

# Memorandum

US Department  
Of Transportation

**Federal Highway  
Administration**

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Subject: INFORMATION: AASHTO Subcommittee  
On Construction Meeting, Wichita Kansas -  
**FHWA Minutes**

Date: September 28, 2001

From: Director, Office of Asset Management

Reply to Attn of: HIAM-1

To: Regional Federal Highway Administrators  
Division Administrators  
Federal Lands Highway Program Administrator

Enclosed for your information is a copy of the minutes from the 2001 FHWA meeting of the AASHTO Highway Subcommittee on Construction (See Attached). Once again, this year's meeting was a tremendous success. Our thanks to Mr. David Geiger, Division Administrator for the Kansas Division Office and his staff's for their assistance in making this a successful meeting. This year's meeting was attended by 50 FHWA Subcommittee on Construction attendees from various Division Offices, Federal Lands Highway Divisions, Resource Centers, Headquarters and Turner Fairbanks Highway Research Center.

Please mark August 4 - 9, 2002 on your calendars for the 2002 meeting. Thomas Myers, Division Administrator for our Delaware Division Office will be our host and based on experiences from past meetings I am sure everyone will benefit from a visit to the First State and Rehoboth Beach.

I would like to thank each and everyone for your support and participation. I encourage each participant to identify and support his or her local Chief of Construction with at least one work plan task during the upcoming year. State Transportation Agencies are looking to FHWA for technical support and assistance in their pursuit of continuous quality improvement. The objectives of the Subcommittee can only be accomplished through active participation by all of its members. In addition to the FHWA Minutes others are also attached, SOC Presentation Minutes, Task Force Minutes and Work Plan, List of Briefing Papers, Resolutions etc. If you should have any questions or comments, please give me a call at (202) 366-0392. John A. Perry, on my staff, is also available to provide assistance to members. He can be reached at (202) 366-2023, fax (202) 366-9981 or at [johna.perry@fhwa.dot.gov](mailto:johna.perry@fhwa.dot.gov).

Sincerely yours,

Madeleine Bloom, Secretary  
AASHTO Highway Subcommittee  
on Construction

Enclosure

**AASHTO HIGHWAY  
SUBCOMMITTEE ON CONSTRUCTION  
2001 MEETING  
WICHITA, KANSAS  
Friday, August 10, 2001**

## **FHWA Meeting Minutes**

### **FHWA Session**

Welcome – Opening Remarks; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader & Kurt Dunn, Field Operations Engineer, Kansas Division Office; Jim and Kurt kicked off the meeting promptly at 8am. Briefing papers have been prepared by various delegates and are listed in a table of contents. Please contact the authors for copies, (See Attached File). Administrative issues were covered briefly and the floor was given to Frank Gee, Construction / Chief Engineer for the Virginia Department of Transportation and Vice Chairman for the AASHTO Subcommittee on Construction (SOC).

AASHTO SOC Management Team Activities / Stewardship and Oversight; Frank Gee, Construction / Chief Engineer, Virginia DOT, Vice Chairman for the AASHTO SOC: Frank started off by thanking the FHWA Task Force Note Keepers, Kurt Dunn (Kansas Division), Jerry Yakowenko (Headquarters), Mark Doctor (Tennessee Division), Kevin Kliethermes (Minnesota Division), Vince Barone (Virginia Division), and Kathy Petros (Turner Fairbanks) for their hard work and dedication. He also thanked John Perry (Headquarters) for his efforts in assisting the AASHTO SOC Management Team. Frank challenged other FHWA employees to get actively involved in developing and implementing the program through out the year. Work plan activities for all of the task forces are ongoing throughout the year. Please review the attached task force minutes or work plan activities file for examples of what activities are worked on throughout the year and to look for opportunities to get involved. Contact the task force chairman or those who have been directly assigned to various work plan activities if you are interested in assisting them with a particular task. (See Attached Files, 2001 SOC TF Work Plan Activities or 2001 SOC TF Meeting Minutes) Contact Information: Frank Gee, 804-786-2707.

