



U.S. Department
of Transportation
**Federal Highway
Administration**

Connecticut Division

August 4, 2009

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Mr. Joseph F. Marie, Commissioner
Connecticut Department of Transportation
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PO Box 317546
Newington, Connecticut 06131-7546

Subject: Revised (May 2009) Policy and Procedures for New or Revised Interstate Access Approval in Connecticut

Dear Mr. Marie:

The Federal Highway Administration Connecticut Division office (FHWA) hereby provides our concurrence to the revised (May 2009) document 'Policy and Procedures for New or Revised Interstate Access Approval in Connecticut'. Attached please find one copy of the signed document for your records and distribution.

Please be advised that our office has been informed that some additional guidance to the federal policy on access approvals is pending. At this time, it is understood that this additional guidance will include only minor changes and clarifications to the policy. Once this additional guidance is provided, FHWA will work with ConnDOT to incorporate any updates into the 'Policy and Procedures for New or Revised Interstate Access Approval in Connecticut' document as necessary.

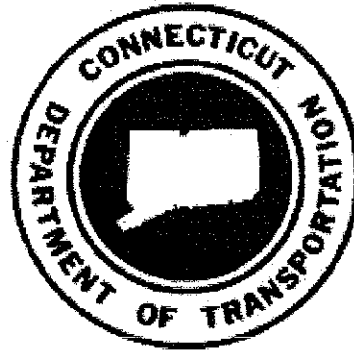
Should you have any questions concerning this matter, please contact Mr. Timothy Snyder at 860-659-6703 ext. 3022 or by email at timothy.snyder@dot.gov.

Sincerely Yours,

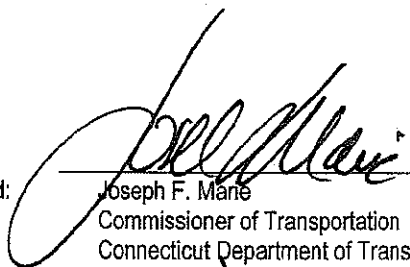
for
Amy Jackson-Grove
Division Administrator

Cc: Colleen Kissane, ConnDOT

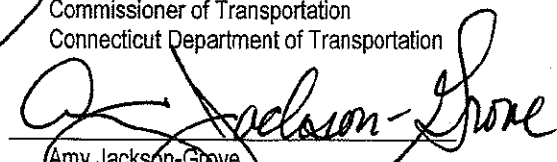




POLICY AND PROCEDURES
FOR
NEW OR REVISED INTERSTATE ACCESS APPROVAL
IN CONNECTICUT
Revised: May, 2009

Approved: 
Joseph F. Mane
Commissioner of Transportation
Connecticut Department of Transportation

5-21-09
Date

Approved: 
Amy Jackson-Grove
Division Administrator
Federal Highway Administration

5-28-09
Date

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List of Appendices

- Appendix A: 23 USC 111: United States Code (Highways), entitled, "Agreements relating to use of and access to rights-of-way – Interstate System"
- 23 CFR 625: Code of Federal Regulations, Title 23 (Highways), part 625 entitled, "Design Standards for Highways",
- Appendix B: Federal Highway Administration (FHWA) Policy – "Additional Interchanges to the Interstate System". Published in the Federal Register, Vol. 63, No. 28, February 11, 1998, pp.7045-7047.
- Appendix C: FHWA Region Office Memorandum dated March 12, 1997 to FHWA Division Administrators, entitled "Delegation of Authority – Requests for New or Revised Access Points on Completed Interstate Highways".
- Appendix D: FHWA Region Office Memorandum (and attached Tom Ptak's December 8, 1997 Policy Memorandum), dated December 19, 1997, entitled "Access Control on Non-Interstate NHS Freeways".
- Appendix E: Connecticut Planning Regions Map showing Transportation Management Areas (TMA) in Connecticut.

Executive Summary

This report explains the Federal Highway Administration (FHWA) national policy for new or revised Interstate access approval and outlines procedures developed for applying that policy in Connecticut regardless of the funding source. This FHWA national policy was originally issued in 1990 and was revised in February 1998.

This report presents the resulting effort of a multi-disciplinary team of engineers and planners from FHWA and the Connecticut Department of Transportation (Department) to streamline and clarify the Interstate access approval process.

Section 111 of Title 23 United States Code (23 USC 111) ([see](#) Appendix A) requires that proposed new or revised Interstate access must be approved by FHWA before such access modifications can be made. This approval is traditionally a two step process which consists of *Concept Approval* and *Final Approval*.

The local FHWA Division Office has been delegated additional approval authority, which serves to streamline the approval process. Most modifications to Interstate access can be approved by the local FHWA Division Office, although the most complex changes to existing Interstate access need FHWA Headquarters' Concept Approval (prior to FHWA Division Office Final Approval). It should be noted that all Final Approvals can be obtained from the local FHWA Division Office.

FHWA approval constitutes a Federal action and, as such, requires that National Environmental Policy Act (NEPA) procedures be followed. Therefore, this policy applies when changes in access to an Interstate facility are being financed with federal funds, as well as completely financed by the State of Connecticut, the local municipality, or a private developer.

Final Approval for an access revision request can be granted after completion of the NEPA environmental analysis and documentation process. This report describes FHWA Interstate access change policy, and the procedures for obtaining Interstate access change approval from FHWA.

Background

Section 111 of Title 23, United States Code (23 USC 111) states that all agreements between FHWA and the Department for the construction of projects on the Interstate System shall contain a clause that the Department will not add any points of access to, or exits from, the project in addition to those approved by FHWA in the plans for such project, without the prior approval from FHWA. Code of Federal Regulations, Title 23, part 625, (23 CFR 625) (see Appendix A) designates those standards and policies that are acceptable to FHWA for the geometric and structural design of highways (including Interstate facilities).

FHWA policy regarding new or revised access points to existing Interstate facilities was published in the Federal Register on February 11, 1998 (see Appendix B). The policy incorporates the planning requirements of the 1991 Intermodal Surface Transportation and Efficiency Act, clarifies the coordination between the access requests and environmental procedures, and updates the policy language at various locations. The policy states that "It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility." It further stipulates that new or revised access points to the existing Interstate System should meet requirements in the following eight categories (for additional discussion of these eight categories, see the 'Interstate Revision in Access Policy' section later in this report):

1. Existing Facilities
2. Transportation Systems Management
3. Operational Analysis
4. Access Connections and Design
5. Transportation Land Use Plans
6. Comprehensive Interstate Network Study
7. Coordination with Transportation System Improvements
8. Status and Information on the Planning and National Environmental Policy Act (NEPA) Processes

Additional guidance from FHWA Headquarters office regarding delegation of authority was also established in 1997 (see Appendix C). This guidance allowed FHWA Divisions to approve more types of Interstate revisions in access and also established a two step *Access Approval* process for approving these changes. The two steps of *Access Approval* consist of *Concept Approval* and *Final Approval* and are discussed in detail in later sections of this report.

This report provides:

1. A clear explanation of what types of improvements require FHWA Access Approval, as well as, those types of improvements which specifically do *not* require FHWA Access Approval.
2. For proposals of new or revised access to the Interstate which will require FHWA Access Approval, this report details the written procedures and individual steps, including submission requirements, which are required to obtain Concept Approval and Final Approval from FHWA.

