

# Enterprise Risk Management



**FHWA-NC Division**

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2020 NCDOT AGC Workshop

# **Discussion Points**

- **The FHWA 2019-2022 Strategic Plan**
- **2015 FHWA/NCDOT Stewardship and Oversight Agreement**
- **Risk Based Oversight**
  - **FHWA-NC Division Office Organization**
  - **Oversight Actions on Federal-aid Projects**
  - **Responsible Charge**
  - **USDOT OIG Hotline and Fraud Awareness Training**

# FHWA Strategic Framework

Enable and empower the strengthening of a world-class highway system that promotes safety, mobility, and economic growth, while enhancing the quality of life of all Americans.

Public Service



Integrity



Respect



Collaboration



Family



Personal Development



## Safety

Reduce transportation-related fatalities and serious injuries across the transportation system.



## Infrastructure

Invest in infrastructure to ensure mobility and accessibility and to stimulate economic growth, productivity, and competitiveness for American workers and businesses.



## Innovation

Lead in the development and deployment of innovative practices and technologies to improve the safety and performance of the Nation's transportation system.



## Accountability

Serve the Nation with reduced regulatory burden and greater efficiency, effectiveness and accountability.



Save lives by expanding the use of data-driven systemic safety management systems and increasing the adoption of proven safety solutions by all road owners.

1

Improve program and project decision-making by using a data-driven approach, asset management principles, and a performance-based program that leads to better conditions and more efficient operations.

2

Increase freight and people mobility and reliability by building effective partnerships and encouraging targeted investments.

3

Enhance the safety and performance of the Nation's transportation system through research and by accelerating the development and deployment of promising innovative technologies and practices.

4

Modernize or eliminate obsolete, unnecessary, or duplicative policies and regulations to accelerate all phases of project delivery, stimulate innovation, and reduce administrative burdens.

5

Transform the workforce and resource management approach to ensure the agency is properly structured, skilled, and equipped to deliver outstanding customer service to our partners and the traveling public.

6

# FHWA- NC/NCDOT Agreement Updated 2015

STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT  
BY AND BETWEEN  
FEDERAL HIGHWAY ADMINISTRATION, NORTH CAROLINA DIVISION  
AND THE  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
(Supersedes June 2, 2015 Agreement)

## SECTION I. BACKGROUND AND INTRODUCTION

The Federal-aid Highway Program (FAMP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAMP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c) as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAMP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the North Carolina Department of Transportation (State DOT) on the roles and responsibilities of the FHWA and the State DOT with respect to Title 23 project approvals and related responsibilities, and FAMP oversight activities.

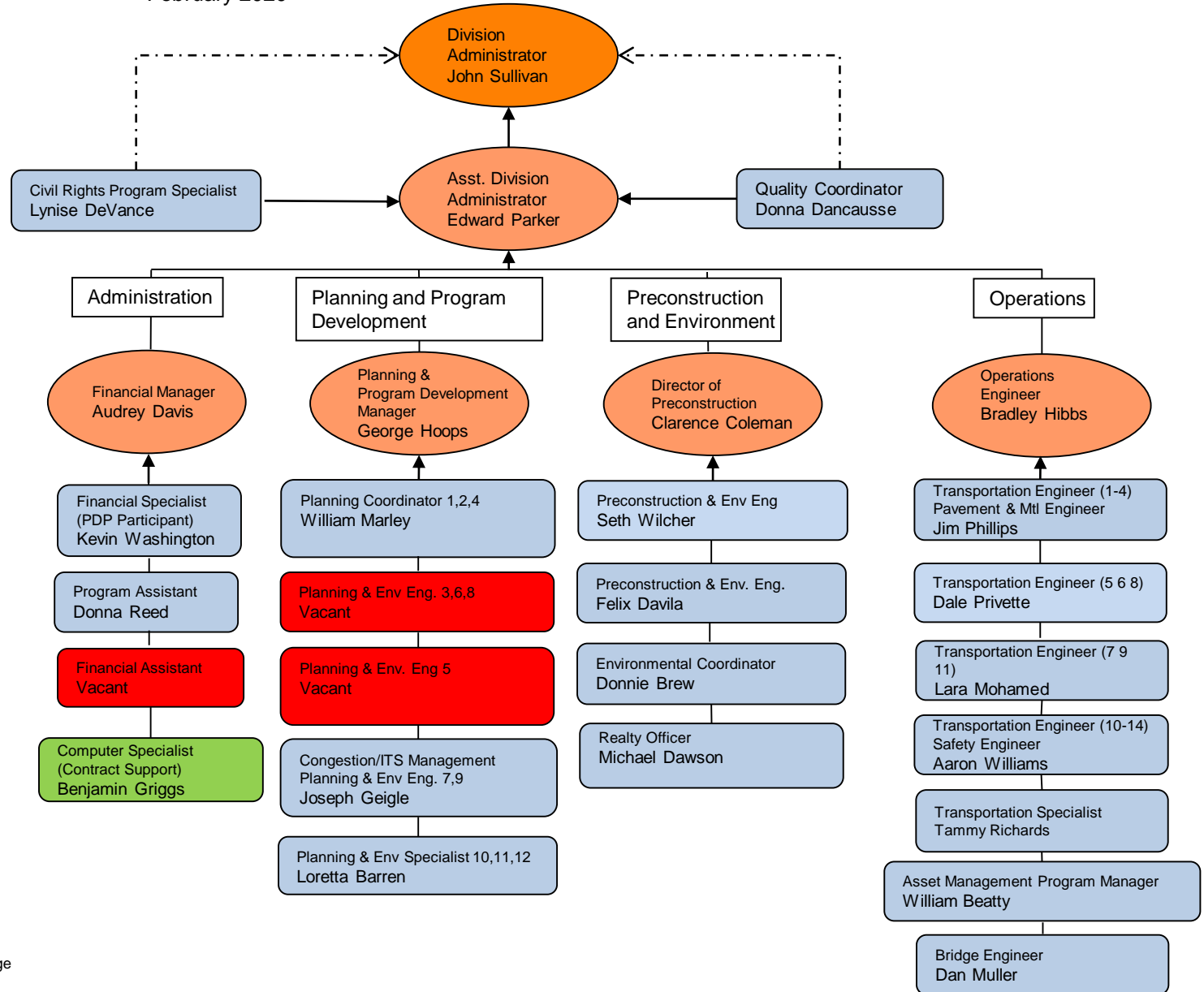
The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAMP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State Department of Transportation, unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c)(1)) For projects under Title 23, U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications,

