

FEDERAL AUTHORIZATION

Project Delivery Academy
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Presented by:

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Presentation Overview

- Project Funds Management
- Project Authorization Package
- Increase Federal Share Authorization



Project Funds Management

Properly Authorizing a Project

- Authorization is required before work starts or is advertised for consultant services or construction
- Project or project phase must be ready to proceed
- Federal share is established when funds are obligated
- Signed by at least two authorized state representatives and a minimum of two from FHWA

Project Funds Management

Properly Authorizing a Project

A proper authorization includes:

- A clearly defined scope of work for the applicable phase (PE, ROW, Construction) with sufficient funds to accomplish that work
- Must be supported by a documented current cost estimate aligned with the eligible work being complete
- Requesting authorization for part of a phase is not allowed (“Partial PE”)
- The agreement must have an identified Period of Performance (Project End Date) for the scope of work being authorized

Project Funds Management

Project End Date vs. Period of Performance

- Project End Date Definition:
 - The final date recorded in the project agreement when the recipient may incur direct costs on the project to be eligible for Federal-aid reimbursement
- The Period of Performance is the time period when cost may be incurred for authorized work
- Project charges must be incurred prior to the project end date lapsing (2 CFR 200.77)

Project Funds Management

Prohibited Practices

- Requesting authorization before a project is ready to proceed (prior to having an approved PS&E)
- Authorizing projects prematurely to protect funds from lapsing at year-end
- Requesting authorization prematurely to meet fiscal delivery goals
- Requesting authorization when a known scope change is under consideration
- Obligating funds solely to use all obligation limitation

Project Funds Management

Inactive Obligations

- An obligation that has not had expenditures in 6 months
- A Project should be advertised promptly after authorization
 - FHWA's expectation is Award and NTP occur within 3 months of authorization
- If a project is not progressing promptly, the project should be withdrawn or closed.
- Some circumstances may be beyond the state's control
 - Litigation
 - Catastrophic events
 - Unforeseen environmental concerns

Project Funds Management

Closeout and Record Retention

- Closeout process should occur soon after the project is physically completed
- Required record retention period for the non-Federal entity starts at final voucher and lasts 3 years
 - Some records, such as for right-of-way, have some variance
- Includes all records that demonstrate project met Federal requirements, not just financial
- To be retained at last level that required them to be submitted
 - E.g., approval or with billing, then the State is required to retain. If the LPA did not submit them to the Federal or pass-through entity, then the LPA would retain those records. (2 CFR 200.333(d))

Project Authorizations

The full Federal-aid Project Number should be shown on all documents.

Example **AC-NHPP-017-B(234)T**

Definitions:

- AC = Advanced Construction
- NHPP = Funding Category
- 017 = Route or City
- B = Segment identifier on state highway projects
- 234 = Sequential project number
- T = Level of FHWA involvement

Project Authorizations

Types or “Phases” of Authorization

A Project Authorization may be for:

- Phase I PE
- Phase II PE
- Single Phase PE
- Other
- ROW
- Construction



Project Authorizations

Authorization of PE

40 CFR 1502.2(f) –
“Agencies shall not
commit resources
prejudicing selection
of alternatives before
making a final
decision”

Two Phase Authorization – For EA’s or EIS’s and some Cat Ex’s

- PE Phase 1 – for Preliminary Design up to 15 or 30%
 - *Work needed to complete initial design and finalize NEPA*
- PE Phase 2 – for Final Design after NEPA is complete
 - *Preparation of final design documents for advertisement.*

Single Phase Authorization – Single-phase authorizations are on projects with a Cat Ex.

- Preliminary and Final Design authorized at once, with the understanding that NEPA should be complete by 60% design
- Projects that are not controversial may proceed to 95% design with EPG approval.
- Activities considered “Final Design” (final plans, final quantities, and final engineer’s estimate) may not advance prior to completion of NEPA.