Interstate Revision in Access Policy

FHWA policy published February 11, 1998 states that, in part, new or revised access points to the existing Interstate System should meet the following requirements:

1. **Existing Facilities:** *The existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal.*
2. **Transportation System Management:** *All reasonable alternatives for design options, location, and transportation system management type improvements (such as ramp metering, mass transit, and Highway Occupancy Vehicle (HOV) facilities) have been assessed and provided for if currently justified, or provisions are included for accommodating such facilities if a future need is identified.*
3. **Operational Analysis:** *The proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic. The operational analysis for existing conditions shall, particularly in urbanized areas, include an analysis of sections of Interstate to and including at least the first adjacent existing or proposed interchange on each side. Crossroads and other roads and streets shall be included in the analysis to the extent necessary to assure their ability to collect and distribute traffic to and from the interchange with the new or revised access points.*
4. **Access Connections and Design:** *The proposed access connects to a public road only and will provide for all traffic movements [except in only the most extreme circumstances, as will be explained later in this report]. Less than "full interchanges" for special purpose access for transit vehicles, for HOVs, or into park and ride lots may be considered on a case-by-case basis. The proposed access will be designed to meet or exceed current standards for Federal-aid projects on the Interstate system.*
5. **Transportation Land Use Plans:** *The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/or statewide transportation plan, as appropriate, the applicable provisions of 23 Code of Federal Regulations (CFR) part 450 and transportation conformity requirements of 40 CFR parts 51 and 93.*
6. **Comprehensive Interstate Network Study:** *In areas where the potential exists for future multiple interchange additions, all requests for new or revised access are supported by a comprehensive Interstate network study with recommendations that address all proposed and desired access (related or otherwise required transportation system improvements) within the context of a long-term plan.*
7. **Coordination with Transportation System Improvements:** *The request for a new or revised access generated by new or expanded development demonstrates appropriate coordination between the development and related or otherwise required transportation system improvements.*
8. **Status of Planning and NEPA:** *The request for new or revised access contains information relative to the planning requirements and the status of the environmental processing of the proposal.*

Applicability

This policy is applicable to new or revised access points to existing Interstate facilities regardless of the funding source. Therefore, this policy also applies to proposed private developments when the State Traffic Commission requires the private developer to make changes to an Interstate.

For purposes of applying this policy, each entrance or exit point, including “locked gate” access, to the main line is considered to be an access point. For example, a diamond interchange configuration has four access points.

Generally, as will be discussed in greater detail within this report, revised access to an Interstate is considered to be a change in the existing interchange configuration, even though the number of actual points of access may not change. For example, replacing one of the direct ramps of a diamond interchange with a loop or changing a cloverleaf interchange into a fully directional interchange is considered to be a revised access for the purpose of applying this policy. This is clarified in the next two subsections.

All FHWA approvals for new or revised access are contingent upon the State complying with all applicable Federal rules and regulations. According to 23 CFR 625, applicable design standards on the Interstate System include the current editions of AASHTO's *A Policy on Geometric Design of Highways and Streets* (commonly referred to as the “Green Book”) and AASHTO's *A Policy on Design Standards – Interstate System*. Both guidelines have been adopted by FHWA as Federal design standards for Interstates, and accepted by the Department.

FHWA approval constitutes a Federal action and, as such, requires that National Environmental Policy Act (NEPA) procedures be followed. Therefore, NEPA procedures also apply when changes to an Interstate facility are being financed completely by the State of Connecticut, local municipally, or private developer. The NEPA procedures will be completed as part of the normal project development process and as a condition of the Access Approval. Compliance with the NEPA procedures should proceed concurrently with the analyses to determine engineering acceptability and feasibility. Although compliance with the NEPA procedures need not precede the determination of engineering acceptability and feasibility as described in this policy report, the FHWA Division Office will normally not provide Final Approval for the revised access before the environmental analysis and documentation process is complete.

This policy applies only to new or revised access points to the Interstate System. This point is also made in a FHWA Memorandum from the FHWA Associate Administrator for Program Development to FHWA Regional Administrators dated December 8, 1997 (see Appendix D) which states that the policy does not apply to non-Interstate National Highway System (NHS) routes. Although the justification and documentation procedures described in this report can be applied to non-Interstate freeways or other access controlled highways, it is not required.

While each Interstate access revision will need to be analyzed on a case-by-case basis, this policy will greatly help to clarify, simplify, and expedite the process of acquiring FHWA Interstate revision in access approvals only if communication and coordination between the Department and FHWA is maintained.

The Department's request for FHWA approval will be a “stand-alone” document which will demonstrate that reasonable care has been taken to ensure that future safety and traffic operations along the Interstate

corridor will not be adversely affected by the proposed new or revised Interstate access. It is recommended that the Department retain the approved revision in access submittal on file indefinitely in the Department's Intermodal Planning Section of the Bureau of Policy and Planning.

FHWA Access Approval

Based on guidance from the FHWA Regional Administrator's March 12, 1997 Memorandum (see Appendix C), and agreements between FHWA Division Office and the Department, revisions to Interstate facilities are separated into two categories as follows and as detailed below:

1. Revisions to Interstate Facilities Requiring FHWA Access Approval, and
2. Revisions to Interstate Facilities Not Requiring FHWA Access Approval

Revisions to Interstate Facilities Requiring FHWA Access Approval

The following revisions require FHWA Access Approval:

- New freeway-to-freeway interchange.
- Major modification of freeway-to-freeway interchange; i.e., major revision to existing ramp radii, adding new ramp(s), abandoning/removing ramp(s), adding lanes to ramp gore areas, completing basic movements, realigning the main lines.
- New partial interchange or new ramps to/from continuous frontage road that create a partial interchange.
- New freeway-to-crossroad interchange; i.e., addition of a combination of on-ramps and off-ramps.
- Modification of existing freeway-to-crossroad interchange; i.e., newly realigned ramp which relocates or shifts the location of an existing main line/on-ramp gore area or main line/off-ramp gore area.
- Completion of basic movements at partial interchange; i.e., completing a partial diamond interchange by adding a ramp, or the addition of any on-ramp or off-ramp to the Interstate.
- Locked gate access; i.e., access via locked gates by privately employed personnel.
- Abandonment of ramps or interchanges.
- Decreasing the length of any deceleration lane or acceleration lane on any existing ramps.
- Increasing the length of an off-ramp deceleration lane, only if the adjacent upstream Interstate on-ramp exists at a distance equal to or less than 1.6 km (1.0 mile) away from this location (measured between physical gore areas). "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For purposes of these procedures Connecticut is considered to be an "urban" state.
- Increasing the length of an on-ramp acceleration lane, only if the adjacent downstream Interstate off-ramp exists at a distance equal to or less than 1.6 km (1.0 mile) from this location (measured

between the physical gore areas). The "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For purposes of these procedures Connecticut is considered to be an "urban" state.

- Addition of continuous travel lanes to an on-ramp; e.g., assign a continuous travel lane to a single lane on-ramp, resulting in a two-lane on-ramp.
- Any new or revised access point across an existing non-access line.

Revisions to Interstate Facilities Not Requiring FHWA Access Approval

The following revisions do not require FHWA Access Approval:

- The addition of left-turn storage lanes, right-turn storage lanes, and through travel lanes at the local road end of ramps.

For the proposed addition of new left-turn storage lanes, right-turn storage lanes, and through travel lanes at the local termini of existing ramps, the Department will be solely responsible for ensuring that adequate stopping sight distance, and decision sight distance, will be provided in accordance with the most current AASHTO Green Book.

FHWA and the Department jointly agree that the timely addition of new left-turn storage lanes, right-turn storage lanes, and through travel lanes, will not require individual "Revision in Access" approval. These additions will inherently and expeditiously increase ramp safety for ramps which chronically back-up onto the main line Interstate travel lanes, by shortening the queue lengths and minimizing the occurrence of high-speed, rear-end collisions.

- Relocation or shifting of the existing on-ramp or off-ramp termini (i.e., moving the ramp end which connects with the local road). Although an individual FHWA "Revision in Access" approval is not required, the Department will be solely responsible for ensuring that adequate stopping sight distance and decision sight distance will be provided along the ramp in accordance with the most current AASHTO Green Book. The Department will also ensure that the non-access line and right-of-way limits associated with the ramp will continue to meet Interstate standards.
- Addition of a single auxiliary lane between two adjacent interchange ramps. The single auxiliary lane shall not function as a main line travel lane.
- Increasing the length of an off-ramp deceleration lane, only if the adjacent upstream Interstate on-ramp exists at a distance greater than 1.6 km (1.0 mile) away from the proposed ramp location (measured between physical gore areas). The spacing between Interstate ramp interchanges should safely accommodate weaving, diverging, and merging maneuvers, and have good directional signage. "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For these procedures Connecticut is considered to be an "urban" state.