# FHWA North Carolina Division Organization Chart

February 2020



\*\* - Alternate Duty Station Location Employee. Reports to the Office of Bridge Technology in HQs.

# FHWA Risk Based Oversight

## 1. Compliance Assessment Program (CAP)

## 2. Projects of Division Interest (PODI)

- Major Projects, APD, Grants, FHWA-NC Selected

## 3. Special Reviews

- Local Projects
- Prompt Pay
- USDOT OIG: project procurement to ensure competition
- *Access for pedestrians in work zones*
- NCDOT responsible person in charge of the project
- Emergency Relief Procedure

## During Times of Emergency Recovery: Look to the Emergency Relief Manual

- Make sure you are on an eligible route
- Know what repair items are eligible (when in doubt, ask)
- **Emergency repairs** within the first 30-days
- Use of State forces and on-call contracting is OK
- Repair site documentation: labor, equipment, personnel, photographs, measurements
- **Permanent repairs** occur after 30-days
- Pre-approval by the FHWA for resiliency repairs
- That means normal contracting procedures

# Responsible Charge

- NCDOT must provide a full-time employee to be in responsible charge of the project (23 CFR 635.105)
  - Full Time State Employee
  - Ability to make decisions concerning the contract
  - Maintains familiarity with day to day project operations
  - Visits/Reviews the project on frequency equivalent to the complexity of the project
  - Project reviews relate to safety, good construction practice, and sufficient documentation to prevent fraud, waste, and abuse
  - Applies to local agencies/projects as well







- Conducts criminal and civil investigations of fraud and other allegations affecting DOT Operating Administrations, programs, contractors, and grantees
- Partner with Federal, State, and local law enforcement agencies and prosecutors

#### DOT OIG Resources

Special Agents with Federal law enforcement arrest authority

Investigative tools (subpoenas, search warrants, undercover ops)

Expertise in fraud investigations and financial/forensic accounting

Computer forensics unit



To report fraud, waste, and abuse at  
DOT, please contact the OIG Hotline

1-800-424-9071

[www.oig.dot.gov](http://www.oig.dot.gov)

[www.oig.dot.gov/hotline](http://www.oig.dot.gov/hotline)

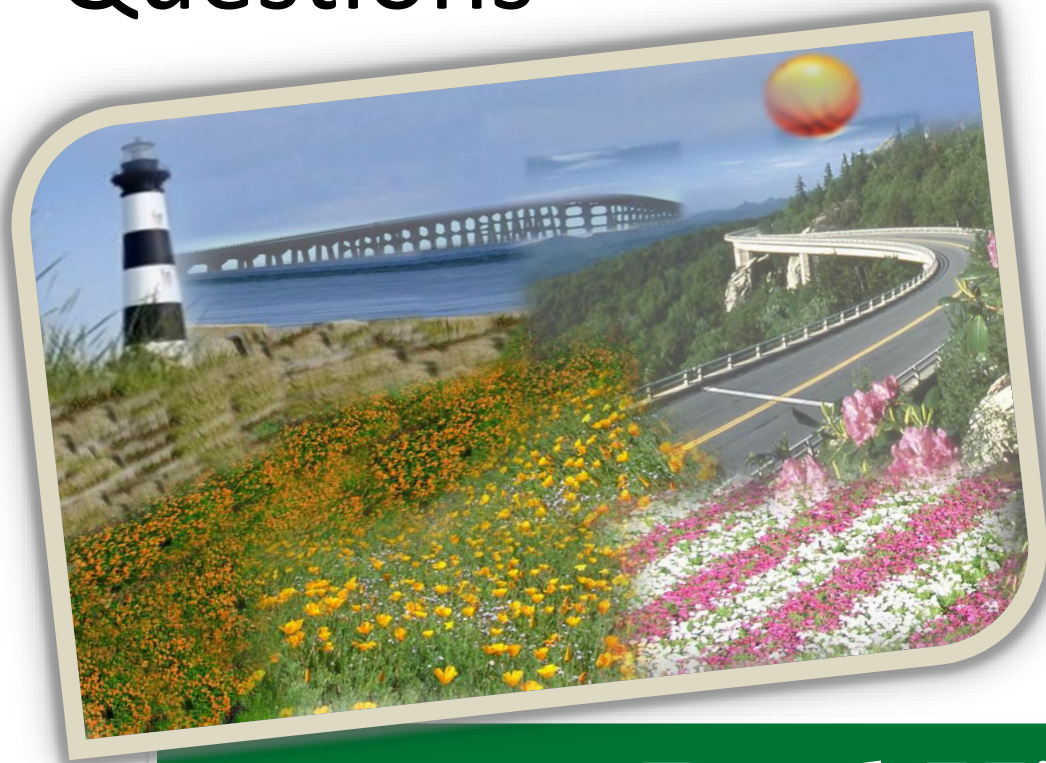
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# Questions



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