FEDERAL HIGHWAY ADMINISTRATION - ARIZONA DIVISION OFFICE ARIZONA DEPARTMENT OF TRANSPORTATION "The FHWA and ADOT Stewardship and Oversight Agreement for Arizona (April, 2015)"		LETTER OF AUTHORIZATION AND PROJECT AGREEMENT ☒ Authorization ☐ Modified Project Agreement ☒ Project Agreement ☐ Grant Agreement The state agrees that as a condition to payment of the Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR 630.112; and its signature constitutes the making of the certificates. DUNS # 098416667			
FEDERAL AID PROJECT NO. NOG-0(210)	SUFFIX T	PROGRAM / PHASE (ADOT) T0246 01D	COUNTY SANTA CRUZ		
DATE AUTHORIZATION EFFECTIVE		FMIS DATE			
GENERAL LOCATION PATHWAY PROJECT, BAFFERT DR TO NOGALES HIGH SCHOOL, IN NOGALES					
GENERAL DESCRIPTION OF WORK BICYCLE AND PEDESTRIAN PATHWAY PROJECT					
<u>YOU ARE AUTHORIZED TO PROCEED WITH THE WORK CHECKED BELOW:</u> ☒ PHASE I: PRELIMINARY ENGINEERING - SCOPING, LOCATION STUDIES, ENVIRONMENTAL STUDIES AND PRELIMINARY DESIGN ☒ PHASE II: PRELIMINARY ENGINEERING - FINAL DESIGN/PREPARATION OF CONTRACT PLANS ☐ ACQUISITION OF RIGHT-OF-WAY ☐ CONSTRUCTION - ADVERTISE FOR RECEIPT OF BIDS ☐ CONSTRUCTION - PROCEED ON AN AGREED PRICE AND/OR FORCE ACCOUNT BASIS ☐ Other:					
FUNDING	TOTAL ESTIMATED PROJECT COST(S)	FEDERAL PARTICIPATION AMOUNT(S)	FEDERAL FUNDS(S)	APPN CODE	RATIO(%)
PREVIOUS AUTHORIZATIONS:	\$0.00 \$0.00	\$0.00 \$0.00			94.30% 94.30%
THIS AUTHORIZATION	\$380,000.00	\$380,000.00	\$358,340.00	2003	94.30%
PROJECT TOTALS	\$380,000.00	\$380,000.00	\$358,340.00		
OTHER (SPECIFY)					

Project Authorizations

PE vs. Other

Authorizations for “PE” no longer requires repayment if the project does not proceed to R/W Acquisition or Construction within 10 year, unless the state continues to mandate.

Authorizations as “Other” are limited to:

- Railroad work by the railroad itself
- Procurement-only of Equipment or Software
- Corridor Needs studies
- Advance utility relocation prior to construction
- Sign Management Systems
- NBIS Inspection or Training
- Travel Demand projects (carpool, rideshare programs)



Project Authorizations

Project Title

Should be in the form of:

“Route Number or Road/Street”, “Termini 1” to “Termini 2”, in or near appropriate city.
SR 85, Welcome St. to Pima County Line, North of Ajo

- Use features that can be found on maps as termini – roads, rivers, political boundaries, etc.
- Point locations may use “@”
- Mileposts used alone are not desirable
- Avoid using county names, or ADOT Districts
- Should be the same on all documents if possible – NEPA, PIFs, DEs, PS&E, STIP

Project Authorizations

Project Description

- Should not be a repeat of the Project Title
- Should concisely state the primary purpose/scope of the project
- Should be the same on all documents
- Please avoid using “Preliminary Engineering of” in the description of work for PE projects.

Tip – Specific Words are important for pavement projects.

- Pavement Rehabilitation – Mill and Fill over two inches
- Pavement Preservation – Surface Treatments only, mill and fill less than two-inches in depth.

