

**Project of Division Interest (PoDI)
Stewardship & Oversight Plan**

Project Name	Description	State/County	FMIS #	State ID #	FHWA Contact
I-26 Median Safety Project – Phase II	High Tension along the Median Eastbound and Westbound	Berkeley and Dorchester Counties, SC	Click here to enter text.	Click here to enter text.	R. Gennie

*Groups of projects may be covered in one plan where each has the same risk areas and response activities. Add additional rows if necessary.

1. Is this PoDI(s) also a PoCI? Yes No

2. What is the primary PoDI Type (select one)?

- Major Project (>\$500M); 23 USC 106(h)
- Appalachian Development Highway Project
- TIGER Discretionary Grant Project
- NHS Projects with Retained FHWA Project Approval; 23 USC 106(c) (1)
- Non-NHS with Retained Actions; 23 USC 106(c) (2) *(as requested by State)*
- Projects Selected for Risk-based Stewardship & Oversight; 23 USC 106(g)

3. What are the applicable risk areas associated with the PoDI (select all that apply):

- Complexity
- Cost
- Schedule
- Urgency
- Environment & Stakeholders
- Funding
- Project Administration
- National/Regional Significance
- Corporate Actions
- Local Considerations
- Other: Describe: New Material to the State/Proprietary Item/High Tension Rail

Please provide a general description of the risks:

FHWA was involved in Phase I of the I-26 Median Safety Project. This project has public and political controversy. Also, SCDOT is proposing to place high tension median rail on the eastbound and westbound direction. High Tension has never been used in South Carolina.

4. What are the general project elements that will be reviewed (select all that apply):

- Project Authorization and Project Agreement
- Project Planning and Programming
- Project Financing
- Environmental Clearances/NEPA
- Preliminary Design
- Final Design
- Plan, Specification, & Estimate Development
- Advertising and Award
- Innovative Contracting/Design Build
- Contract Administration
- Construction Inspection & Quality
- Other – Describe: [Click here to enter text.](#)

5. What are the general S&O activities that the Division will conduct in response to risk (select all that apply):

- Retained Project Approval Actions
- Project/Technical Meetings
- Document/Plan Review
- Field Review/Inspection & Report
- Program/Process Reviews & Report
- CAP Review
- Special Review
- Other – Describe: [Click here to enter text.](#)

Please provide a specific description of the activities that will be conducted:

SEE ATTACHMENT A FOR SPECIFIC PROJECT APPROVALS RETAINED BY FHWA*. In addition, FHWA Staff will: (1) provide elevated coordination between environmental and operation staff during project development; (2) assist in the development and retain approval action for the PS&E ; and (3) concur in award.

6. If the project is a PoCI, what specific corporate resources were committed to this project?

NA

7. What were the results of the Division's involvement in the project(s)?

See identified risks and corresponding actions to be taken by the Division

8. Additional Information:

NA

Note:

***ATTACHMENT A outlines project action responsibilities similar to what is provided in FHWA/SCDOT's joint Stewardship and Oversight Agreement (June 2014). However, those additional project actions that have been retained by FHWA, as a result of the risks identified for this PoDI, are highlighted in red font (if any).**

ATTACHMENT A

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
PROGRAMMING (All phases)	
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE
Identify proposed funding category	STATE
FINANCIAL MANAGMENT (All phases)	
Obligate funds/approve Federal-aid project agreement (project authorizations) (Note: this action cannot be assumed by State)	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
ENVIRONMENT (All phases)	
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA
Categorical Exclusion approval actions (Note: this action cannot be assumed by the State except through an assignment under 23 U.S.C. 326 or 327, or through a programmatic agreement pursuant to Section 1318(d) of MAP-21)	FHWA
PRELIMINARY DESIGN (Design Phase)	
Consultant Contract Selection (<i>for FHWA oversight purposes, all scopes of services to be submitted to FHWA for information</i>)	STATE
Sole source Consultant Contract Selection	FHWA
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	STATE
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
PRELIMINARY DESIGN (Design Phase) – Continued	
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE -FHWA
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA
Interstate System Access Justification Report [23 USC 111]	FHWA
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA
Provide pre-approval for preventive maintenance project (until FHWA concurs with STATE procedures) (Note: this action cannot be assumed by State)	FHWA

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
DETAILED / FINAL DESIGN (Design Phase)	
Provide approval for complex and other unusual bridges and other structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA
Provide approval of preliminary plans for major bridges or other structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	FHWA
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE
Approve use of publicly owned equipment [23 CFR 635.106] <i>(for FHWA oversight purposes, prior to making a decision SCDOT will contact FHWA and FHWA will provide technical assistance on documenting the determination)</i>	STATE
Approve the use of proprietary products, processes [23 CFR 635.411] <i>(for FHWA oversight purposes, prior to making a decision SCDOT will contact FHWA and FHWA will provide technical assistance on documenting the determination)</i>	STATE
Concur in use of publicly furnished materials [23 CFR 635.407] <i>(for FHWA oversight purposes, prior to making a decision SCDOT will contact FHWA and FHWA will provide technical assistance on documenting the determination)</i>	STATE

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
RIGHT-OF-WAY (Design and Operational Phases)	
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	FHWA for Interstate STATE for Non-Interstate
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)]	FHWA for Interstate STATE for Non-Interstate
Ensure ROW certificate is in place [23 CFR 635.309(c)]	STATE
Approve Hardship and Protective Buying [23 CFR 710.503] (Note: this action cannot be assumed by State)	FHWA
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate STATE for Non-Interstate
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	FHWA

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
RIGHT-OF-WAY (Design and Operational Phases) - Continued	
<p>Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)</p>	<p>FHWA for Interstate STATE for Non-Interstate</p>
<p>Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (Note: this action cannot be assumed by State)</p>	<p>FHWA</p>
<p>Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)</p>	<p>FHWA</p>
<p>Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)</p>	<p>FHWA</p>
SAFETY (Design Phase)	
<p>Eligibility determinations for safety hardware (Note: this action cannot be assumed by State)</p>	<p>FHWA</p>

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
SYSTEM OPERATIONS AND PRESERVATION (Design Phase)	
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE
PS&E AND ADVERTISING (Design Phase)	
Approve PS&E [23 CFR 630.201]	STATE FHWA
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE FHWA
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE
Authorize advertising for bids (FHWA authorization done via construction authorization) [23 CFR 635.112, 309]	FHWA

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
CONTRACT ADVERTISEMENT AND AWARD (Design Phase)	
All contracts to be done by competitive bidding unless otherwise authorized by law	
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA
Approve construction engineering by local agency [23 CFR 635.105]	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA
Approve addenda during advertising period [23 CFR 635.112]	STATE FHWA
Concur in award of contract [23 CFR 635.114]	STATE FHWA
Concur in rejection of all bids [23 CFR 635.114]	STATE FHWA
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	FHWA

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
CONSTRUCTION (Construction Phase)	
Approve changes and extra work [23 CFR 635.120]	STATE
Approve contract time extensions [23 CFR 635.120]	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE
Accept materials certification [23 CFR 637.207]	STATE
Concur in settlement of contract claims [23 CFR 635.124]	STATE
Concur in termination of construction contracts [23 CFR 635.125]	FHWA
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE

PROJECT ACTIONS	
Assumption of Responsibilities under 23 U.S.C. 106c or other statutory or regulatory authority	
CIVIL RIGHTS (All phases)	
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE
Equal Employment Opportunity (EEO) Contract Compliance Review Approval [23 CFR Part 230, Subpart D]).	STATE
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA