

Ohio Department of Transportation LPA Maintenance Monitoring and Oversight Program

PURPOSE:

In accordance with ODOT's LPA Federal Local-let Project Agreement, Title 23 United States Code 116 and applicable provisions of the Ohio Revised Code, upon completion of a Federal-aid construction project the LPA shall maintain the improved facility to design standards and provide adequate maintenance activities, unless otherwise agreed to by ODOT. The PROJECT must remain under the ownership and authority of the LPA for 20 years, unless otherwise agreed to by ODOT. If the PROJECT is not being adequately maintained, ODOT shall notify the LPA of any deficiencies and if the maintenance deficiencies are not corrected within a reasonable amount of time, ODOT may determine that the LPA is no longer eligible for future participation in any Federally-funded programs.

Although ODOT may provide for such maintenance by formal agreement with county, municipality or other governmental entities, such an agreement does not relieve ODOT of its responsibility for such maintenance. The FHWA expects ODOT to effectively exercise its maintenance oversight responsibilities.

DEFINITIONS:

Maintenance -- The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

Adequate Maintenance - - 1) Maintenance necessary for the safe and efficient utilization of the completed project as designed. 2) ODOT identified/recorded deficiencies corrected, by a local political entity, within 90 days of the ODOT initial notification, or otherwise agreed to time frame.

PROJECT MONITORING AND OVERSIGHT PROCEDURES:

1) Project selection:

- a) The Office of Local Projects is responsible for selecting a reasonable sample of projects, maintained by local political entities, for inspection to assess if they are being adequately maintained. The Office of Local Projects is responsible for providing the list of projects to the Office of Maintenance Administration.

- i) Each SFY, the Office of Local Projects will develop a list of Local Public Agency (LPA) sponsored federal aid projects completed on State or US Routes within corporations and those funded off-system through the Transportation Enhancement Program, that are five (5) years post completion. (Example: Projects completed in SFY 2004 will be on the SFY 2009 project list.)
- ii) From the list the Office of Local Projects will randomly select a minimum of ten (10) projects each SFY for inspection to assess if they are being adequately maintained.
- b) Local Public Agency (LPA) sponsored federal aid projects completed on State or US Routes within corporations will be inspected by the Office of Maintenance Administration.
- c) Off-system Transportation Enhancement Program funded projects will be inspected by the Office of Local Projects.

2) Project maintenance inspections:

- a) Selected Local Public Agency (LPA) sponsored federal aid projects completed on State or US Routes within corporations will be inspected by the Office of Maintenance Administration.
 - i) The Office of Maintenance Administration will assess the adequacy of local maintenance in accordance with existing ODOT Maintenance Quality System (MQS) program administered by the ODOT Office of Maintenance Administration. The existing MQS process can be found on the ODOT Office of Maintenance Administration website at:
<http://portal.dot.state.oh.us/Divisions/highway/MaintAdmin/Pages/MQS>.
 - ii) Upon completion of the MQS inspections, the Office of Maintenance Administration will report ALL recorded deficiencies to the Office of Local Projects.
- b) Selected off-system Transportation Enhancement Program funded projects will be inspected by the Office of Local Projects.
 - i) The Office of Local Projects will assess the adequacy of local maintenance in accordance with the *Transportation Enhancement Program maintenance QAR checklists*. The QAR checklists can be found on the ODOT Office of Local Projects website at:
<http://www.dot.state.oh.us/Divisions/Local/Projects/Pages/TransportationEnhancementProgram>

ii) Reviews to be performed by ODOT Office of Local Projects staff and ODOT District Transportation Enhancement Coordinators.

iii) Identified maintenance deficiencies will be recorded on the *checklists*.

3) Remediation of identified maintenance deficiencies:

a) The Office of Local Projects will formally provide recorded/identified maintenance deficiencies, to the local political entities that are contractually or by agreement responsible for maintaining the reviewed project, and request remediation of the deficiencies.

i) The formal notification is to include the following:

(1) Identification of the project reviewed.

(2) A description of the purpose and scope of maintenance evaluation reviews.

(3) A description of the intent of the evaluations and what items were specifically looked.

(4) A detailed listing of the deficiencies identified during the maintenance inspection.

(5) A description of necessary actions to correct identified deficiencies, including recommendation of best practices/actions for remediation that should be taken.

(6) A request for written response from the project sponsor (i.e. letter, maintenance plan) within 30 days of ODOT notification that identifies a plan to correct reported deficiencies.

(7) Notification that in accordance with 23 USC 116, non-compliance within 90 days of the ODOT notification will result in withholding approval of further federal or state funded projects until compliance is achieved.

b) The Office of Local Projects will review the local plan to correct reported deficiencies and determine its acceptability, within 15 days.

i) Local political entities will be advised of the plan's acceptability; or,

- ii) Local political entities will be requested to modify their plan to address specified shortcomings and to resubmit.
- c) ODOT District office or the Office of Local Projects will perform follow-up evaluation to ensure deficiencies have been corrected.
 - i) The Office of Local Projects will document the project record, and formally notify the local political entity, when each of the identified/recorded deficiencies has been satisfactorily addressed.
 - (1) FHWA is to be provided formal notification when the ODOT has determined compliance has been achieved.
 - ii) Should identified/recorded deficiencies not be corrected within 90 days of the ODOT initial notification, or otherwise agree to time frame, the Office of Local Projects shall notify the local political entity, in writing, that the LPA is subject to withholding of further federal or state funded projects until compliance is achieved.
 - (1) FHWA is to be provided formal notification when the ODOT has determined it necessary to withhold approval of further federal funding within a designated political subdivision due to the lack of proper maintenance.

PROGRAM MONITORING AND OVERSIGHT PROCEDURES:

- 1) Each SFY the ODOT will conduct a minimum of ten (10) maintenance inspections in accordance with the *PROJECT MONITORING AND OVERSIGHT PROCEDURES* contained within the *LPA Maintenance Monitoring and Oversight Program*.
- 2) The Office of Local Projects is responsible for determining the adequacy of local maintenance. Local maintenance is considered to be adequate if the local political entity is providing for:
 - a) Maintenance necessary for the safe and efficient utilization of the completed project as designed; and
 - b) ODOT identified/recorded deficiencies are corrected within 90 days of the ODOT initial notification, or otherwise agreed to time frame.
- 3) At the close of each SFY the Office of Local Projects is responsible for reviewing and summarizing the results of the project maintenance inspections.
 - a) The Office of Local Projects will assess the recorded maintenance deficiencies and look for and record maintenance deficiency trends.

- i) The Office of Local Projects strategic measure is for 100 % of the projects reviewed to be adequately maintained as defined herein. Should 100% of the project reviewed not be found to be adequately maintained, the Office of Local Projects will develop and implement a plan to address the lack of adequate maintenance.
- 4) Each SFY the Office of Local Projects will assess based on the annual review of project maintenance inspections, whether or not the number of projects reviewed remains reasonable and representative of all the projects maintained by local political entities.
- 5) Each SFY the Office of Local Projects will provide a summary of its annual reviews and assessment of local maintenance to the FHWA as evidence of the ODOT's effective and efficient management of Federal aid program maintenance oversight responsibilities.