Project Authorizations

Project Funding

Verify Eligibility of the Program Fund – NHPP, CMAQ, HSIP, STBG

Federal Share:

- Verify the Pro-rata share of eligible project costs – 94.3%, 94.34% (Interstate), 80%, 90%, 100%?
- The match must be for Federal-Aid eligible activities. **Using non-federal match to pay for ineligible items of work is not acceptable.**
- The authorization request must describe in detail any ineligible work in the project

Project Authorizations

STIP and TIP

- Provide the page from the approved STIP.
- If included in a STIP Amendment - Provide page that contains the project and be sure it was approved by ADOT and FHWA.
 - **COG, MPO, or City Council approvals are not adequate.**
- Verify that authorization request is within 15% or \$200K of programmed amount, whichever is less.
 - **If not, STIP/TIP amendment may be required prior to authorization.**

Project Authorizations

Status of Right-of-Way

23 CFR 635.309 - A statement is received from the State certifying that one of the following applies:

- **(Type 1)** All necessary rights-of-way, including control of access rights when pertinent, have been acquired including legal and physical possession. **Lowest Risk.**
- **(Type 2)** Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. **Uncommon.**
- **(Type 3)** The acquisition or right of occupancy and use of a few remaining parcels is not complete and the state is requesting to proceed with construction. **Obtain FHWA approval, must be rare, and must have contract provisions to advise interested bidders.**

Project Authorizations

Status of Utilities

23 CFR § 635.309 - A statement is received from the SDOT on the status of Utility and RR.

- **Type 1** - No Conflicts, or cleared before construction. **Lowest Risk.**
- **Type 2** - (conditional certification) Authorization requested and will be cleared before bid opening.
- **Type 3** - (conditional certification) Project can be authorized but will not be advertised prior to completion of utility relocation.
- **Type 4** - All utilities are mitigated. Contractor and/or Utility will coordinate final relocation during construction. See the Special Provisions for additional information.

Project Authorizations

Certification of NEPA

- Per the 326 and 327 MOUs, FHWA must have the following statement on the authorization cover letter that certifies NEPA is complete and incorporates all environmental commitments – *“ADOT certifies that NEPA requirements consistent with the scope of work of the project have been met and the project incorporates all environmental commitments per 23 CFR 771.109(d).”*
 - Should be from the ADOT environmental planner or above.
 - This statement must also be provided for projects administered by LPAs.
 - **Sending the environmental document to FHWA will not allow us to proceed with authorization.** Only ADOT can certify that NEPA is complete, current for the scope of the project, and includes all environmental commitments and mitigation.

Project Authorizations

Railroad Certification

23 CFR 635.309(b); 23 CFR 635.307 - A statement is received from the State certifying that one of the following applies:

- There is no railroad involvement within ½ mile of the project limits.
- There is a railroad within ½ mile of the project limits; but there is no railroad work on this project. The railroad was notified.
- There is a railroad within the project limits. The railroad work will be completed prior to advertisement of this project.
- There is a railroad within the project limits. Railroad work will be completed by the railroad and/or the contractor during this project. See attached special provisions for required coordination and impacts to this project.

Project Authorizations

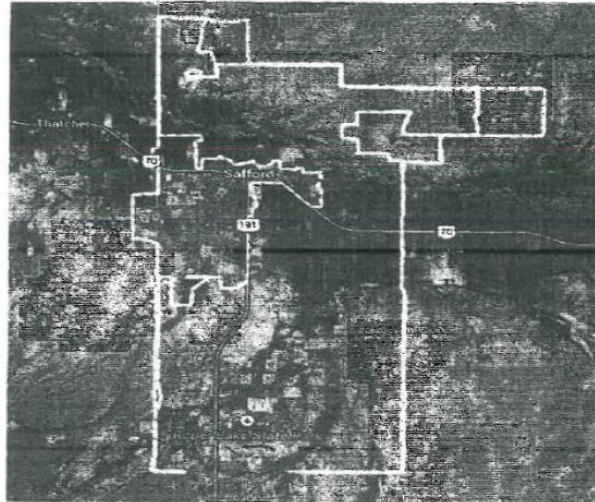
Project MAP

- “A proper authorization includes a clearly defined scope of work for the applicable phase...” - FHWA Funds Management Guide.
- FHWA asks that construction authorization requests include a legible map showing the location of the project.
- Someone not familiar with Arizona geography should be able to locate the project and corresponding limits.
- ADOT PDCA established guidance for the project map.