Frank briefly discussed the Stewardship and Oversight issues addressed earlier in the week by John Sullivan (FHWA) and Danny Shealy (DOT) of South Carolina (See, 2001 SOC Meeting Minutes). As such opportunities were given to ask various questions regarding stewardship and oversight from a state transportation agency perspective. He also mentioned that group involvement and dedication towards a final stewardship and oversight product can be a very rewarding experience. For additional information please see, [www.fhwa.dot.gov/infrastructure/stewardship/index.htm](http://www.fhwa.dot.gov/infrastructure/stewardship/index.htm).

Stewardship & Oversight - Division Office Perspectives; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader & David Geiger, Division Administrator, Kansas Division Office: Jim Sorenson addressed the delegates next on needing to revitalize our way of doing business and challenged each and everyone to make a difference. In a round-robin fashion, everyone in attendance was asked to share their experiences with stewardship and oversight in their states. Most of the fifty FHWA employees (See Attached File, 2001 SOC Attendees Excel) in attendance started off by discussing which projects they have construction oversight responsibilities on. In summary of this session, David Geiger, Kansas Division Administrator provided feedback from a DA's perspective. He mentioned that this sharing of experiences was good for reinforcement of what we all need to do. It was also stated that Divisions should clarify that State DOT personnel are to act as federal employees when responsible for non-oversight projects. If a division office is not comfortable with its State DOT's oversight on FHWA non-oversight projects please review 23 USC 302. In summary, Section 302 states that division offices must be comfortable with its states process to review all projects. Environmental streamlining was also discussed and should be addressed. Stewardship and oversight is cross cutting across all project and program areas. The June 22, 2001 memo on stewardship and oversight from Vince Schimoller was also briefly discussed. (See Attached Memo) For additional information on Stewardship and oversight see [www.fhwa.dot.gov/infrastructure/stewardship/index.htm](http://www.fhwa.dot.gov/infrastructure/stewardship/index.htm)). Contact Information: Jim Sorenson, 202-366-1333 or [james.sorenson@fhwa.dot.gov](mailto:james.sorenson@fhwa.dot.gov) . or David Geiger, 785-267-7287 or [david.geiger@fhwa.dot.gov](mailto:david.geiger@fhwa.dot.gov) or Carol Jacoby at 202-366-1561.

Risk Assessments / Transportation Enhancements; Carol Jacoby, FHWA, Office of Program Administration: Carol facilitated a general discussion of risk assessments associated with stewardship and oversight responsibilities. The how and why of risk assessments were discussed as well as where we should focus our efforts and resources. Transportation Enhancement (TE) projects were briefly discussed. It was the general consensus that TE's in general may be at risk and therefore should be addressed. Additional discussions on stewardship and oversight included talking about the need to make sure that requirements are in place to check off system projects. A matrix on what needs to be checked is shown in the back of the Contract Administration Core Curriculum Participant's Manual and Reference Guide developed and updated by the Office of Program Administration. Contact Information: Carol Jacoby, 202-366-1561 or [carol.jacoby@fhwa.dot.gov](mailto:carol.jacoby@fhwa.dot.gov) .

Office of Bridge Technology Updates; Steve Ernst, Bridge Engineer, Office of Bridge Technology: Steve discussed several of the current issues his office has been working on with the field. Steve also mentioned that in the future he anticipates that bridge funding may be made available for bridge preventive maintenance activities on all Federal-Aid eligible bridges. Contact: Steve Ernst, 202-366-4619 or [steve.ernst@fhwa.dot.gov](mailto:steve.ernst@fhwa.dot.gov) .

Quality Action Team; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader & Bill Hakala, Contract Administration Engineer, WRC: Jim and Bill facilitated a discussion on putting together a Quality Action Team. This team could be responsible for doing product reviews / product evaluations in other states, similar to peer reviews. These reviews could be done quickly in a period of 2 to 3 days in order to identify products, projects, programs, processes or practices that may need a more detailed review the following year. Possibly three to four field reviews and five to six phone conferences could be expected each year. It is envisioned that the team would consist of at least one materials expert, two construction engineers, three industry representatives, one chief engineer and two FHWA representatives. Additional technical experts could be called in on an as needed basis depending on the issue at hand. Another task that this group may be assigned would be to provide field support and insight to update Federal-aid policies and guidance utilized to carry forth appropriate, but flexible, stewardship and oversight. Contacts: Jim Sorenson, [james.sorenson@fhwa.dot.gov](mailto:james.sorenson@fhwa.dot.gov) at 202-366-1333 or Bill Hakala, [william.hakala@fhwa.dot.gov](mailto:william.hakala@fhwa.dot.gov) at 303-716-2151.

