

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER N1-406-08-11	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>9/15/08</i>	
1 FROM (Agency or establishment) U.S. Department of Transportation (DOT)		<b>NOTIFICATION TO AGENCY</b>  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION Federal Highway Administration (FHWA)			
3 MINOR SUBDIVISION Office of the Chief Counsel (HCC)			
4 NAME OF PERSON WITH WHOM TO CONFER Gwendolyn Y. Steward	5 TELEPHONE NUMBER (202) 366-0791	DATE <i>9/10/08</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
6 AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>8</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,  <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE <i>September 10, 2008</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Victor S. Wagner</i>		TITLE Records Officer
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	This schedule covers the records of the Office of the Chief Counsel (HCC) maintained in the Washington Headquarters Office of the Federal Highway Administration (FHWA). This schedule primarily supersedes SF 115 job numbers NC1-406-80-1 (approved by the Archivist of the United States on July 14, 1981) and N1-406-97-1 (approved by the Archivist on March 28, 1997). Most administrative records of this Office are covered by the FHWA Records Disposition Schedule for Washington Headquarters Administrative Files and the General Records Schedules (GRS).	NC1-406-80-1; N1-406-97-1	

1	<p><b>Administrative Files</b> Contain correspondence; personnel material, training material; budget material; daily, weekly, monthly and bi-weekly reports; communications with the Department of Transportation (DOT) General Counsel and other agencies, meeting materials; and other related documents pertaining to the daily operation of the office. These records may contain sensitive and/or personal identifiable information and require controlled access and handling to safeguard against a breach of information (<i>Privacy Act of 1974</i> and the <i>Federal Information Security Management Act of 2002</i>)</p> <p>DISPOSITION: Temporary Cut off at end of fiscal year. Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 1.	
2	<p><b>Bridge Toll Files.</b> Files contain general correspondence, Congressional inquiries, correspondence from the general public, reports, proceedings in bridge toll regulatory matters and Administrator Order's thereof</p> <p>DISPOSITION: Temporary. Place in inactive file when case is closed Cut off inactive file at end of fiscal year Transfer to the Federal Records Center (FRC) 10 years after cutoff. Destroy 20 years after cutoff.</p>	NC1-406-80-1, items 3 and 33.	
3	<p><b>Civil Rights Files</b> Consist of correspondence, significant civil rights court decisions, background material, statistical data and other documents related to efforts to provide legal services with regard to the FHWA Civil Rights program, equal opportunity program, and labor compliance program. This includes any material that pertains to cases that involve Title VI and Title VII of the Civil Rights Act of 1964. These records may contain sensitive and/or personal identifiable information and require controlled access and handling to safeguard against a breach of information (<i>Privacy Act of 1974</i> and the <i>Federal Information Security Management Act of 2002</i>)</p> <p>DISPOSITION. Temporary. Cut off at end of fiscal year Transfer to FRC 3 years after cutoff Destroy 6 years after cutoff</p>	NC1-406-80-1, item 5.	
4.	<p><b>Contract Files.</b> Consist of correspondence and information concerning contract authority, contract compliance and contract claims and related papers</p>	NC1-406-80-1, item 6.	

	<p>pertaining to the Program Legal Services Division providing legal services in the negotiations, drafting, execution, and administration of Federal or Federal-aid contracts to include contracts for highway construction and procurement on research and development.</p> <p>DISPOSITION: Temporary. Cut off files at the end of fiscal year. Transfer to FRC 3 years after cutoff. Destroy 6 years after cutoff.</p>		
5	<p><b>Suspension and Debarment Files.</b> Consist of correspondence, memoranda, and other papers pertaining to the suspension or debarment of a contractor.</p> <p>DISPOSITION: Review files quarterly. Destroy in agency when 3 years old.</p>	NC1-406-80-1, items 7a and 7b.	
6.	<p><b>Federal Docket Management System (FDMS), Rulemaking, Non-Rulemaking, and Working Files.</b> This item covers Non-Rulemaking Files, Regulations Working Files, and Docket Files, including those electronic files in the FDMS, submitted in accordance with NARA Memorandum NWM 17.2008, Memorandum to Federal Agency Contacts NARA issues Electronic Recordkeeping FAQ for agencies using the Federal Docket Management System (FDMS), issued May 16, 2008.</p> <p>a. <b>Public Docket Files (Federal Register).</b> Contain notices related to rulemaking, advance notices of proposed rulemaking; notices of proposed rulemaking; comments received in response to notices related to rulemaking; petitions for rulemaking and consideration, denials of petitions and reconsideration; records of additional rulemaking proceedings; and final rules as published. The dockets also contain research studies, transcripts or notes of public meetings, slides, photographs, or other related material. Audiovisual materials are located in the supplemental information files which are maintained with the docket.</p> <p>DISPOSITION: <b>PERMANENT.</b></p> <p>(1) <u>Paper only</u>: Transfer to Federal Records Center (FRC) 3 years after close of file. Transfer to National Archives and Records Administration (NARA) 10 years after close of file.</p>	N1-406-97-1, item 1	