- Increasing the length of an on-ramp acceleration lane, only if the adjacent downstream Interstate off-ramp exists at a distance greater than 1.6 km (1.0 mile) away from the proposed ramp location (measured between physical gore areas). The spacing between Interstate interchanges should safely accommodate weaving, diverging, and merging maneuvers, and have good directional signing. "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For these procedures Connecticut is considered to be an "urban" state.
- Traffic signalization improvements at ramp termini with local roads.
- New signing, striping, and/or resurfacing of an Interstate on-ramp or off-ramp, where geometric features are not changed (e.g., the number of ramp/travel lanes at the main line/ramp gore area of an exit ramp does not change).
- Installation of roadside guide rail and concrete barriers (e.g., for resurfacing and safety type projects).

FHWA Concept Approval

Concept Approval is similar, in nature, to the Department's current scope approval process. Concept Approval is the first step in the FHWA Access Approval process and involves a determination of engineering and operational acceptability. Ideally, it should be done as soon as possible and when the Department has a good understanding of the scope of the improvement.

Refer to the next section of this report entitled "FHWA Final Approval" for a listing of the information (items required for Concept Approval are identified by an **) which needs to be provided to the local FHWA Division Office for review of the requested Concept Approval.

The authority to review and approve requests for Concept Approval is delegated to either the FHWA Headquarters or the FHWA Division Office based on the type of revisions proposed. The Department must receive FHWA Concept Approval from either the FHWA Headquarters Office located in Washington, D.C. or from the FHWA Division Office located in Glastonbury, CT as follows:

FHWA Headquarters Concept Approval

Concept Approval is required to be obtained from FHWA Headquarters Office for specific major Interstate access requests (listed below). The Department must submit to the FHWA Division Office three copies of the official transmittals requesting FHWA Headquarters' Concept Approval. It should be noted that advance coordination with FHWA Headquarters may be necessary, and appropriate, on certain complex and/or controversial projects which will require FHWA Headquarters' concept review and approval during the project's environmental process. In these cases, the Department should coordinate directly with the local FHWA Division Office.

FHWA Headquarters Concept Approval is required for the following types of Interstate revised access:

- New freeway-to-freeway interchange.
- Major modification of freeway-to-freeway interchange.
- New partial interchange or new ramps to/from continuous frontage road that create a partial interchange.
- New freeway-to-crossroad interchange located in a Transportation Management Area (TMA)¹.

¹ A Transportation Management Area (TMA) is defined as an urbanized area with a current population of more than 200,000 people as determined by the latest decennial census, or other area when the TMA designation is requested by Governor and the MPO (or affected local officials), and officially designated by the Administrators of the FHWA and the Federal Transit Administration (FTA). As of 1997, the following were the TMAs in Connecticut: (1) the South Central Council of Governments, (2) the Capitol Region Council of Governments, and (3) the Greater Bridgeport & Valley Regional Planning Agency. Refer to the map entitled "Connecticut Planning Regions" in Appendix E.

FHWA Division Office Concept Approval

The FHWA Division Office and the Department develops a consensus on proposed access concepts at informal meetings. The Meeting Minutes from these meetings may be utilized by the Department to develop a written "Concept Approval Request/Summary" for submission to the FHWA Division Office. FHWA's Division Office Concept Approval will be granted via written signature by the FHWA Division Administrator. Therefore, the developed Concept Approval Request/Summary (1-3 pages) should be sent to the FHWA Division Office with signature lines for the FHWA Division Administrator. The signed summary will document the meeting and FHWA's Concept Approval. One signed Concept Approval Request/Summary will be returned to the Department.

The FHWA Division Office grants Concept Approval for the following types of Interstate revised access:

- New freeway-to-crossroad interchange not located in a TMA.¹
- Modification of existing freeway-to-crossroad interchange.
- Completion of basic movements at partial interchange.
- Locked gate access.
- Abandonment of ramps or interchanges.
- Decreasing the length of any deceleration lane or acceleration lane on any existing Ramps.
- Increasing the length of an off-ramp deceleration lane, only if the adjacent upstream Interstate on-ramp exists at a distance equal to or less than 1.6 km (1 mile) away from this location (measured between physical gore areas). "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For purposes of these procedures Connecticut is considered to be an "urban" state.
- Increasing the length of an on-ramp acceleration lane, only if the adjacent downstream Interstate off-ramp exists at a distance equal to or less than 1.6 km (1 mile) from this location (measured between physical gore areas). "A Policy on Design Standards Interstate System" (January 2005) recommends as a general rule of thumb that the minimum distance between adjacent interchanges in urban areas should not be less than one mile. For purposes of these procedures, Connecticut is considered to be an "urban" state.
- Addition of continuous travel lanes to an on-ramp (e.g., adding a continuous travel lane to a single lane on-ramp, resulting in a two-lane on-ramp).

FHWA Final Approval

Final Approval from FHWA is the second step of the Access Approval process and shall be granted only after receipt of FHWA Concept Approval. The FHWA Division Office grants all Final Approvals for all types of Interstate access changes which require FHWA Access Approval and is made by the FHWA Division Administrator.

The earliest that Final Approval can be granted is after the general public has had an opportunity to comment on the proposed access modification. Typically, the Final Approval will be granted sometime after FHWA's approval of the final NEPA document, and before or concurrently with the project Design Approval. Likewise, the development of final plans and physical construction shall be performed only after approval of the environmental document. For "full oversight" projects, FHWA's Design Approval is the Final Approval for change in Interstate access. For private developments, the Final Approval is typically the approval of the Encroachment Permit, which therefore must be coordinated and approved by the FHWA Division Office. For non-federally funded projects or State oversight federal-aid projects, the Final Approval could be granted at Design Approval or anytime thereafter (at plans, specifications and estimates, for instance).

Submission Requirements for Access Approval

FHWA policy states that the FHWA Division Office must ensure that all new or revised Access Approval requests submitted to FHWA contain sufficient information to allow FHWA to independently evaluate the request and ensure that all pertinent factors and alternatives have been appropriately considered.

The following two sections describe what general information and operational analysis must be submitted by the Department to the FHWA in support of any request for Final Approval of a new or revised access to an Interstate. For Concept Approval, the Department shall ensure that at a minimum all items identified below with an '*' at the end are developed and submitted.

1. General Information in Final (or Concept*) Approval Submittal

- A clear description of the proposed new or revised access.*
- The purpose and need for the new or revised access point.*
- Total estimated cost of the project. Also include a cost/benefit analysis for a new interchange or new ramp(s).
- Any additional background supporting information that might help explain and/or support the proposal, e.g., developer driven, known public opposition, status of the NEPA process, including the summary of any public input received from public meetings, source of project funding, implementation schedule, etc.*
- Any known "Areas of Concern" (e.g. environmental, safety, etc.). An accident analysis summary should always be included for all new or revised access requests. Identify all presently known Suggested List of Surveillance Study Sites within or adjacent to the project limits, and proposed mitigation measures to improve safety in the future. FHWA must be assured that either no impact or only minimal adverse impact on safety and operation of the Interstate facility itself will occur.*
- Distances to and size of communities or activities directly served.*
- Relationship and distance of the interchange to adjacent interchanges, adequacy of acceleration, deceleration and weaving lengths, and the ability to provide adequate signing.*
- Clearly identify any necessary design exceptions from currently adopted AASHTO Interstate design standards.*
- Additional proposed traffic signalization*
- Ability of the interchange to provide lane balance and the basic number of lanes.*
- FHWA policy states: *"Existing Facilities: The existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal."*

The intent of this requirement is to require the Department to demonstrate that an access point is needed for regional traffic needs and not to solve local system needs or problems. The Interstate

facility should not be allowed to become part of the local circulation system but should be maintained as the main regional and interstate highway it was intended to be.

In the case of adding a new interchange or new ramp(s), evaluate or consider whether existing or possible future roads or streets generally parallel to the Interstate facility could be used as a connection to existing adjacent interchange ramps in lieu of adding a new interchange or ramps.*

- FHWA policy states: *“Transportation System Management: All reasonable alternatives for design options, location, and transportation system management type improvements (such as ramp metering, mass transit and HOV facilities) have been accessed and provided for if currently justified, or provisions are included for accommodating such facilities if a future need is identified.”*

The intent of this requirement is to assure that all reasonable alternatives, including improvements to the existing local roads and streets in lieu of new access, have been fully considered.*

- FHWA policy states: *“Access Connections and Design: The proposed access connects to a public road only and will provide for all traffic movements. Less than “full interchanges” for special purpose access for transit vehicles, for HOVs, or into park and ride lots may be considered on a case-by-case basis. The proposed access will be designed to meet or exceed current standards for Federal-aid projects on the Interstate System.”*

The intent of this requirement is to have all interchanges provide for all basic movements, except in the most extreme circumstances. Partial interchanges usually have undesirable operational characteristics. If circumstances exist where a partial interchange is considered appropriate, then the Department must make commitments to FHWA (possibly even for the purchase of the necessary right-of-way during the initial project stage for future completion). Special purpose access for HOVs, transit vehicles, or park and ride lots should be treated as special cases and the movements decided on a case-by-case basis.*

- FHWA policy states: *“Transportation Land Use plans: The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/or statewide transportation plan, as appropriate, the applicable provisions of CFR part 450 and transportation conformity requirements of 40 CFR parts 51 and 93.”*

The intent of this requirement is to cause sufficient review and coordination so as not to have piecemeal consideration of added access and to avoid as much as possible future conflict with other, possibly more needed, access. The request should include a discussion as to how the current proposal fits into the overall plans for the area and, if it is an addition to the current plans for the area, how it fits in and affects the current plans. Added access requests do not have to be included in official transportation plans or approved by Metropolitan Planning Organizations (MPOs) or similar organizations prior to submittal. All such coordination may be completed after access approval and as part of the normal project development process. The expectation is that any proposal is considered in view of currently known plans for transportation facilities and/or land-use planning. This is especially important when several new interchanges are anticipated.

- FHWA policy states: *“Comprehensive Interstate Network Study: In areas where the potential exists for future multiple interchange additions, all requests for new or revised access are supported by a comprehensive Interstate network study with recommendations that address all proposed and desired access within the context of a long-term plan.”*

The intent of this requirement is to analyze and consider all proposed changes in access for an area at the same time. Refer to Revisions to Interstate Facilities Requiring FHWA Approval of the policy for guidance regarding adjacent interchange spacing which trigger the need for FHWA approval. If a new or revised interchange is being proposed and another new or revised adjacent interchange is being planned and programmed by the Department, then both changes shall be analyzed together.*

- FHWA policy states: *“Coordination with Transportation System Improvements: The request for a new or revised access generated by new or expanded development demonstrates appropriate coordination between the development and related or otherwise required transportation system improvements.”*

It is recognized that private involvement in transportation improvements is increasing. The intent of this requirement is not to try to control developers and their plans through the Department, which have no such direct powers. However, it is incumbent upon the Department to assure that the highway facilities are developed in an orderly and coordinated manner to serve the public. Therefore, when private development is clearly the driving force behind the need for access, it is only reasonable that the Department and the developer work closely together in order to develop the access to achieve mutual benefits with minimal adverse impact on the Interstate travelers. Stage construction could be used where extensive private development is not expected to be completed for several years. The developer might be required to have certain parts of the local circulation system ready before ramps can be constructed or opened to traffic. In some heavily congested areas the developer might be required to provide ride sharing incentives or even assist in providing transit facilities. The intent is therefore to accomplish any coordination that might be possible, even if it is only to know what each is doing and when.

Such coordination and cooperation is appropriate where a developer has agreed to fund or perhaps even construct access at the same time the Department is planning or is already in the process of improving that particular section of the Interstate route. It is only reasonable that such activities be coordinated to ensure compatibility.

- FHWA policy states: *“Status of Planning and NEPA: The request for new or revised access contains information relative to the planning requirements and the status of the environmental processing of the proposal.”*

The intent of this requirement is to confirm and report information relative to the status of the planning and NEPA processes, with regard to the access request [e.g., anticipated schedule dates, public hearing dates, public support or opposition, recent activities, future activities, etc].*

2. Operational Analysis

- FHWA policy states: *“Operational Analysis: The proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic. The operational analysis for existing conditions shall, particularly in urbanized areas, include an analysis of sections of Interstate to and including at least the first adjacent existing or proposed interchange on each side. Crossroads and other roads and streets shall be included in the analysis to the extent necessary to assure their ability to collect and distribute traffic to and from the interchange with the new or revised access points.”*

The intent of this requirement is to assure that sufficient operational analyses are made to determine the impact of the new or revised access on the Interstate operation. For consistency, it is anticipated that the current Transportation Research Board (TRB) Highway Capacity Manual (HCM) analysis procedures will be used.

At a minimum, the operational impact on the main line Interstate between the proposed new or revised access and the adjacent existing interchanges on either side should be analyzed. The analysis should be extended as far along the main line and include as many existing interchanges as is necessary to establish the extent and scope of the impacts.

This could be critical in urban areas with many closely spaced interchanges (i.e., interchanges spaced at less than 1.6 km or one mile apart).

The operational analysis of the proposed change will need to be designed to a Design Year which is 20 years after the date when the construction of the project is scheduled to be complete, and open to the traveling public.

In order to perform an operational analysis which is as accurate as possible, the traffic volume counts used should not be more than two years old.

The operational analysis should typically include some or all of the following information (* - All items identified below in support of the Operational Analysis shall be provided with all requests for both Concept and Final Approval):

- *Interchange Location Map:* A dimensioned, detailed drawing of the design elements of the Existing and Proposed Change Conditions, including (as applicable): project limits, adjacent interchanges(s), ramp to be added, ramp to be removed, relocation of ramp gore, configuration, travel lanes and shoulder widths, ramp radii, ramp grades, acceleration lane lengths, taper or parallel type exit ramps, truck climbing lane(s), auxiliary/operational lane(s), and collector/distributor road(s).

The drawing (and/or report wording) should identify all presently known pertinent engineering design details of the proposed change. Design exceptions from the current AASHTO Green Book Design criteria shall be clearly identified, and compared with the AASHTO standard.

Another drawing should also be provided showing the traffic volumes for all turning movements, as well as main line, ramp, and local road traffic volumes. Identify current and design year Average Daily Traffic and Design Hourly Volume.

- *Highway Capacity Analysis:* The current TRB Highway Capacity Manual (HCM), or current version of the Highway Capacity Software (HCS) should be used to perform the needed engineering analyses. An acceptable engineering analysis for determining engineering acceptability and feasibility will need to be determined jointly by FHWA and the Department. The engineering analysis shall include all of the following, unless otherwise jointly agreed to by the Department and FHWA:

Note: The definition of "No-Build" and "Build" could be different for private development proposals. In some cases, the FHWA "No Build" will be the development occurring WITHOUT a change in the current access control. The FHWA

“Build” will be the development occurring WITH a change in the current access control.

- Existing Peak Hour Volumes: Plan view map, with ramps and Interstate through lanes labeled with existing AM Peak Hour and PM Peak Hour volumes.
- Design Year No-Build Peak Hour Volumes: Plan view map, with ramps and Interstate through lanes labeled with the Design Year No-Build AM Peak Hour and PM Peak Hour volumes.
- Design Year Build Peak Hour Volumes: Plan view map, with ramps and Interstate through lanes labeled with the Design Year Build Peak AM Peak Hour and PM Peak Hour volumes.
- Summary of Operational Analysis: Preferably, a table listing the Freeway Levels of Service (LOS), Ramp LOS, Weave LOS, and Non-Weave LOS for the corresponding Existing AM/PM, Design Year No-Build AM/PM, and Design Year Build AM/PM for various Interstate on-ramps, off-ramps and through lanes.
- Existing Peak Hour Levels of Service: Plan view map, with ramps, Interstate through lanes, and crossroads labeled with calculated Existing AM Peak Hour Level of Service values.
- Design Year No-Build Peak Hour Levels of Service: Plan view map, with ramps, Interstate through lanes, and crossroads labeled with calculated Design Year No-Build AM Peak Hour Level of Service values and PM Peak Hour Level of Service values.
- Design Year Build Peak Hour Levels of Service: Plan view map, with ramps, Interstate through lanes, and crossroads labeled with calculated Design Year Build AM Peak Hour Level of Service values and PM Peak Hour Level of Service values.
- Basic Freeway Segments Analyses of Existing Conditions: Preferably, computer program outputs from the latest update/release of the HCS, for all adjacent freeway sections.
- Basic Freeway Segments Analyses of the Design Year No-Build Conditions.
- Basic Freeway Segments Analyses of the Design Year Build Conditions.
- Ramp Junction Analyses of the Existing Conditions.
- Ramp Junction Analyses (including Queue Analysis) of the Design Year No-Build Conditions.
- Ramp Junction Analyses (including Queue Analysis) of the Design Year Build Conditions.
- Weave Area Analyses of the Existing Conditions.
- Weave Area Analyses of the Design Year No-Build Conditions.
- Weave Area Analyses of the Design Year Build Conditions.

Frequently Asked Questions and Answers

1. **Question:** If a proposed action only involves the addition of left-turn and/or right-turn storage lanes to an Interstate exit ramp (at the secondary road end) to prevent existing back-ups onto the Interstate, will an access modification request need to be submitted to FHWA for review and approval?

Answer: No, FHWA approval for this case is not necessary. Refer to the 'Revisions to Interstate Facilities Not Requiring FHWA Access Approval' section of this report.

2. **Question:** If the proposed action only involves moving the existing gore area (at the main line end of the ramp) to a new location, a short distance away, is FHWA review and approval necessary?

Answer: Perhaps. It depends on the distance between adjacent interchanges as measured between gore areas, and which way the gore area is being moved. Weaving distance to any adjacent Interstate ramp will need to be provided. Refer to 'Revisions to Interstate Facilities Requiring FHWA Access Approval' section of this report.

3. **Question:** If the main line end of an Interstate off-ramp will not be moved, but the ramp will be realigned in such a way that the secondary road (local crossroad) end of the ramp will be moved, is special FHWA review and approval of the revised access still needed?

Answer: No. The Department and FHWA have jointly agreed that this type of ramp revision will not require a separate submittal to FHWA. The Department will ensure that the non-access line and right-of-way associated with the ramp will continue to meet Interstate standards.

4. **Question:** If a main line/ramp gore of an Interstate off-ramp will be moved, but the ramp will not be realigned in such a way to move the secondary road (local crossroad) end of the ramp, is FHWA review and approval needed?

Answer: Perhaps. It depends on the distance between adjacent interchanges as measured between gore areas, and which way the gore area is being moved. Weaving distance to any adjacent Interstate ramp will need to be provided. Refer to 'Revisions to Interstate Facilities Requiring FHWA Access Approval' section of this report.

5. **Question:** Who is the FHWA contact person? Where?

Answer: Contact the FHWA Division Office Design Engineer, at (860) 659-6703. The FHWA Connecticut Division Office is located at 628-2 Hebron Avenue, Suite 303, in Glastonbury, Connecticut.

6. **Question:** How many submittal copies should the Department send to FHWA Division Office?

Answer: For Concept Approvals to be granted by the FHWA Division Office, only one copy will be needed. For Concept Approvals made by the FHWA Headquarters three copies will be needed; specifically, one copy *each* for:

- (a) FHWA Headquarters
- (b) The FHWA Region Office
- (c) The FHWA Division Office

All copies must be sent to the local FHWA Division Office. For Final Approvals, one copy of the submittal must be submitted to the FHWA Division Office.

7. **Question:** When will "Concept Approval" need to be requested by the Department? How will this need to be done?

Answer: Formal Concept Approval will be required and performed for all types of revision in access needing FHWA approval, as early in the environmental phase of the project as possible. It may be done as soon as one "preferred alternate" is known, as derived from the NEPA process. Either the FHWA Division Office or the FHWA Headquarters will grant Concept Approval; in both instances, the Department will need to coordinate through the local FHWA Division Office.

When coordination and Concept Approval is required to be obtained from FHWA Headquarters (Washington Office), depending on the type of access revision, a written submittal will need to be sent to the FHWA Division Office once the Department has obtained one "preferred alternate". Additional turn around (lead time) should be anticipated and provided in the scheduling of the submittal, if Concept Approval is needed from FHWA Headquarters office.

8. **Question:** With regard to the environmental (NEPA) requirements, when is the very earliest that a Final Approval can be made by the FHWA Division Office?

Answer: The earliest that Final Approval can be granted by FHWA is after the general public has had an opportunity to comment on the proposed access modification. Typically, the Final Approval will be granted sometime after the Department's public meeting, and before (or at the same time as) FHWA's approval of the final NEPA document and the project Design Approval. Likewise, the development of final plans and physical construction shall be performed only after approval of the environmental document.

Appendices

Appendix A

23 USC 111: United States Code (Highways), entitled "Agreements relating to use of and access to rights-of-way – Interstate System."

23 CFR 625: Code of Federal Regulations, Title 23 (Highways), part 625, entitled "Design Standards for Highways."

Subsec. (c). Pub. L. 109-59, §1105(d), inserted “the highway safety improvement program,” after “the surface transportation program.”

1999—Subsec. (a)(2). Pub. L. 106-159, §102(a)(2)(A), inserted “and the motor carrier safety grant program” after “relief”).

Subsec. (b)(1)(A). Pub. L. 106-159, §102(a)(2)(B), inserted “and the motor carrier safety grant program” after “program”, substituted “title,” for “title and”, and inserted “, and subchapter I of chapter 311 of title 49” after “21st Century”.

Subsecs. (e) to (g). Pub. L. 106-113, which directed amendment of section 110 by adding subsecs. (e) to (g) at the end, was executed to this section to reflect the probable intent of Congress. See Codification note above.

1998—Subsec. (a). Pub. L. 105-178, §1105(c)(1), as added by Pub. L. 105-206, §9002(e), substituted “In general” for “Determination of amount” in heading and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).”

Subsec. (b)(2), (4). Pub. L. 105-178, §1105(c)(2), as added by Pub. L. 105-206, §9002(e), substituted “subsection (a)(1)” for “subsection (a)”.

Subsec. (c). Pub. L. 105-178, §1105(c)(3), as added by Pub. L. 105-206, §9002(e), substituted “the Interstate and National Highway System program” for “the Interstate Maintenance program, the National Highway System program”.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of this title.

SPECIAL RULE

Pub. L. 109-59, title I, §1105(f), Aug. 10, 2005, 119 Stat. 1166, provided that: “If the amount available pursuant to section 110 of title 23, United States Code, for fiscal year 2007 is greater than zero, the Secretary [of Transportation] shall—

“(1) determine the total amount necessary to increase each State’s rate of return (as determined under section 105(b)(1)(A) of title 23, United States Code) to 92 percent, excluding amounts provided under this paragraph;

“(2) allocate to each State the lesser of—

“(A) the amount computed for that State under paragraph (1); or

“(B) an amount determined by multiplying the total amount calculated under section 110 of title 23, United States Code, for fiscal year 2007 by the ratio that—

“(i) the amount determined for such State under paragraph (1); bears to

“(ii) the total amount computed for all States in paragraph (1); and

“(3) allocate amounts remaining in excess of the amounts allocated in paragraph (2) to all States in accordance with section 110 of title 23, United States Code.”

§ 111. Agreements relating to use of and access to rights-of-way—Interstate System

(a) IN GENERAL.—All agreements between the Secretary and the State transportation department for the construction of projects on the Interstate System shall contain a clause provid-

ing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) VENDING MACHINES.—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State transportation department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the “Randolph-Sheppard Act” (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

(c) MOTORIST CALL BOXES.—

(1) IN GENERAL.—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.

(2) SPONSORSHIP LOGOS.—

(A) APPROVAL BY STATE AND LOCAL AGENCIES.—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.

(B) SIZE ON BOX.—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.

(C) SIZE ON IDENTIFICATION SIGN.—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.

(D) SPACING OF SIGNS.—Sponsorship logos affixed to an identification sign on a call box post may be located on the rights-of-way at intervals not more frequently than 1 per every 5 miles.

(E) DISTRIBUTION THROUGHOUT STATE.—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

(3) NONSAFETY HAZARDS.—The call boxes and their location, posts, foundations, and mountings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.

(d) IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.—

(1) IN GENERAL.—Notwithstanding subsection (a), a State may—

(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State, so long as those idling reduction measures do not reduce the existing number of designated truck parking spaces at any given rest or recreation area; and

(B) charge a fee, or permit the charging of a fee, for the use of those parking spaces actively providing power to a truck to reduce idling.

(2) PURPOSE.—The exclusive purpose of the facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

(A) to reduce idling of a truck while parked in the rest or recreation area; and

(B) to use installed or other equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 895; Pub. L. 87-61, title I, §104(a), June 29, 1961, 75 Stat. 122; Pub. L. 95-599, title I, §114, Nov. 6, 1978, 92 Stat. 2697; Pub. L. 100-17, title I, §110(a), Apr. 2, 1987, 101 Stat. 146; Pub. L. 104-59, title III, §306, Nov. 28, 1995, 109 Stat. 580; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193; Pub. L. 109-59, title I, §1412, Aug. 10, 2005, 119 Stat. 1234.)

AMENDMENTS

2005—Subsec. (d). Pub. L. 109-59 added subsec. (d).

1998—Subsecs. (a), (b). Pub. L. 105-178 substituted “State transportation department” for “State highway department”.

1995—Subsec. (c). Pub. L. 104-59 added subsec. (c).

1987—Pub. L. 100-17 designated existing provision as subsec. (a), inserted heading for subsec. (a), and added subsec. (b).

1978—Pub. L. 95-599 inserted provision listing situations which would not require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users.

1961—Pub. L. 87-61 substituted “to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere” for “to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere”.

INTERSTATE OASIS PROGRAM

Pub. L. 109-59, title I, §1310, Aug. 10, 2005, 119 Stat. 1219, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section [Aug. 10, 2005], in consultation with the States and other interested parties, the Secretary [of Transportation] shall—

“(1) establish an interstate oasis program; and

“(2) after providing an opportunity for public comment, develop standards for designating, as an interstate oasis, a facility that—

“(A) offers—

“(i) products and services to the public;

“(ii) 24-hour access to restrooms; and

“(iii) parking for automobiles and heavy trucks;

and

“(B) meets other standards established by the Secretary.

“(b) STANDARDS FOR DESIGNATION.—The standards for designation under subsection (a) shall include standards relating to—

“(1) the appearance of a facility; and

“(2) the proximity of the facility to the Dwight D. Eisenhower National System of Interstate and Defense Highways.

“(c) ELIGIBILITY FOR DESIGNATION.—If a State (as defined in section 101(a) of title 23, United States Code) elects to participate in the interstate oasis program, any facility meeting the standards established by the Secretary [of Transportation] shall be eligible for designation under this section.

“(d) LOGO.—The Secretary [of Transportation] shall design a logo to be displayed by a facility designated under this section.”

VENDING MACHINES; PLACEMENT IN REST, RECREATION, AND SAFETY REST AREAS; STATE OPERATION OF MACHINES

Pub. L. 97-424, title I, §111, Jan. 6, 1983, 96 Stat. 2106, provided that notwithstanding section 111 of this title before Oct. 1, 1983, any State could permit placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] in such State. Such vending machines could only dispense such food, drink, and other articles as the State highway department determined were appropriate and desirable. Such vending machines could only be operated by the State. In permitting the placement of vending machines under this section, the State had to give priority to vending machines which were operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, known as the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

DEMONSTRATION PROJECT FOR VENDING MACHINES IN REST AND RECREATION AREAS

Section 153 of Pub. L. 95-599 authorized Secretary of Transportation to implement a demonstration project respecting placement of vending machines in rest and recreation areas and to report not later than two years after Nov. 6, 1978, on results of such project.

REVISION OF AGREEMENTS RELATING TO UTILIZATION OF
SPACE ON RIGHTS-OF-WAY

Section 104(b) of Pub. L. 87-61 authorized Secretary of Commerce [now Transportation], on application, to revise any agreement made prior to June 29, 1961, to extent that such agreement relates to utilization of space on rights-of-way on National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] to conform to section 111 of this title as amended by subsection (a).

§ 112. Letting of contracts

(a) In all cases where the construction is to be performed by the State transportation department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) BIDDING REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

(A) GENERAL RULE.—Subject to paragraph (3), each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40.

(B) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulations of part 31 of title 48, Code of Federal Regulations.

(C) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal Acquisition Regulations for 1-year applicable accounting periods by a cognizant Federal or State govern-

ment agency, if such rates are not currently under dispute.

(D) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind.

(E) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in subparagraph (D) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(F)(F)¹ Subparagraphs (B), (C), (D) and (E) herein shall not apply to the States of West Virginia or Minnesota.

(3) DESIGN-BUILD CONTRACTING.—

(A) IN GENERAL.—A State transportation department or local transportation agency may award a design-build contract for a qualified project described in subparagraph (C) using any procurement process permitted by applicable State and local law.

(B) LIMITATION ON FINAL DESIGN.—Final design under a design-build contract referred to in subparagraph (A) shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter (including intermodal projects) for which the Secretary has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.

(D) REGULATORY PROCESS.—Not later than 90 days after the date of enactment of the SAFETEA-LU, the Secretary shall issue revised regulations under section 1307(c) of the Transportation Equity Act for 21st Century (23 U.S.C. 112 note; 112 Stat. 230) that—

(i) do not preclude a State transportation department or local transportation agency, prior to compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), from—

- (I) issuing requests for proposals;
- (II) proceeding with awards of design-build contracts; or
- (III) issuing notices to proceed with preliminary design work under design-build contracts;

(ii) require that the State transportation department or local transportation agency receive concurrence from the Secretary before carrying out an activity under clause (i); and

¹ So in original.

and the date of such relinquishment action clearly delineated thereon.

(2) If it is found at any time after relinquishment that a relinquished facility is in fact required for the safe and proper operation of the Federal-aid highway, the State shall take immediate action to restore such facility to its jurisdiction without cost to Federal-aid highway funds.

(3) If it is found at any time that a relinquished frontage road or portion thereof or any part of the right-of-way therefor has been abandoned by local governmental authority and a showing cannot be made that such abandoned facility is no longer required as a public road, it is to be understood that the Federal Highway Administrator may cause to be withheld from Federal-aid highway funds due to the State an amount equal to the Federal-aid participation in the abandoned facility.

(4) In no case shall any relinquishment include any portion of the right-of-way within the access control lines as shown on the plans for a Federal-aid project approved by the FHWA, without the prior approval of the Federal Highway Administrator.

(5) There cannot be additional Federal-aid participation in future construction or reconstruction on any relinquished "off the Federal-aid system" facility unless the underlying reason for such future work is caused by future improvement of the associated Federal-aid highway.

(g) In the event that a State desires to apply for approval by the Federal Highway Administrator for the relinquishment of a facility such as described in paragraph (d) (1) and (2) of this section, the facts pertinent to such proposal are to be presented to the division engineer of the FHWA. The division engineer shall have appropriate review made of such presentation and forward the material presented by the State together with his findings thereon through the Regional Federal Highway Administrator for consideration by the Federal Highway Administrator and determination of action to be taken.

(h) No change may be made in control of access, without the joint determination and approval of the SHA and FHWA. This would not prevent the re-

linquishment of title, without prior approval of the FHWA, of a segment of the right-of-way provided there is an abandonment of a section of highway inclusive of such segment.

(i) Relinquishments must be justified by the State's finding concurred in by the FHWA, that:

(1) The subject land will not be needed for Federal-aid highway purposes in the foreseeable future;

(2) That the right-of-way being retained is adequate under present day standards for the facility involved;

(3) That the release will not adversely affect the Federal-aid highway facility or the traffic thereon;

(4) That the lands to be relinquished are not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and Pub. L. 89-285, Title III, sections 302-305 (Highway Beautification Act of 1965).

(j) If a relinquishment is to a Federal, State, or local government agency for highway purposes, there need not be a charge to the said agency, nor in such event any credit to Federal funds. If for any reason there is a charge, the STD may retain the Federal share of the proceeds if used for projects eligible under title 23 of the United States Code.

[39 FR 33311, Sept. 17, 1974, as amended at 64 FR 71289, Dec. 21, 1999]

PART 625—DESIGN STANDARDS FOR HIGHWAYS

Sec.

625.1 Purpose.

625.2 Policy.

625.3 Application.

625.4 Standards, policies, and standard specifications.

AUTHORITY: 23 U.S.C. 109, 315, and 402; Sec. 1073 of Pub. L. 102-240, 105 Stat. 1914, 2012; 49 CFR 1.48(b) and (n).

SOURCE: 62 FR 15397, Apr. 1, 1997, unless otherwise noted.

§ 625.1 Purpose.

To designate those standards, policies, and standard specifications that are acceptable to the Federal Highway Administration (FHWA) for application

in the geometric and structural design of highways.

§ 625.2 Policy.

(a) Plans and specifications for proposed National Highway System (NHS) projects shall provide for a facility that will—

(1) Adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

(2) Be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (a)(1) of this section and to conform to the particular needs of each locality.

(b) Resurfacing, restoration, and rehabilitation (RRR) projects, other than those on the Interstate system and other freeways, shall be constructed in accordance with standards which preserve and extend the service life of highways and enhance highway safety. Resurfacing, restoration, and rehabilitation work includes placement of additional surface material and/or other work necessary to return an existing roadway, including shoulders, bridges, the roadside, and appurtenances to a condition of structural or functional adequacy.

(c) An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways.

§ 625.3 Application.

(a) *Applicable Standards.* (1) Design and construction standards for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the NHS (other than a highway also on the Interstate System or other freeway) shall be those approved by the Secretary in cooperation with the State highway departments. These standards may take into account, in addition to the criteria described in § 625.2(a), the following:

(i) The constructed and natural environment of the area;

(ii) The environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

(iii) Access for other modes of transportation.

(2) Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(b) The standards, policies, and standard specifications cited in § 625.4 of this part contain specific criteria and controls for the design of NHS projects. Deviations from specific minimum values therein are to be handled in accordance with procedures in paragraph (f) of this section. If there is a conflict between criteria in the documents enumerated in § 625.4 of this part, the latest listed standard, policy, or standard specification will govern.

(c) Application of FHWA regulations, although cited in § 625.4 of this part as standards, policies, and standard specifications, shall be as set forth therein.

(d) This regulation establishes Federal standards for work on the NHS regardless of funding source.

(e) The Division Administrator shall determine the applicability of the roadway geometric design standards to traffic engineering, safety, and preventive maintenance projects which include very minor or no roadway work. Formal findings of applicability are expected only as needed to resolve controversies.

(f) *Exceptions.* (1) Approval within the delegated authority provided by FHWA Order M1100.1A may be given on a project basis to designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for:

(i) Experimental features on projects; and

(ii) Projects where conditions warrant that exceptions be made.

(2) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of

the section due to increased traffic demands or changed conditions.

§ 625.4 Standards, policies, and standard specifications.

The documents listed in this section are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and are on file at the Office of the Federal Register in Washington, DC. They are available as noted in paragraph (d) of this section. The other CFR references listed in this section are included for cross-reference purposes only.

(a) *Roadway and appurtenances.* (1) A Policy on Geometric Design of Highways and Streets, AASHTO 2001. [See § 625.4(d)(1)]

(2) A Policy on Design Standards—Interstate System, AASHTO 1991. [See § 625.4(d)(1)]

(3) The geometric design standards for resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways other than freeways shall be the procedures and the design or design criteria established for individual projects, groups of projects, or all non-freeway RRR projects in a State, and as approved by the FHWA. The other geometric design standards in this section do not apply to RRR projects on NHS highways other than freeways, except as adopted on an individual State basis. The RRR design standards shall reflect the consideration of the traffic, safety, economic, physical, community, and environmental needs of the projects.

(4) Erosion and Sediment Control on Highway Construction Projects, refer to 23 CFR part 650, subpart B.

(5) Location and Hydraulic Design of Encroachments on Flood Plains, refer to 23 CFR part 650, subpart A.

(6) Procedures for Abatement of Highway Traffic Noise and Construction Noise, refer to 23 CFR part 772.

(7) Accommodation of Utilities, refer to 23 CFR part 645, subpart B.

(8) Pavement Design, refer to 23 CFR part 626.

(b) *Bridges and structures.* (1) Standard Specifications for Highway Bridges, Fifteenth Edition, AASHTO 1992. [See § 625.4(d)(1)]

(2) Interim Specifications—Bridges, AASHTO 1993. [See § 625.4(d)(1)]

(3) Interim Specifications—Bridges, AASHTO 1994. [See § 625.4(d)(1)]

(4) Interim Specifications—Bridges, AASHTO 1995. [See § 625.4(d)(1)]

(5) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (U.S. Units). [See § 625.4(d)(1)]

(6) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (SI Units). [See § 625.4(d)(1)]

(7) Standard Specifications for Movable Highway Bridges, AASHTO 1988. [See § 625.4(d)(1)]

(8) Bridge Welding Code, ANSI/AASHTO/AWS D1.5–95, AASHTO. [See § 625.4(d)(1) and (2)]

(9) Structural Welding Code—Reinforcing Steel, ANSI/AWS D1.4–92, 1992. [See § 625.4(d)(2)]

(10) Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, AASHTO 1994. [See § 625.4(d)(1)]

(11) Navigational Clearances for Bridges, refer to 23 CFR part 650, subpart H.

(c) *Materials.* (1) General Materials Requirements, refer to 23 CFR part 635, subpart D.

(2) Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II, AASHTO 1995. [See § 625.4(d)(1)]

(3) Sampling and Testing of Materials and Construction, refer to 23 CFR part 637, subpart B.

(d) Availability of documents incorporated by reference. The documents listed in § 625.4 are incorporated by reference and are on file and available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These documents may also be reviewed at the Department of Transportation Library, 400 Seventh Street, SW., Washington, DC, in Room 2200. These documents are also available for inspection and copying as provided in 49 CFR part 7, appendix D. Copies of these documents may be obtained from the following organizations:

(1) American Association of State Highway and Transportation Officials (AASHTO), Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

(2) American Welding Society (AWS), 2501 Northwest Seventh Street, Miami, FL 33125.

[62 FR 15397, Apr. 1, 1997, as amended at 67 FR 6395, Feb. 12, 2002; 69 FR 18803, Apr. 9, 2004]

PART 626—PAVEMENT POLICY

Sec.

626.1 Purpose.

626.2 Definitions.

626.3 Policy.

AUTHORITY: 23 U.S.C. 101(e), 109, and 315; 49 CFR 1.48(b)

SOURCE: 61 FR 67174, Dec. 19, 1996, unless otherwise noted.

§ 626.1 Purpose.

To set forth pavement design policy for Federal-aid highway projects.

§ 626.2 Definitions.

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) are applicable to this part. As used in this part:

Pavement design means a project level activity where detailed engineering and economic considerations are given to alternative combinations of subbase, base, and surface materials which will provide adequate load carrying capacity. Factors which are considered include: Materials, traffic, climate, maintenance, drainage, and life-cycle costs.

§ 626.3 Policy.

Pavement shall be designed to accommodate current and predicted traffic needs in a safe, durable, and cost effective manner.

PART 627—VALUE ENGINEERING

Sec.

627.1 Purpose and applicability.

627.3 Definitions.

627.5 General principles and procedures.

AUTHORITY: 23 U.S.C. 106(d), 106(f), 112(b), 302, 307, and 315; 49 CFR 18.

SOURCE: 62 FR 6868, Feb. 14, 1997, unless otherwise noted.

§ 627.1 Purpose and applicability.

(a) This regulation will establish a program to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments by requiring the application of value engineering (VE) to all Federal-aid highway projects on the National Highway System (NHS) with an estimated cost of \$25 million or more.

(b) In accordance with the Federal-State relationship established under the Federal-aid highway program, State transportation departments (STDs) shall assure that a VE analysis has been performed on all applicable projects and that all resulting, approved recommendations are incorporated into the plans, specifications and estimate.

[62 FR 6868, Feb. 14, 1997, as amended at 67 FR 75924, Dec. 10, 2002]

§ 627.3 Definitions.

Project. A portion of a highway that a State proposes to construct, reconstruct, or improve as described in the preliminary design report or applicable environmental document. A project may consist of several contracts or phases over several years.