Cost Overruns; Carol Jacoby, FHWA, Office of Program Administration: Carol discussed the efforts of FHWA and AASHTO in meeting the directives issued at the May 2001 AASHTO Standing Committee on Highways meeting concerning cost growth issues. Ron Williams will issue a memorandum to all SOC members by September 1, 2001. He proposes to ask all Subcommittee members to provide cost information for projects greater than \$10 million by October 1 so that the data can be compiled for the December 2001 SCOH meeting. In addition, the States will also be asked to provide information regarding the following:

- a) the State DOT's practices and policies for change order review;
- b) the annual average cost of construction changes; and
- c) a summary of the reasons for the cost increases.

Contact Information: Carol Jacoby at 202-366-1561 or [carol.jacoby@fhwa.dot.gov](mailto:carol.jacoby@fhwa.dot.gov) .

Contract Administration Issues; Jerry Yakowenko, Office of Program Administration: Jerry discussed a variety of topics including Trauner Services Inc. involvement in the development of the National Specification Website, Specification Writing Course, Claims Course and CPM. He also talked about his having final language on the Department of Labor Final Rule about the sole use for a project. Jerry's office prepared a number of briefing papers on various topics, which are listed in the attached List of Briefing Papers File. Contact: Jerry Yakowenko, 202-366-1562 or at [gerald.yakowenko@fhwa.dot.gov](mailto:gerald.yakowenko@fhwa.dot.gov) .

Major Projects; Carol Jacoby, Office of Program Administration: The definition of what a major project was briefly discussed, including planning and oversight responsibilities. Basically these were discussed as projects costing over one billion dollars. Any proposed or actual projects funded with TIFB funds should have a representative from the Office of Program Administration involved in the flow of information. The Director of the Office of Infrastructure must concur and approve all proposed finance plans on projects estimated to cost greater than one billion dollars, the minimum cut off level to be considered a major project. The Office of Program Administration facilitates the annual

call to Division Offices for a list of potential projects that could possibly meet the requirements to become a Major Project. If a project is estimated to cost 600,000 dollars or more during the preliminary planning phase of the project, this could possibly become a major project by the time it is constructed and inflation is taken into account and should be treated as such as early as possible. West Virginia and Connecticut Department are already doing this. This is because projects such as these have the potential to become a major project sometime in the near future. Please contact Carol for additional information at 202-366-1561 or [carol.jacoby@fhwa.dot.gov](mailto:carol.jacoby@fhwa.dot.gov) .

Work Zone Traffic Safety – Improved Transitions Memo; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader: Jim mentioned that it has become apparent that the number of high speed reconstruction and rehabilitation projects are increasing. As a result, congestion and frustration levels mount. This memo allows the application of a thin surface treatment and new pavement markings through the transition area with 3 to 7 days or longer traffic reconfigurations. This would enhance driver awareness and comprehension when entering and exiting work zone transition areas. (See attached Memo for Additional Information) Contact: Jim Sorenson, at 202-366-1333 or [james.sorenson@fhwa.dot.gov](mailto:james.sorenson@fhwa.dot.gov) .

Drainable Bases – Drainage Systems; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader: Jim discussed drainable bases briefly with the group. A drainage system report is available upon request through Bill Hakala at 303-716-2151 or [william.hakala@fhwa.dot.gov](mailto:william.hakala@fhwa.dot.gov) . Recent reports and field investigations have shown that current construction procedures are inadequate. If subsurface drainage is provided, construction must be good enough to allow the drainage principals to work. A briefing paper was put together on Construction of Pavement Subsurface Drainage Systems – Workshop. A pilot of the Drainage Construction Workshop in Trenton, NJ has been scheduled for October 4 2001. Contact: Bob Baumgardner at 202-366-4612 or [robert.baumgardner@fhwa.dot.gov](mailto:robert.baumgardner@fhwa.dot.gov).

