

Idaho Transportation Department & Local Highway Technical Assistance Council Stewardship Agreement

WHEREAS, this Agreement is entered into by the Local Highway Technical Assistance Council (LHTAC) and the Idaho Transportation Department (ITD) to define procedures, which will be used to administer federal-aid projects on local and state system projects as requested by ITD. This agreement supersedes any previous stewardship agreement entered into between the parties.

WHEREAS, United States Code, Title 23 (23 U.S.C.) provides flexibility to the States and the Federal Highway Administration (FHWA) Divisions in reaching agreement on responsibilities for design, plans, specification and estimate (PS&E), right of way certification, contract awards and inspections/final acceptance of federal-aid highway projects. In accordance with 23 U.S.C. 106, ITD has assumed those listed responsibilities by entering into an agreement with the FHWA.

Under the Code of Federal Regulation, Title 23 (23 CFR), and more specifically in 23 CFR 1.11 and 23 CFR 635.105, ITD may delegate all or some project activities to Local Public Agencies (LPAs). This agreement allows LHTAC some of those responsibilities to perform activities noted herein on local federal-aid projects in Idaho.

WHEREAS, both ITD and LHTAC recognize the need/benefits of working together to manage the delivery of federal-aid highway funds, establish new programs, and deliver new technology. Therefore, in accord with the provisions of 23 U.S.C., it is desirable to define the stewardship roles between ITD and LHTAC for the federal-aid highway program on the local system.

WHEREAS, the following policies and procedures will apply to the broad oversight of the federal-aid highway program and to the specific development and construction of federal-aid projects on the local system in Idaho.

WHEREAS, authority for this Agreement is established by Section 40-317, Idaho Code, 23 U.S.C. 106, 23 CFR 1.11 and 23 CFR 635.105.

ITD and LHTAC agree as follows:

I. Program/ Project Oversight

Under 23 U.S.C., ITD must maintain overall accountability for the federal-aid program in Idaho. ITD will monitor the federal-aid program through all stages of development and construction and serve as formal contact with the FHWA. LHTAC will be responsible for program and project administration and management of local projects as defined later in this document. This will include such items as:

- LHTAC will be responsible for assisting LPAs with project applications.
- LHTAC will be responsible for assisting LPAs with preparing scopes of work and negotiations for consultant agreements.
- LHTAC will be responsible for reviewing and approving project documents as noted in Attachment A - ITD/LHTAC Oversight Table.

ITD will provide oversight of LHTAC's processes and management practices for those involved in carrying out the approvals and related responsibilities assumed by LHTAC as noted in Attachment A – ITD/LHTAC Oversight Table. ITD oversight may include bi-annual audits by ITD's Headquarters (HQ) Internal Review.

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LHTAC will be reimbursed for eligible expenses associated with any project activity which is approved by ITD.

A. LHTAC and ITD Responsibilities & FHWA Involvement

Attachment A, ITD/LHTAC Oversight Table, outlines the activities, roles, responsibilities, and the approval authorities where applicable. The table is broken down by program area and identifies the responsible agency for project level actions.

The delegation of project authority to LHTAC does not preclude ITD from conducting project level activities as warranted. These activities may include project inspections, document reviews, and other day-to-day program management activities.

LHTAC Responsibilities

- LHTAC will be responsible for federal-aid project development and construction on the local system and will adhere to ITD policies and procedures as contained in ITD's manuals or as outlined in the LHTAC Quality Assurance Guide.
- LHTAC will provide project administration and management oversight on the local system and will be responsible for adherence to applicable federal and State of Idaho regulations through project development and construction.
- LHTAC will be responsible for coordination, in conjunction with ITD, with appropriate federal and resource agencies on all local agency projects.
- LHTAC will certify, via completed PS&E checklist, the completeness of the project PS&E packages when submitted for advertisement and bidding of local projects.
- LHTAC will sign plan set title sheet, denoting the Plans are Approved for Advertisement.
- LHTAC will maintain and make available all appropriate approval documentation.
- LHTAC will be responsible for managing project cost overruns for all federal programs they administer through financial coordination with the local jurisdictions or other funding actions to assure project funding is in place.
- LHTAC will be responsible for ensuring personnel providing approval do so in their area of expertise and with proper licensure.
- LHTAC will assign competent LHTAC staff to act as the resident engineer on LHTAC administered construction projects.
- LHTAC will provide updated LHTAC Quality Assurance Guide to ITD upon execution of the ITD/LHTAC stewardship agreement. The plan will outline the processes LHTAC will use to ensure that all standards are met during the development and or construction of local projects. LHTAC Operations Guide for Stewardship will be reviewed as necessary.

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ITD Responsibilities

- ITD will continue program and project level oversight, as necessary, to ensure compliance with applicable non-Title 23 federal laws and regulations (e.g., Uniform Relocation Act, EEO, NEPA, ESA, American with Disabilities Act, etc.)
- As provided by 2 CFR 200.208, ITD may implement specific conditions if LHTAC fails to comply with the U.S. Constitution, Federal statutes, regulations, or terms and conditions of the Federal award. For instances of non-compliance, ITD may take actions set forth in 2 CFR 200.339. ITD will review, approve and/or process the necessary program and financial documents, and when appropriate, authorize and place under agreement federal-aid funds.
- ITD will respond, when possible, to LHTAC's request for technical assistance. This will include service on LHTAC committees, research panels, teams and other joint activities.
- ITD will provide training or instruction on required processes or procedures.
- ITD will advertise and award all federal-aid local construction projects not covered under a separate agreement.

FHWA Involvement

The FHWA Idaho Division Office may select projects (individually or by type) for risk Based FHWA project involvement and stewardship and oversight activities. The FHWA Idaho Division Office will identify actions that it will undertake in a stewardship and oversight plan for the affected project(s). In some instances, the assumption by the ITD or LHTAC of project approval actions may be superseded on a project-by-project basis by provisions in the stewardship and oversight plan for those specific projects. Stewardship and oversight plans for specific projects will distinguish which project approval actions are superseded by the project specific plan.

II. Functional Areas

A. Locally-sponsored Project Identification

Based upon available funding, LHTAC calls for applications from eligible LPAs throughout Idaho for the federal-aid programs with local funding: Small Urban, Rural, Local Highway Safety Improvement Program (LHSIP), Off-System Bridge and Local Bridge Programs, Transportation Alternative Program (TAP), and other Federally funded local programs. LHTAC employs a process to prioritize the projects that are identified, and makes a recommendation to the Idaho Transportation Board for inclusion of projects on the Idaho Transportation Investment Program (ITIP). LHTAC manages state off-system projects along with on-system projects by ITD request. LHTAC will follow guidance in current board and administrative policies for all programs, where applicable.

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B. Other Project Involvement

LHTAC administers other federally funded local projects as listed within current Idaho Transportation Investment Program (ITIP) such as the Emergency Relief Program and other projects as agreed through separate agreement .

C. Project Development and Construction

LHTAC will facilitate the local highway jurisdiction entering into a state/local agreement with ITD for development and construction of local federal-aid projects. ITD will prepare, issue and execute the agreement with LHTAC's assistance. Within the duties assigned in the ITD/LHTAC Oversight Table, LHTAC may act as the ITD's representative to manage the project.

For certain statewide or combined projects, LHTAC may enter into a state/local agreement as the local sponsor.

Consultant selection and negotiation will be completed by the local public agency with the assistance of LHTAC utilizing procedures in ITD's Professional Service Agreement Procedures (PSAP) Manual. ITD will prepare, issue and execute the agreement.

Development of local federal-aid projects will be in accordance with the ITD's Roadway Design Manual, Materials Manual, Bridge Design Manual, Guide for Utility Management, Right-of-Way Manual, Guidelines for Local Public Agency Projects, and any other standards and procedures mutually agreed upon as put forth by LHTAC and ITD and noted in the LHTAC Quality Assurance Guide.

LHTAC will act as the ITD's representative to provide contract administration, including construction engineering, inspection and testing by consultant, for the construction phase of the projects. LHTAC will assign a full-time employee to be in charge of the project to act as the authorized representative of the Engineer under the direction of the LHTAC Administrator or as delegated. Specific authorities are outlined in Attachment A.

III. Performance Measures

LHTAC has established local measures to assess performance in administering the federal-aid highway program requirements and to help determine whether funds are being effectively utilized to improve the transportation system. These design and construction focused Performance Measures are listed on LHTAC's website. ITD will track and measure project related data and share with LHTAC information for improving processes.

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IV. Miscellaneous

- A. This Stewardship Agreement reflects the broad stewardship approach to be taken by ITD and LHTAC, as mutually agreed by both parties. Modifications will be made to this agreement on an as needed basis, to insure detailed, up-to-date, and duly adopted policies and procedures are included. Modifications must be in writing and mutually agreed upon by the parties.
- B. This agreement expires on September 30, 2030, unless extended by mutual written agreement of the parties. Prior to that date either party may terminate the agreement by providing a 30 day written notice.

By:  Date: 10/30/2025
Laila Kral, Administrator
Local Highway Technical Assistance Council

By:  Date: October 31, 2025
FOR Scott Stokes, Director
Idaho Transportation Department

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Attachment A - ITD/LHTAC Oversight Table

#	Category/ Activity or Item	FHWA	ITD	LHTAC	References
Funding					
<i>Project</i>					
1-1	Transfer of Funds	Approve	Request	Prepare	23 U.S.C. 104, Guidelines for Local Public Agency Projects
<i>Program</i>					
1-2	STP Program Match Procedures	Approve	Review	Recommend	23 U.S.C. 133, Guidelines for Local Public Agency Projects, Policy on match (ask Colleen)
Design					
2-1	Authorization for PE/RW/CN/UT	Approve	Request and Certify	Prepare	23 U.S.C. 120, 23 CFR 630, ITD-2101
2-2	Project Charter / Concept Report			Approve	Guidelines for Local Public Agency Projects, ITD Materials Manual, ITD Environmental Manual, ITD Project Charter Guidebook, ITD Roadway Design Manual
2-3	Design Study Report/ Design Approval			Prepare/Approve	Guidelines for Local Public Agency Projects, ITD Roadway Design Manual, Administrative Policy 5024 - Public Hearings, Board Policy 4024 - Public Hearings
2-4	Final Plans			Review/Approve	ITD Roadway Design Manual, Guidelines for Local Public Agency Projects
2-5	Professional Services Agreements and Supplementals		Prepare/	Prepare Scope of Work and Estimates/Select/ Negotiate	23 CFR 172, 48 CFR Part 31, A5001, B4001, ITD Professional Service Agreement Procedures Manual
2-6	Bidding/Contract Award		Award/Notify	Award (Procurement)/ Concur	23 CFR 635.IC 40-902, A5001, B4001, ITD Roadway Design Manual
2-7	Plans, Specifications and Estimate			Certify/Submit	23 CFR 630.205, ITD Roadway Design Manual 900, Guidelines for Local Public Agency Projects, PS&E Checklist
2-8	Buy America Waivers	Approve	Review	Request	23 CFR 635.410

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#	Category/ Activity or Item	FHWA	ITD	LHTAC	References
2-9	Design Exceptions	Approve –NHS Projects		Prepare/Approve	23 CFR 625, ITD Roadway Design Manual
2-10	Utility Waivers			Prepare/Approve	ITD Guide for Utility Management, LHTAC Policy 003 - Inclusion of Utility Work Under a Federal-aid Project
2-11	Utility Agreements			Prepare/Approve	23 CFR 635 & 645, ITD Guide for Utility Management, IC 40-210, ITD Roadway Design Manual, LHTAC Policy 003 - Inclusion of Utility Work Under a Federal-aid Project
2-12	Utility Relocation Order			Prepare/Approve (Issued by LPA)	ITD Guide for Utility Management or Local Agency Guide following State/Federal law, LHTAC Policy
2-13	Utility Hearing			Prepare/Hold Hearing	ITD Guide for Utility Management IC 40-312 or Local Agency Guide following State/Federal law
Environmental					
<i>Project</i>					
3-1	Categorical exclusions	Administered in accordance with Programmatic Categorical Exclusion Agreement**	Administered in accordance with Programmatic Categorical Exclusion Agreement**	Prepare/Review/Submit	23 CFR 771 , Section 1318(d) of MAP-21, 23 CFR 771.117(g)
3-2	EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations	Approve	Review	Prepare/Review/Submit	23 CFR 771, 23 CFR 772, 36 CFR 800

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#	Category/ Activity or Item	FHWA	ITD	LHTAC	References
Materials					
<i>Project</i>					
4-1	Life Cycle Cost Analysis and Pavement Design-NHS Only			Review/Approve	23 U.S.C. 106, ITD Materials Manual Section 500, Not required off NHS
4-2	Geologic Reconnaissance Reports or Roadway Material Reports			Review/Approve	ITD Materials Manual Section 220 & 240, ITD Roadway Design Manual
4-3	Geotechnical Engineering Reports and other Technical Reports			Approve	ITD Materials Manual Section 230 & 600
4-4	Material Certifications (Record Inspection/MAPS)			Approve	23 CFR 637, Field Test Manual Part II Quality Assurance Program, ITD Contract Admin Manual Subsections 106 & 109
Bridge (20 Foot span or Larger)					
<i>Project</i>					
5-1	Draft Type, Size and Location (TS&L)			Prepare/Review/Approve	
5-2	TS&L			Prepare/Review/Approve	23 CFR 630, 23 U.S.C. 106, ITD Roadway Design Manual 1040, Article 0.07 ITD Bridge Design LRFD Manual, ITD Bridge Inspection PONTIS Report, ITD Bridge Inspection Coding Guide
5-3	Situation and Layout Plans			Prepare/Review/Approve	23 CFR 630, 23 U.S.C. 106, ITD Roadway Design Manual 1040, Article 0.02 and Chapter 17 ITD Bridge Design LRFD Manual, ITD Bridge Inspection PONTIS Report, ITD Bridge Inspection Coding Guide

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5-4	PS&E			Certify/Submit	23 CFR 630, 23 U.S.C. 106, ITD Roadway Design Manual, Article 0.02 ITD Bridge Design LRFD Manual
Right-of-Way					
<i>Project</i>					
6-1	Hardship and Protective Buying	Approve	Review/Recommend	Prepare/Review/Submit	23 CFR 710, ITD ROW Manual
6-2	R/W Plans		Certify/Issue	Prepare/Submit	23 CFR 710, ITD ROW Manual 200, ITD Roadway Design Manual, Public Law 91-646
6-3	R/W Certification	Information	Certify/Issue	Prepare/Submit (ITD Form 1983)	23 CFR 710, ITD ROW Manual 200, ITD Roadway Design Manual, Public Law 91-646
6-4	Advertisement for bids based on a Conditional ROW Certification		Approve	Prepare/Submit	23 CFR 635.309(c)(3)(i), 23 CFR 710, ITD ROW Manual 5.20, ITD Roadway Design Manual Section 400, Public Law 91-646
6-5	Physical construction under a contract or through force account work based on a Conditional ROW Certification	Approve	Certify/Issue	Prepare/Submit	23 CFR 635.309(c)(3)(ii), 23 CFR 710, ITD ROW Manual 5.20, ITD Roadway Design Manual Section 400, Public Law 91-646
6-6	No Acquisition R/W Certification	Information	Information	Prepare/Approve	23 CFR 710, ITD ROW Manual 5.20, ITD Roadway Design Manual, Public Law 91-646
6-7	Appraisal Waiver			Approve	49 CFR 24.102(n), Idaho Code 54-4105(5)
6-8	Federal Land Acquisition	Approve/Execute	Concur	Prepare/Submit	ITD ROW Manual
Financial Services					
<i>Project</i>					
7-1	Final Vouchers (project closure)		Prepare/Approve	Prepare/Submit	49 CFR 18.50
	Funding Eligibility Determinations	Approve –	Review	Prepare	23 U.S.C. & 23 CFR throughout ITD Administrative Policies, : A5013, A5029, A5539, 23 CFR 1.9(b)

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#	Category/ Activity or Item	FHWA	ITD	LHTAC	References
7-3	Monthly Payments		Issue	Prepare/Submit	
Program					
7-4	Accounting Procedures	Review	Review/Approve	Prepare/Submit	2 CFR 1201, 2 CFR 220, B4029, A5029, A5013, LHTAC Financial Procedures Manual
7-5	Internal Controls	Review	Review/Approve	Prepare/Submit	23 CFR 140, 23 CFR 637, 49 CFR 18, A-01-05, A5513, A5059, A5538, LHTAC Financial Policy and Procedures Manual
7-6	Federal-aid Billing	Approve	Review	Prepare/Submit	LHTAC Financial Procedures Manual, 49 CFR 18, 23 CFR 635
Construction					
Project					
8-1	Change Orders		Concur (> +/- \$500,000)	Prepare/Approve	23 CFR 635, Standard Specs Subsection 104, ITD Contract Admin Manual Subsection 104
8-2	Claims		Approve (CE Level)	Prepare/Approve (DE Level)	23 CFR 635.124, Standard Specs Subsection 105.16
8-3	Termination of Contract (all projects)		Approve	Prepare/Review/ Recommend	23 CFR 635, Standard Specs Subsection 108, ITD Contract Admin Manual Subsection 108.09
8-4	NPDES/IPDES General Construction Permit Compliance		Report violations to EPA and Idaho DEQ as needed	• File NOI and NOT as operator unless otherwise agreed in writing • Approve all CGP documents, including but not limited to SWPPP plans and revisions and inspection reports (ITD 2802) • Submit copy of NOI, NOT, and inspection reports to ITD for information. • Submit notice of potential violations to ITD for action	Environmental Stormwater Website: https://itd.idaho.gov/en/

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#	Category/ Activity or Item	FHWA	ITD	LHTAC	References
8-5	Final Estimate			Approve	23 CFR 635.123, Standard Specs Subsection 109.08, ITD Contract Admin Manual Subsections 109.08 & 111.04
8-6	Subcontract Agreements			Approve	ITD-315, Standard Specs Subsection 108.01, ITD Contract Admin Manual Subsections 108
8-6	Project Acceptance		Concur	Approve	23 CFR 635.101, ITD Contract Admin Manual Subsection 109.08
8-7	Non-Bid Items/Force Account (Work by Local Forces)		Approve	Prepare/Submit	23 CFR 635(b), ITD 2395 - Request for Federal-Aid on No-Bid Items of Work (Force Account), ITD Roadway Design Manual
Civil Rights					
<i>Project</i>					
9-1	DBE Good Faith Efforts	Information	Approve		49 CFR 26, ITD DBE Program Plan, ITD Civil Rights Special Provisions
9-2	Changes in Use of Specific DBE on FA Contract	Information	Approve	Prepare/Submit	49 CFR 26, ITD DBE Program Plan, ITD Civil Rights Special Provisions
9-3	DBE Attainment	Information	Concur/Approve	Actively Monitor/Report to ITD	49 CFR 26, ITD DBE Program Plan, ITD Civil Rights Special Provisions, Contract Provisions
9-4	Prompt Payment	Information	Concur/Approve	Actively Monitor/Report to ITD	49 CFR 26.29, Standard Specs Subsection 109 & 110, DBE Program Plan
9-5	Approval of Trainees on FA Projects	Information	Approve		ITD Contract Compliance Plan
9-4	Training special provision - Approval of new project training programs	Information	Review/Accept	Review/Approve or Report to ITD	[23 CFR 230.111(d)-(e)], Subpart A, App. B, ITD Contract Compliance Plan, ITD Training Provisions

** Contact HQ Environmental for copy of the Programmatic Categorical Exclusion Agreement