	<p>(2) <u>Electronic only</u> Transfer directly to NARA 10 years after close of file in acceptable format, in accordance with <u>36 CFR 1228.270</u>.</p> <p><del>(3) <u>Original docket files or records optically scanned by FDMS</u> Retain paper records for at least 30 days after scanning and verification of imaging. Destroy case files when no longer needed for business records. GRS 20/2a(4)</del></p> <p>(4) <u>FDMS copy of docket files or records</u>: Transfer directly to NARA 10 years after close of file in acceptable format, in accordance with <u>36 CFR 1228.270</u></p>		
b	<p><b>Non-rulemaking Notices.</b> Contain notices related to FHWA programs and activities; comments received in response to notices, and research studies, slides, or other related materials.</p> <p>DISPOSITION. Temporary. Review files at end of fiscal year. Destroy in Agency when 7 years old</p>	N1-406-80-1, items 8 and 31	
c.	<p><b>Regulations Working Files.</b> Contain notes, background material, public information, drafts, memorandums of law, and internal comments on proposed documents. Contain materials both in hard copy and electronic format, whether by electronic mail or word processing systems, and used solely to generate a record keeping copy of records covered by other items in this schedule. Also includes paper and electronic copies of records related on electronic mail and word processing systems that are maintained for updating, revision, or dissemination. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other directories on hard disk or network drives, and copies on shared network drives that are used only to produce the record keeping copy.</p> <p>DISPOSITION: Temporary. Review files 3 years after close of file. Destroy in Agency when 3 years old and after the record keeping copy has been produced.</p>	N1-406-80-1, item 6a	
7.	<p><b>Eminent Domain and Acquisition Files.</b> Consist of draft copies of deeds, memorandums of agreement and background material related to inspection of States condemnation practices and procedures, court cases, requests for information on condemnation procedures, answering complaints and inquiries from</p>	NC1-406-80-1, items 9 and 13.	

	<p>the general public, and Federal Land Transfers and Land Acquisitions in relation with other Federal agencies. Also contain background material, general correspondence, and legal reviews of State Highway Departments acquisition functions.</p> <p>DISPOSITION: Temporary. Place in inactive file when case is closed. Cut off closed case file at end of fiscal year Transfer to FRC 5 years after cutoff. Destroy 10 years after cutoff.</p>		
8.	<p><b>Environmental Files</b> Contain correspondence, comments made on proposed regulations published in the Federal Register, legal opinions, requests for legal opinions, regulations, guidelines on environmental policies, and reviews on environmental impact statement laws.</p> <p>DISPOSITION. Temporary Cut off at end of fiscal year. Transfer to FRC 2 years after cutoff. Destroy 5 years after cutoff</p>	NC1-406-80-1, item 10	
9	<p><b>Environmental Impact Statement (EIS) Review Legal Files.</b> Contain general correspondence, background material, and reviews by FHWA for all State and field offices on the legal aspects of the EIS.</p> <p>DISPOSITION Temporary. Cut off at end of fiscal year Transfer to FRC 10 years after cutoff Destroy 20 years after cutoff.</p>	NC1-406-80-1, item 11.	
10.	<p><b>Federal Participation Policy Files.</b> Contain correspondence; material submitted for review and evaluation relative to compliance with Federal requirements; and requests to FHWA for hardship approval or for information about the acquisition of real property</p> <p>DISPOSITION Temporary. Cut off at end of fiscal year Transfer to FRC 5 years after cutoff Destroy 8 years after cutoff.</p>	NC1-406-80-1, item 12.	
11	<p><b>Freedom of Information Act Files.</b> Consist of correspondence, requests for information, copies of replies and related material that pertain to requests for records that may involve litigation. These are reference copies only. (The Office of the Associate Administrator for Administration maintains the record copies)</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal</p>	NC1-406-80-1, item 15	

	<p>year Destroy in agency 3 years after cutoff</p>		
12	<p><b>Government Relations Files</b> Contain general correspondence from other Federal agencies, general correspondence and legal opinions from the States, and their comments and recommendations on disagreements with Federal agencies regarding the mortgage insurance policies and related legal opinion documents</p> <p>DISPOSITION. Temporary. Cut off at end of fiscal year Transfer to FRC 3 years after cutoff Destroy 5 years after cutoff.</p>	NC1-406-80-1, item 16.	
13.	<p><b>Highway Safety Files.</b> Contain hearings involving the highway safety program, legal interpretations, memorandums of eligibility for Federal funding, highway safety legislation, and general correspondence on State and community highway safety programs</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year Destroy in agency 10 years after cutoff.</p>	NC1-406-80-1, item 19.	
14	<p><b>Highway Beautification.</b> Contain general correspondence, reports, drafts of State bills pertaining to Highway Beautification, junkyards, outdoor advertising, billboards, legal opinions and reviews of papers from States on revisions of the Highway Beautification Act.</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year Transfer to FRC 5 years after cutoff Destroy 10 years after cutoff.</p>	NC1-406-80-1, item 20	
15	<p><b>Impoundment Legislation Files.</b> Consist of general correspondence, court papers, background material, and final draft forms. These are all closed cases involving litigation of appropriation of funds and limitations imposed by FHWA on Federal-aid highway funds appropriated to the States.</p> <p>DISPOSITION: Temporary. Place in inactive file when case is closed Cut off inactive file at end of fiscal year. Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 21.	
16.	<p><b>Legal Precedent Files.</b> Consist of opinions, interpretations of the law, copies of implementation of the statutes, notes, articles, background reviews, and documents related to Title 23 CFR. This material is maintained by the Legislation and Regulations</p>	NC1-406-80-1, item 22	

	<p>Division and is used by the attorneys as legal research material</p> <p>DISPOSITION: <b>PERMANENT.</b> <u>If paper:</u> Transfer to FRC when 10 years old Transfer to National Archives when 25 years old. <u>If electronic:</u> Transfer directly to NARA when 10 years old, in accordance with <u>36 CFR 1228 270</u></p>		
17	<p><b>Legislation Bills Files.</b> Contain information on Congresses which includes correspondence, comments, draft proposed legislation, minutes of meetings of testimony made before committee hearings, and reports pertaining to highway legislation with other agencies.</p> <p>DISPOSITION: Temporary. Place in inactive file after bill has either been passed or killed. Cut off inactive file at end of fiscal year. Destroy 10 years after cutoff.</p>	NC1-406-80-1, item 23.	
18	<p><b>Litigation Files</b> Contain pending active cases and memoranda pertaining to court cases, trials, administrative hearings, etc Files also contain correspondence, court papers, background material and other general documents.</p> <p>DISPOSITION: Temporary. Cut off files after case is closed Transfer to FRC 3 years after cutoff Destroy 10 years after cutoff.</p>	NC1-406-80-1, item 24.	
19.	<p><b>Monthly Reports.</b> Files contain monthly reports from the field Counsels, which include court cases.</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year. Transfer to FRC 5 years after cutoff. Destroy 10 years after cutoff.</p>	NC1-406-80-1, item 25.	
20	<p><b>Organization Files.</b> Contain general correspondence and information about research organizations and national associations such as the Highway Research Institute, National Highway Institute, and the Federal Advisory Research Board.</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 26.	
21	<p><b>Personnel and Ethics Law Files.</b> Consist of administrative correspondence, letters, memoranda and supporting documents related to the functions of the Administrative and Technology Law Division to</p>	NC1-406-80-1, item 27	

	<p>provide legal advice, assistance and services in coordination with the Office of Human Resources on the subject areas of (1) post employment restrictions, (2) reporting requirements, (3) conflicts of interest, (4) outside interest, (5) gifts and fees, (6) misconduct, (7) grievances, (8) Civil Service Reform Act, and the (9) Hatch Act These records may contain sensitive and/or personal identifiable information and require controlled access and handling to safeguard against a breach of information (<i>Privacy Act of 1974</i> and the <i>Federal Information Security Management Act of 2002</i>)</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year. Destroy in agency 3 years after cutoff.</p>		
22	<p><b>Privacy Act Files.</b> Consist of correspondence, original requests, and copies of replies pertaining to an individual's request documents that may contain information pertaining to him/her. These are reference copies only (The Office of the Associate Administrator for Administration maintains the record material). These records may contain sensitive and/or personal identifiable information and require controlled access and handling to safeguard against a breach of information (<i>Privacy Act of 1974</i> and the <i>Federal Information Security Management Act of 2002</i>)</p> <p>DISPOSITION: Temporary Cut off at end of fiscal year Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 28.	
23	<p><b>Program Files.</b> Contain general information on the American Association of State Highway and Transportation Officials (AASHTO), minutes of meetings, press releases, Congressional reports, funding reports, drafts of hearings, highway acts and testimonial statements from Congress, and inquiries involving legislative matters pertaining to the activities of the Legislation and Regulations Division. This is a reference copy for the Office of Chief Counsel.</p> <p>DISPOSITION: Temporary. Cut off at end of fiscal year Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 29.	
24	<p><b>Reference Files.</b> Contain copies of information not scheduled elsewhere in this schedule which are used as ready reference on subjects of current or ongoing interest These files may contain copies of publications, directives, pictures, correspondence and</p>	NC1-406-80-1, item 30	



	<p>the like. Official file copies are not to be placed in these files nor are the files to be considered pending files where official file copies are kept on a tentative basis</p> <p>DISPOSITION: Temporary. Cut off at the end of fiscal year. Destroy 3 years after cutoff.</p>		
25.	<p><b>State Files.</b> Consist of court cases memoranda, background material, and other related papers in connection with Federal participation in claims awards made by States to Federal-aid contractors concerning construction projects.</p> <p>DISPOSITION: Temporary Place in closed case file when case is closed Cut off closed case file at end of fiscal year. Destroy in agency 3 years after cutoff</p>	NC1-406-80-1, item 34.	
26	<p><b>Tort Files.</b> Consist of correspondence, letters, dates, memoranda, and supporting documents related to tort claims which are processed by the Administrative and Technology Law Division under the Federal Tort Claims Act.</p> <p>DISPOSITION Temporary Place in closed case file when case is closed. Cut off closed case file at end of fiscal year. Destroy in agency 3 years after cutoff.</p>	NC1-406-80-1, item 35.	