Pavement Texturing, and Concrete Surface Texturing; Jim Sorenson, Office of Asset Management, Construction and System Preservation Team Leader: Pavement Texturing, and Concrete Surface Texturing were also briefly discussed. The Office of Pavement Technology will do some follow up on what various options are, tining, paving etc. Based on research efforts, FHWA is updating the Technical Advisory on Texturing (Friction and Noise Effects) of Concrete Pavements and Bridge Decks. The revised draft is being reviewed by STA's and industry before being issued. Currently efforts are underway to improve guidance on specific spacing recommended for repeated variable (random) transverse grooving of hardened concrete on bridge decks. A Pavement Texture (Friction and Noise) briefing paper is also available by contacting Roger Larson at 202-366-1326 or [roger.larson@fhwa.dot.gov](mailto:roger.larson@fhwa.dot.gov) .

Erosion and Sediment Control; John A. Perry, Office of Asset Management, Construction and System Preservation Team Leader: John briefly discussed erosion and sediment control with the attendees. He mentioned the September 2, 1994 memo signed by William A. Weseman, Director of the Office of Engineering, which discusses how

erosion and sediment control plans shall be included in the PS&E for all applicable projects, not just larger or more complex projects. A quick survey of the attendees showed that nobody was familiar with this requirement to ensure that erosion and sediment control plans are to be included in all PS&E's. (See Attached Memo) For those interested in ordering the new NHI training course #134054 on the Design & Implementation of Erosion and Sediment Control please contact Mila Plosky of NHI at 703-235-0527 or at [mplosky@fhwa.dot.gov](mailto:mplosky@fhwa.dot.gov) .

**END OF FHWA MINUTES**

**ATTACHMENTS FOLLOW**

# **Policy on Stewardship & Oversight of the Federal Highway Programs**

**Memo Dated June 22, 2001**

From: Vincent F. Schimmoller; Deputy Executive Director

The issuance of this policy rescinds the June 4, 2001, policy on the same subject, to reflect editorial changes made after final coordination with the division administrators and State agencies.

## **I. BACKGROUND**

Federal funding is provided to assist States and Federal Agencies in providing transportation services through the various Federal Highway Administration (FHWA) programs. By law, the nature of the majority of these Federal programs is Federal assistance for State administered programs. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) increased the role of State Transportation Agencies (STD) in project approvals. These changes did not alter the fact that the FHWA is the Federal Agency responsible for ensuring compliance with Federal requirements in the delivery of the Federal highway program. These changes did affect how FHWA implements this responsibility. The flexibility afforded in the ISTEA and the TEA-21 allowed STDs to assume the Secretary's responsibilities for design, plans, specifications, estimates, contract awards and inspection of many Federal-aid projects. Policy, guidance, training, and other FHWA material implementing the oversight provisions of ISTEA were written to initiate change within the agency regarding our approach to the oversight component of the stewardship of the Federal highway program. However, the implementation of the policies and guidance resulted in inconsistent interpretations of the FHWA responsibility for ensuring compliance on "exempt" projects.

The purpose of this document is to restate the FHWA responsibilities in the delivery of the Federal highway programs.

## **II. TERMINOLOGY**

In order to ensure that this policy statement is consistently interpreted, the following definitions have been established.

**Stewardship:**

The efficient and effective management of the public funds that have been entrusted to the FHWA.

**Oversight:**

The act of ensuring that the Federal highway program is delivered consistent with laws, regulations and policies.

Stewardship reflects our responsibility for the development and implementation of the Federal highway programs. It involves all FHWA activities in delivering the Federal highway program, such as leadership, technology deployment, technical assistance, problem solving, program administration and oversight.

Oversight is the compliance or verification component of FHWA stewardship activities. Narrowly focused, oversight activities ensure that the implementation of these Federal highway programs is done in accordance with the applicable laws, regulations, and policies. More broadly focused, oversight activities enable the FHWA to ensure the effective delivery and operation of the transportation system envisioned in our base statutes.

In short, it must be recognized that Congress and the public hold the FHWA accountable for ensuring that the Federal highway programs are both efficient and effective, and are consistent with applicable laws, regulations and policies.

### III. POLICY

The policy applies to all organizational elements of the FHWA and all FHWA programs. The FHWA has stewardship and oversight responsibilities for all FHWA programs, and these program responsibilities include Title 23 and non-Title 23 program areas. While STDs may assume certain project approval authorities in accordance with Section 106, Title 23, United States Code, the FHWA is ultimately accountable for ensuring that the Federal highway program is delivered consistent with established requirements. The FHWA responsibility is the same when Federal Agencies assume authorities for the implementation of Federal Lands Highway Program. The FHWA has program oversight responsibilities regardless of project approval authorities assumed by the STD or Federal Agency. The FHWA oversight is conducted through a wide range and variety of mechanisms. These include process reviews, program evaluation, program management activities, and project involvement activities. The FHWA stewardship activities, beyond oversight, include continuous process improvement initiatives, technical assistance, technology deployment, performance measurement, project involvement activities, and sharing best practices.

The FHWA unit offices (Headquarters and divisions) will evaluate the risks/benefits in the implementation of FHWA programs and establish activities to develop confidence that the STD or Federal Agency mechanisms and activities are sufficient. Oversight activities will be included in the unit's annual performance plan.

When a STD or Federal Agency assumes project approval responsibilities, it must have mechanisms in-place to assure that all project actions will be carried out according to laws, regulations, and policies. This applies to projects administered by the STD or local public agencies (LPA). These mechanisms include the agreement required under Section 106, Title 23, United States Code, processes, procedures, and program manuals. The FHWA must conduct verification activities to assure that the STD or Federal Agency

implementation of the Federal highway programs conform with laws, regulations and policies and the STD or Federal Agency is carrying out its roles and responsibilities according to the law, regulations, policies, and any established agreement with the FHWA. The FHWA oversight and independent verification activities are similar to the quality assurance portion of quality control/quality assurance programs prevalent in many construction and materials programs.

#### IV. IMPLEMENTATION

The National Strategic Plan sets strategic goals for FHWA stewardship activities. The FHWA Performance Plan identifies key stewardship initiatives that will be conducted nationally for the immediate fiscal year. Each office must develop annual unit performance plans that guide its stewardship efforts. These plans must be aligned with the FHWA Annual Performance Plan. The FHWA must balance its activities to achieve strategic goals while reaching a level of confidence that Federal requirements are being met. As a result, each office is expected to include some level of oversight activities in its unit performance plan.

Each office is expected to use a risk/benefit analysis or similar prioritization process to identify the appropriate oversight initiatives and effectively allocate personnel resources based on risks and benefits. The process should consider items such as strategic goals, mutual FHWA and STD or Federal Agency initiatives to improve quality, cost, and the FHWA level of confidence in oversight mechanisms and activities. Ideally, this prioritization process would be conducted in cooperation with the STD or Federal Agency. This process should result in a mixture of initiatives to achieve strategic goals, meet customer needs and expectations, yield high benefits or pay-offs, result in systemic improvement, deploy innovative technology, provide technical assistance, and to ensure that the Federal highway program is being delivered consistent with laws, regulations, policies and strategic goals. The process should also result in reviews that include project and program verification so that FHWA has confidence in the quality of the delivery of the Federal highway programs.

Stewardship and oversight initiatives that focus on broad program areas must play a prominent role in the plan since these reviews are more likely to yield systemic improvements and a resultant higher pay-off for the effort invested. Project level verification may also be included depending on several factors such as level of Federal interest, technical complexity, statutory requirements, and partner capabilities. Program reviews should include a sampling of Interstate, National Highway Safety (NHS), and non-NHS projects for verifying adequate STD/Federal implementation of the program and making program or project improvement recommendations.

#### ACTIONS:

Activities and initiatives must be considered during the development of the annual performance plan that achieve initiatives in the FHWA Strategic Plan and Performance Plan and assure the

Federal highway program is delivered consistent with laws, regulations, policies and strategic goals.

Each office is expected to use a prioritization process to allocate its resources in the development of its annual performance plan.

Program reviews, process reviews/product evaluations, program evaluation techniques and continuous process improvement initiatives should play a prominent role in FHWA stewardship and oversight activities.

Program reviews, process reviews/product evaluations and continuous process improvement initiatives should include a sampling of Interstate, NHS, and non-NHS projects.

FHWA oversight approaches and mechanisms should be developed in cooperation with the STD or Federal Agency.

#### FHWA STEWARDSHIP/OVERSIGHT TASK FORCE MEMBERS

Carol Jacoby, Contract Administration Group Leader, Infrastructure CBU - Team Leader

James Sorenson, Const. and Sys. Pres. Team Leader, Infrastructure CBU – Team Leader

Clara Conner, Office of Corporate Management - Facilitator

Robert Callan, Manager, Eastern Resource Center

Larry Dywer, Assistant Division Administrator, Vermont Division

C. Frank Gee, Chief of Construction/Acting Chief Engineer - Virginia DOT

Michael Graf, Assistant Division Administrator, Delaware Division

Mark Kehrli, ITS Deployment Team Leader, Operations CBU

Kevin Kliethermes, Operations Engineer, Minnesota Division

Vanessa Lemmie, Legal Counsel, Eastern Resource Center

John A. Perry, Asset Management, Const. and Sys. Pres., Infrastructure CBU

David Reilly, Assistant Division Administrator, Oregon Division

John Sullivan, Assistant Division Administrator, South Carolina Division

**ACTION: Work Zone Traffic Safety - Improved Transitions**

**June 1, 2000**

Program Manager, Infrastructure CBU  
Program Manager, Operations CBU  
Program Manager, Safety CBU

HOTO-1

Division Administrators  
Resource Center Directors  
Federal Lands Highway Division Engineers

With the aging of our country's highway system and the increased funding provided by the Transportation Equity Act for the 21<sup>st</sup> Century, the number of high speed reconstruction and rehabilitation projects are increasing. All of these projects impact, in one way or another, the system in place and the travelers using the highway. As a result, congestion occurs or worsens, and frustration levels mount.

Many reconstruction projects necessitate lane modifications and the shifting of multi-lane facilities. These shifts from the normal path often involve varied surface types, textures and cross slopes, and modified roadway geometrics, signing and markings. When faced with these changed characteristics, even under the best environmental conditions, traveler expectations are often challenged. As a result, confusion and inattention often lead to driver error, which in turn leads to crashes, delays, frustrations, and aggressive driving behavior. This cycle of events is seen time and again in the work zone transition area.

To enhance driver awareness and comprehension when entering and exiting these work zone transition areas, and to provide for safer mobility through the work zone, we recommend that consideration be given to the application of a thin surface treatment and new pavement markings through the transition area of the long-term (3-7 days or longer) traffic reconfigurations. This recommendation involves application of a thin, high friction surface treatment from the beginning of the lane change and continuing through the realignment or transition.

This relatively low cost construction item will greatly enhance safety and mobility through the most complicated area of a work zone and will providing positive guidance to the traveling public, by:

- ! Improving the roadway template in the transition areas (e.g. cross slope and profile).

- ! Enhancing surface characteristics (e.g., skid resistance, hydroplaning and visibility).
- ! Maximizing the quality and effectiveness of traffic signs, markings, and delineation.

When compared to the overall cost of the improvement, the cost to provide this safety measure is low. More notably, when compared to the operational benefits provided to our customers, this investment in improved safety and mobility can show significant returns.

You are encouraged to bring this recommendation to your state highway agency's attention. We suggest you consider trying this method on a few projects to determine actual cost and effectiveness. If you or the State highway agency wish to develop a formal report on cost and effectiveness, we will consider supporting 4 to 5 proposals from across the Nation. Our primary goal is to provide the best possible service to the traveling public in the safest and most efficient manner. With our collective actions to improve mobility and safety through work zones, a measurable difference can be made.

For further information contact Mr. Phillip A. Ditzler at 202-366-0857, or any member of the Work Zone Mobility and Safety Product Team.

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Vincent F. Schimmoller

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Christine M. Johnson

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Frederick G. Wright, Jr.

FHWA:HOTO-1:PDitzler:ds:60855:5-19-00

cc: HOTO-1 HOST-1 HOTO-1(PDitzler/EHuckaby/GSchoene)

Core Business Units Service Business Units

Mobility and Safety Product Team Work Zone Implementation Group

Chron 3408 Reader 3408

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# Memorandum

US Department  
Of Transportation

**Federal Highway  
Administration**

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Subject: INFORMATION: Erosion and Sediment Control Final Rule      Date: September 2, 1994

From: Director, Office of Engineering      Reply to Attn of: HNG-23

To: Regional Federal Highway Administrators  
Division Administrators  
Federal Lands Highway Program Administrator

On July 26, 1994, in Federal Register Volume 59, No. 142, 37935-37939, the Federal Highway Administration (FHWA) published a final rule revising 23 CFR 650, Subpart B, Erosion and Sediment Control on Highway Construction Projects. This revision formally adopts Volume III of the American Association of State Highway and Transportation Officials (AASHTO) Highway Drainage Guidelines 1992, as guidelines to be followed on all projects funded under Title 23, United States Code. The adoption of these guidelines fulfills the requirement of Section 1057 of the Intermodal Transportation Efficiency Act of 1991.

As part of this revision, a statement was included recommending that each State highway agency, (SHA) apply either these guidelines, or their own more stringent guidelines, to develop specific standards and practices for the control of erosion. These specific standards and practices may reference available resources, such as the procedures presented in the AASHTO Model Drainage Manual, 1991.

One copy of the AASHTO Highway Drainage Guidelines is being provided to each region, division and Federal Lands office. However, due to cost considerations, the AASHTO Model Drainage Manual is being transmitted to the region offices only. The final rule as it was published in the Federal Register is attached for your information.

The FHWA is committed to ensuring that all highway construction projects are located, designed, constructed and maintained according to standards that will minimize erosion and control associated sedimentation. Volume III of the AASHTO Highway Drainage Guidelines provides excellent guidance concerning these factors. The following is a summary of some of the important issues.

- This regulation and the accompanying guidelines apply to all projects funded under 23 U.S.C. This includes projects on or off the National Highway System.

- Erosion and sediment control plans shall be included in the PS&E for all applicable projects, not just larger or more complex projects. It is no longer satisfactory to specify that the contractor is responsible for all damages resulting from the construction operation or to leave the development of erosion and sediment control plans to the contractor or project personnel after the project has been awarded.
- Erosion and sediment control plans shall be developed by qualified personnel. This would normally be a hydraulic engineer.
- As a minimum, erosion and sediment control plans should identify erosion and sediment sensitive areas and provide a mechanism for minimizing any adverse effects. It is not acceptable to provide a bid item for various erosion and sediment control items without including a corresponding plan indicating how and where these items shall be placed.
- During Construction, erosion and sediment control plans should be periodically evaluated to assess the effectiveness of the implemented management practices. Erosion and sediment control plans should be revised and updated as needed to ensure that the intended purpose is achieved.
- For those States participating in the coastal zone management program, the SHA should be utilizing the Environmental Protection Agency document “Guidance Specifying Management Measures for Sources of Nonpoint Source Pollution in Coastal Waters” to control erosion and sedimentation on highway construction projects located in coastal zone management areas. While it would be advantageous to be aware of your State’s involvement in the coastal zone management program, no effort beyond FHWA’s normal activities will be required to implement or monitor the requirements of this program.

The FHWA Eastern Federal Lands Highway Division is developing a manual entitled, “Best Management Practices For Erosion and Sediment Control.” This document will provide design and implementation guidance on specific erosion and sediment control management practices and procedures. It is expected that this document will be available by the end of the year. In addition, if sufficient SHA interest is indicated, an erosion and sediment control training course may be developed. If you have any questions or require further information contact Mr. Robin L. Schroeder, Construction and Maintenance Division, Materials Branch (HNG-23) at 202-366-1577.

William A. Weseman

Attachment