Project MAP

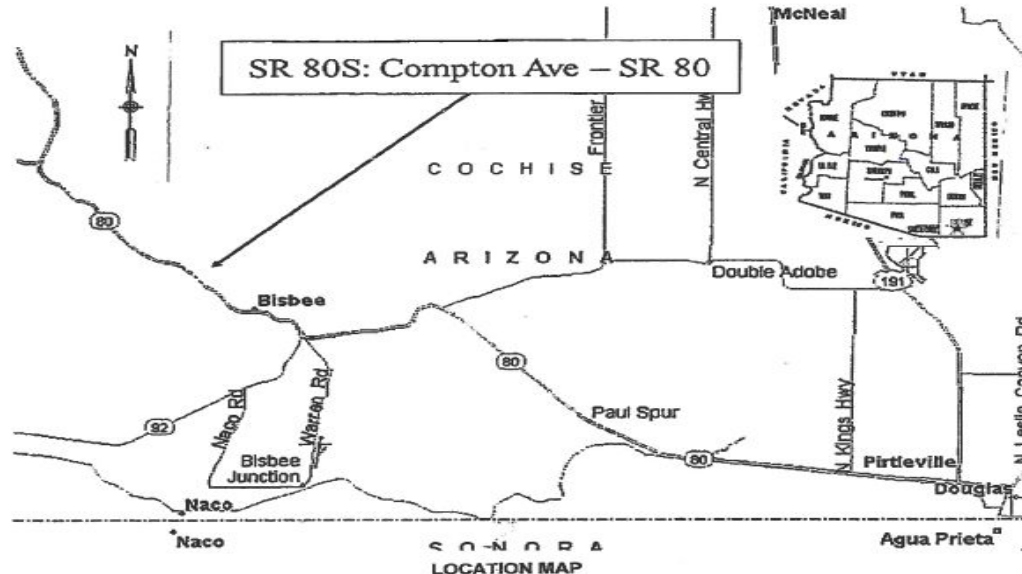
Project Name - “Various Locations in Safford”

Figure 1: Vicinity Map
Safford, AZ



Project MAP

Not bad, but where is SR 80S? Where is Compton Ave?



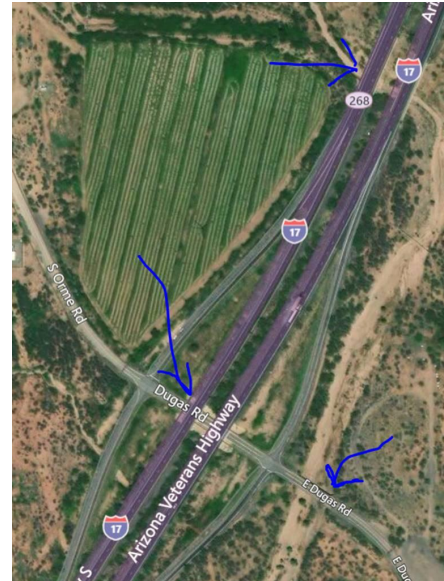
Project MAP

A Recent Example of Why a Map is Important

I-17 @ Dugas TI, MP 268

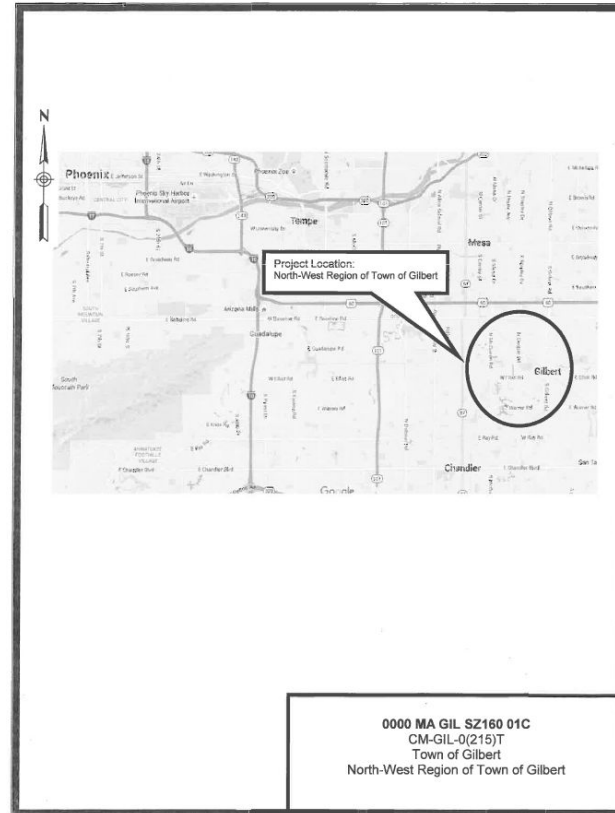
**Concrete Slab for Scour Protection
to Bridge Piers and Abutments**

NHPP-017-B(234)T



Project MAP

Map from Authorization
Request (not bad)



Project MAP

Map from Cat-Ex
(Much better)

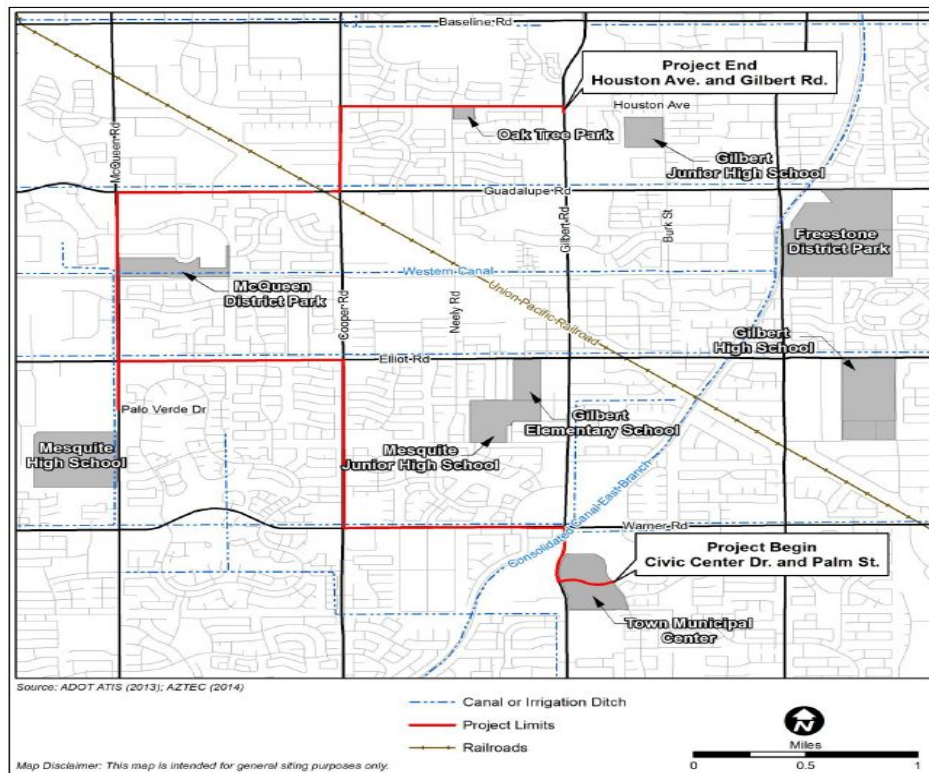


Figure 2. Project Vicinity Map
CM-GIL-0(215)T

INCREASED FEDERAL SHARE (IFS)



Increased Federal Share (IFS)

23 USC 120(C)(3)

Purpose:

Promote innovative technologies and practices

Incentive:

Additional 5% Federal-aid up to 100% share

Increased Federal Share (IFS)

What Qualifies?

Innovative project delivery methods, technologies, engineering or design approaches, financing, or contracting that:

- Improve Work Zone Safety,
- Reduce congestion related to the construction
- Improve quality of highways and bridges
- Extend service life of highways and bridges
- Reduce long-term maintenance costs of highways and bridges

**Must be
innovative
for the
applicant**

Increased Federal Share (IFS)

Wide Use in Arizona

36 Projects Since 2014:

Accelerated Bridge Construction

Increased Asphalt Density

Fiber Reinforced Asphalt

Warm Mix Asphalt

Polyester Polymer Bridge Deck

EDC Cape Seal

2D Hydraulic Modeling & A-GaMe

Project Bundling

Smart Work Zone

Incentivized Longitudinal Joint Density (AC)

