC approves selected projects for inclusion in the [Statewide Transportation Improvement Program](#) (STIP) for the State of Oregon. The STIP is the funding and scheduling document for major road, highway and transit projects in Oregon; it lists projects for the next four years. Local agency projects must be approved in the STIP prior to the local agency proceeding with any reimbursable work on such projects.

G. SUMMARY

The collaborative efforts and partnership of the stakeholders noted above are vital for the ongoing delivery of local agency federal-aid projects. These efforts manifest in a number of different ways, but most importantly they result in excellent local agency projects that support the needs of Oregon's traveling public.