

## Certification

MoDOT certifies that the transportation planning process is being carried out in accordance with the following requirements in 23 CFR 450.218(a).

1. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and this part;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101 (b) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 CFR part 230 regarding implementation of an equal opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
7. In non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the 1990 Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
8. 42 U.S.C. 6101 regarding the Older Americans Act, as amended prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. 23 U.S.C. 324 regarding the prohibition of discrimination on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

In addition to the above specifically stated requirements, 23 CFR 450.216 describes a number of requirements that MoDOT ensures are met with submission of the Statewide Transportation Improvement Program, or STIP. These requirements are as follows.

1. Public involvement was provided for in the STIP development as required by 23 CFR 450.210(a).
2. The metropolitan planning area Transportation Improvement Programs are included by reference, without modification, in the STIP and have been approved by the Governor of Missouri.
3. In non-attainment and maintenance areas, the STIP contains only transportation projects found to conform, or from programs that conform, to the air quality requirements.
4. The STIP contains only transportation projects consistent with the long-range statewide plan.

5. The STIP is financially constrained by year as required.
6. The STIP includes a descriptive list of priority transportation projects to be carried out in the first four years.
7. The STIP contains all capital and non-capital transportation projects or identified phases of transportation projects requiring action by FHWA or FTA.
8. The STIP contains all regionally significant projects requiring action by the FHWA and FTA.

## **Federal-Aid Project Oversight Agreement**

### **Background and Purpose**

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998 and the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) of 2005 allow States to assume certain responsibilities for the Federal Highway Administration in some National Environmental Policy Act approvals and in the design, construction, award and inspection of certain Federal-aid projects.

Section 106 of Title 23, Project Approval and Oversight, requires an agreement between the Secretary of Transportation and the State relating to the extent to which the State assumes nearly all FHWA responsibilities for projects under Title 23 for project development (plans, specifications, and estimates), contract awards, and inspections/final acceptance of Federal-aid highway projects. The FHWA Missouri Division and MoDOT updated the FHWA/MoDOT Stewardship and Oversight Agreement on February 2, 2007. The agreement outlines the basic oversight responsibilities and roles of the two agencies in administering the Federal-aid Program in Missouri. The FHWA Missouri Division's website link is: <http://www.fhwa.dot.gov/modiv/oversite.htm>. The following is a summation regarding oversight responsibilities.

### **Project Oversight Responsibilities**

**Interstate Projects** – The Federal Highway Administration has full oversight on all interstate projects with an estimated construction cost over \$1 million regardless of project type, including Intelligent Transportation System projects. The Federal Highway Administration has full oversight on major or unusual bridge projects. MoDOT assumes oversight responsibilities for all interstate

projects with an estimated construction cost less than \$1 million, except major or unusual bridge projects. Major or unusual bridges are defined as bridges over the Missouri or Mississippi Rivers or any bridge with a single span of 500 feet or more, regardless of total bridge length, or any bridge with unusual features.

**National Highway System Projects (Non-Interstate)** – MoDOT assumes oversight responsibility for all non-interstate National Highway System projects with an estimated construction cost less than \$1 million, except for major or unusual bridges. The Federal Highway Administration has oversight on all major or unusual bridge projects and projects >\$1 million on the National Highway System.

**Non-National Highway System Projects** - MoDOT assumes oversight responsibilities for all non-National Highway System projects, regardless of cost, including Intelligent Transportation System projects and major or unusual bridges.

### **Identification of Full-Oversight Projects**

MoDOT and the Federal Highway Administration will conduct an annual review of the MoDOT Statewide Transportation Improvement Program to identify the projects that will be administered as full-oversight projects by the Federal Highway Administration.

### **Obligation of Funds**

MoDOT will not submit requests for obligation of funds on any federal-aid construction project until the National Environmental Policy Act approval process has been completed, right of way clearance has been approved, and the projects for which federal funds are being requested are listed in the MoDOT Statewide Transportation Improvement Program.

### **Other Oversight Agreement Provisions**

This agreement is made with the following understandings.

- MoDOT will administer all projects previously authorized prior to the effective date of this agreement under Certification Acceptance as though the projects were authorized under the provisions of this agreement.

- All non-Title 23 U.S.C. requirements will continue to be subject to the Federal Highway Administration project review, oversight, and approval.
- All projects on the National Highway System (interstate and non-interstate) will conform to MoDOT adopted design and construction standards as approved by the Federal Highway Administration. Amendments or revisions to these standards are subject to the Federal Highway Administration's review and approval.
- All non-National Highway System projects shall be designed, constructed, operated and maintained in accordance with state laws; regulations; directives; and safety, design and construction standards.
- Federal Highway Administration will complete a final inspection and final acceptance on the Federal Highway Administration full-oversight projects. MoDOT assumes this responsibility for all other projects. MoDOT will take action to close projects in a timely manner.
- This agreement does not preclude the Federal Highway Administration from observing a federal-aid highway project under MoDOT responsibility, including those under a local public agency agreement, should the project contain unique features, if unusual circumstances arise, or should such projects be party to inclusion in joint agency MoDOT Quality Assurance Reviews or Federal Highway Administration Process Review and Evaluations.
- Federal Highway Administration and MoDOT enter into this agreement to conduct project oversight activities in accordance with the above stipulated agreement provisions. The effectiveness of these oversight responsibilities will be evaluated periodically and adjustments made upon mutual agreement.

### **Certification**

It is hereby certified that MoDOT will follow all federal and state laws, regulations and directives for the design, construction, operation and maintenance of all federal-aid projects.