Polymer Modified Asphalt

Intelligent Compaction

ID/IQ

3D Paving

Electronic Plans

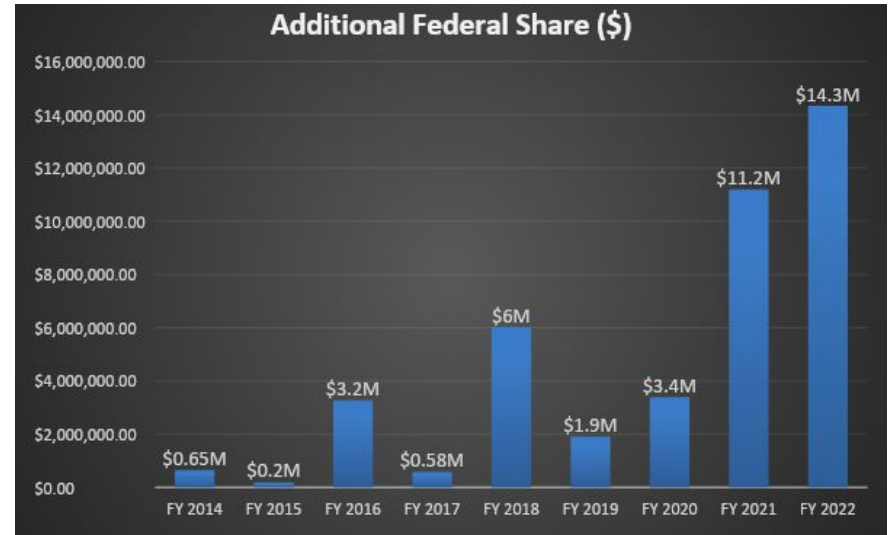
E-ticketing



Increased Federal Share (IFS)

State may apply up to 10% of total apportionments of STBG, NHPP, NHFP, and PL each Federal Fiscal Year
Limit of approximately **\$75M each FFY**

- 33 Total Projects and \$41.5M in 9 years
- \$25M and 14 projects in last 2 years
- Room to Grow!



Application Form
Technology and Innovation Deployment Program (TIDP)
Increased Federal Share for Project-Level Innovation
23 USC 120(c)(3)

A. Project Information (completed by Applicant)

State	
Project Name	
Location of Project (Include Route Name and general location information)	
Description of Project	
Anticipated Authorization Date	
Approximate Additional Federal Share (\$)	
Increased Federal Share (%)	
Funding Source Used	☐ National Highway Performance Program (NHPP) ☐ Surface Transportation Block Grant (STBG) Program ☐ National Highway Freight Program (NHFP) ☐ Metropolitan Planning (PL)
Innovation Being Proposed	
Description of Expected Benefit (Include how the innovative technology or practice increases the efficiency of construction, accelerates the construction, improves the safety, improves the quality, reduces congestion from construction, and/or extends the service life of highways and bridges)	
Describe How the Project is Innovative in your State (Include how the technologies or practices proposed are new or have only rarely been used for unique or special applications and represent significant improvement to the state or local agency's conventional practice.)	
Contact Information (Name, Phone, Email)	

B. Eligibility Determination (completed and signed by FHWA Division Office)

- In each fiscal year, a State may apply up to 10 percent of its combined apportionments under the National Highway Performance Program (NHPP), Surface Transportation Block Grant (STBG) Program, National Highway Freight Program (NHFP) or Metropolitan Planning (PL) (funds apportioned under 23 U.S.C. 104(b)(1), (2), (5)(D) and (6)) for this increased federal share provision.

Would approving the increased federal share proposed for this project exceed the limitation of funds available?

☐ Yes ☐ No

- The Federal share payable may be increased by up to 5 percent of the total project cost, not to exceed 100 percent, for projects determined to meet the requirements specified in 23 U.S.C. 120(c)(3).

Would approving the increased federal share proposed exceed the allowable adjustment for the project?

☐ Yes ☐ No

- Provide a short narrative that substantiates how the proposed project meets or does not meet the eligibility requirements for the increased federal share provision.

Comments:

Based on a review of the application submitted by the _____ Department of Transportation, project _____ is determined to be:

☐ Eligible ☐ Not Eligible

for participation in increased Federal share for project level innovation in accordance with 23 USC 120(c)(3).

SIGNATURE: _____

NAME (PRINTED): _____

FHWA DIVISION OFFICE: _____

DATE: _____

Increased Federal Share (IFS)

IFS Problem/Solution

Problem:

1. Possibility of innovations being dropped
2. No process for capturing lessons learned.

Solution:

Creation of an IFS special provision



Increased Federal Share (IFS)

New Specification - 109INFS

- Description of IFS component
- IFS cannot be removed without State and FHWA consent
- Lessons Learned Report and Closeout meeting is required

NEW Specification

****USE ON PROJECTS WITH INCREASED FEDERAL SHARE****
****DESCRIBE THE INNOVATIVE TECHNOLOGY IN THE SECOND PARAGRAPH****

(109INFS, XX/XX/XX)

SECTION 109 MEASUREMENT AND PAYMENT: of the Standard Specifications is modified to add:

109.14 Increased Federal Share:

(A) **General:**

Increased federal share has been approved by FHWA for an innovative technology and practice. The increased federal share on this project is 5 percent.

The innovation includes *(Describe specific innovation – information can be found on the Increased Federal Share Application.)*

Due to the increased federal share, the project components related to the innovation described above must be constructed with the materials, quantities, methods, and innovations as shown on the project plans and specifications. If the contractor requests materials, quantities, methods, or innovations other than those included in the plans and specifications, the request must be reviewed and approved by the Department and FHWA. Approved changes shall be at no additional cost to the Department, and shall not increase contract time.

(B) **Post-Activity Report and Meeting:**

The contractor shall prepare a report that includes a general summary of the daily operations and discussion of the overall effectiveness of the innovative technology, in a format provided by the Department. A description of additional means of quality control and any benefits realized or detriments suffered relating to implementation and utilization of the innovative technology shall be included. Comments provided by equipment operators, laborers, field personnel, or other personnel who adapted to the use of the technology, positive or negative shall be included.

The contractor shall schedule a closeout meeting with the Engineer within 30 days of the innovative technology completion to review and discuss the findings contained in the report.

Increased Federal Share (IFS)

Lessons Learned GRS-IBS

Report on GRS-IBS Innovative Technology:

- **Design Plan Changes:**
 - Examine abutment wall
 - Native fill takes longer to compact
 - Plan specifications should allow making the necessary adjustments
- **Geotech:** Identify how to sample native fill (Sample/Design)
- **Backfill Specifications:** Backfill abutment to with GRS materials for a smooth transition
 - Materials on approach resulting in less settlement to structural top of abutment wall
- **Girders:** Ends of girders need to be sealed
- **Structural Modular Block:** Meteor City block grade 7% slope
 - FHWA: Build as vertical as possible (>1%)
 - Increased verticality makes construction easier
 - Block cuts
 - Complicates corner constructability
 - FHWA suggests .5 to 1% batter for blocks
- **Wing Walls:** ADOT 8' wing walls on each abutment are not present on this project
 - Currently water runs off superstructure of bridge and blocks into median, landscape box and beam seat area
 - Creating erosion of backfill materials
 - Add a layer of Geotech/geotextile or riprap to remediate runoff
 - Inspect bridge joint to approach and outside bridge embankment curve for water/erosion concerns
 - Water should only drain to one corner
- **Reinforcement Layout:**
 - Geogrid: Face of wall, laid out and angles at 45 degrees at corners
 - Not easy to work with (cuts, not pliable)

Increased Federal Share (IFS)

Resources

Increased Federal Share FAQ:

https://www.fhwa.dot.gov/innovation/resources/increased_federal_share.cfm

FHWA Center for Accelerating Innovation:

<https://www.fhwa.dot.gov/innovation/>

FHWA Every Day Counts:

<https://www.fhwa.dot.gov/innovation/everydaycounts/>

United States Code:

[23 USC 120 \(c\)\(3\)](#)

QUESTIONS?