Value engineering. The systematic application of recognized techniques by a multi-disciplined team to identify the function of a product or service, establish a worth for that function, generate alternatives through the use of creative thinking, and provide the needed functions to accomplish the original purpose of the project, reliably, and at the lowest life-cycle cost without sacrificing safety, necessary quality, and environmental attributes of the project.

§ 627.5 General principles and procedures.

(a) *State VE programs.* State transportation departments must establish programs to assure that VE studies are performed on all Federal-aid highway projects on the NHS with an estimated cost of \$25 million or more. Program procedures should provide for the identification of candidate projects for VE studies early in the development of the

Appendix B

Federal Highway Administration (FHWA) Policy – “Additional Interchanges to the Interstate System,” published in the Federal Register, Vol. 63, No. 28, February 11, 1998, pp.7045-7047.

Additional Interchanges to the Interstate System

[Federal Register: February 11, 1998 (Volume 63, Number 28)]

[Notices]

[Page 7045-7047]

From the Federal Register Online via GPO Access

[DOCID:fr11fe98-120]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Additional Interchanges to the Interstate System

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This document issues a revision of the FHWA policy statement regarding requests for added access to the existing Interstate system. The policy includes guidance for the justification and documentation needed for requests to add access (interchanges and ramps) to the existing Interstate System. The policy statement was originally issued in the Federal Register on October 22, 1990 (55 FR 42670).

DATES: The effective date of this policy is February 11, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Seppo I. Sillan, Federal-Aid and Design Division, Office of Engineering, (202) 366-0312, or Mr. Wilbert Baccus, Office of Chief Counsel, (202) 366-0780, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

<http://www.fhwa.dot.gov/programadmin/fraccess.cfm> (1 of 5) [4/16/2009 11:12:10 AM]

Background

Section 111 of title 23, U.S.C., provides that all agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. The Secretary has delegated the authority to administer 23 U.S.C. 111 to the Federal Highway Administrator pursuant to 49 CFR 1.48(b)(10). A formal policy statement including guidance for justifying and documenting the need for additional access to the existing sections of the Interstate System was published in the Federal Register on October 22, 1990 (55 FR 42670).

The FHWA has adopted the AASHTO publication "A Policy on Design Standards--Interstate System" as its standard for projects on the Interstate System. This publication provides that access to the Interstate System shall be fully controlled by constructing grade separations at selected public crossroads and all railroad crossings. Where interchanges with selected public crossroads are constructed, access control must extend the full length of ramps and terminals on the crossroad.

Summary of Changes

The changes in the policy statement are being made to reflect the planning requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Pub. L. 102-240) as implemented in 23 CFR part 450, to clarify coordination between the access request and environmental processes, and to update language at various locations. The following specific revisions are made to the existing policy statement:

1. An additional sentence is added to item 5 under "Policy" that ensures requests for new or revised access are consistent with 23 CFR part 450 and 40 CFR parts 51 and 93.
2. Text in item 5 pertaining to future interchange additions has been moved to item 6 because it covers a different subject.
3. Item 6 is redesignated as item 7.
4. A new item 8 is added so that those reviewing the access request have the information necessary to process the request.
5. The fifth paragraph under "Application" is revised to clarify coordination with the environmental process.

The revised policy statement also includes various editorial changes to enhance clarity and readability. The revised policy statement is as follows:

Policy

It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to providing such service. Therefore, new or revised access points to the existing Interstate System should meet the following requirements:

1. The existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal.
2. All reasonable alternatives for design options, location and transportation system management type improvements (such as ramp metering, mass transit, and HOV facilities) have been assessed and provided for if currently justified, or provisions are included for accommodating such facilities if a future need is identified.
3. The proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic. The operational analysis for existing conditions shall, particularly in urbanized areas, include an analysis of sections of Interstate to and including at least the first adjacent existing or proposed interchange on either side. Crossroads and other roads and streets shall be included in the analysis to the extent necessary to assure their ability to collect and distribute traffic to and from the interchange with new or revised access points.
4. The proposed access connects to a public road only and will provide for all traffic movements. Less than "full interchanges" for special purpose access for transit vehicles, for HOV's, or into park and ride lots may be considered on a case-by-case basis. The proposed access will be designed to meet or exceed current standards for Federal-aid projects on the Interstate System.
5. The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/or statewide transportation plan, as appropriate, the applicable provisions of 23 CFR part 450 and the transportation conformity requirements of 40 CFR parts 51 and 93.
6. In areas where the potential exists for future multiple interchange additions, all requests for new or revised access are supported by a comprehensive Interstate network study with recommendations that address all proposed and desired access within the context of a long-term plan.
7. The request for a new or revised access generated by new or expanded development demonstrates appropriate coordination between the development and related or otherwise required transportation system improvements.
8. The request for new or revised access contains information relative to the planning requirements and the status of the environmental processing of the proposal.

Application

This policy is applicable to new or revised access points to existing Interstate facilities regardless of the funding of the original construction or regardless of the funding for the new access points. This includes routes incorporated into the Interstate System under the provisions of 23 U.S.C. 139(a) or other legislation.

Routes approved as a future part of the Interstate system under 23 U.S.C. 139(b) represent a special case because they are not yet a part of the Interstate system and the policy contained herein does not apply. However, since the intention to add the route to the Interstate system has been formalized by agreement, any proposed access points, regardless of funding, must be coordinated with the FHWA Division Office. This policy is not applicable to toll roads incorporated into the Interstate System, except for segments where Federal funds have been expended, or where the toll road section has been added to the Interstate System under the provisions of 23 U.S.C. 139(a).

For the purpose of applying this policy, each entrance or exit point, including "locked gate" access, to the mainline is considered to be an access point. For example, a diamond interchange configuration has four access points.

Generally, revised access is considered to be a change in the interchange configuration even though the number of actual points of access may not change. For example, replacing one of the direct ramps of a diamond interchange with a loop, or changing a cloverleaf interchange into a fully directional interchange would be considered revised access for the purpose of applying this policy.

All requests for new or revised access points on completed Interstate highways must be closely coordinated with the planning and environmental processes. The FHWA approval constitutes a Federal action, and as such, requires that the National Environmental Policy Act (NEPA) procedures are followed. The NEPA procedures will be accomplished as part of the normal project development process and as a condition of the access approval. This means the final approval of access cannot precede the completion of the NEPA process. To offer maximum flexibility, however, any proposed access points can be submitted in accordance with the delegation of authority for a determination of engineering and operational acceptability prior to completion of the NEPA process. In this manner, the State highway agency can determine if a proposal is acceptable for inclusion as an alternative in the environmental process. This policy in no way alters the current NEPA implementing procedures as contained in 23 CFR part 771.

Although the justification and documentation procedures described in this policy can be applied to access requests for non-Interstate freeways or other access controlled highways, they are not required. However, applicable Federal rules and regulations, including NEPA procedures, must be followed.

Implementation

The FHWA Division Office will ensure that all requests for new or revised access submitted by the State highway agency for FHWA consideration contain sufficient information to allow the FHWA to independently evaluate the request and ensure that all pertinent factors and alternatives have been appropriately considered. The extent and format of the required justification and documentation should be developed jointly by the State highway agency and the FHWA to accommodate the operations of both agencies, and should also be consistent with the complexity and expected impact of the proposals. For example, information in support of isolated rural interchanges may not need to be as extensive as for a complex or potentially controversial interchange in an urban area. No specific documentation format or content is prescribed by this policy.

Policy Statement Impact

The policy statement, first published in the Federal Register on October 22, 1990 (55 FR 42670), describes the justification and documentation needed for requests to add or revise access to the existing Interstate System. The revisions made by this publication of the policy statement reflect the planning requirements of the ISTEA as implemented in 23 CFR part 450, clarify coordination between the access request and environmental processes, and update language at various locations. The States will have to take these factors into consideration when making future requests for new or revised access points, but the overall effort necessary for developing the request will not be significantly increased.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued: February 4, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

[FR Doc. 98-3460 Filed 2-10-98; 8:45 am]

BILLING CODE 4910-22-P

Appendix C

FHWA Region Office Memorandum dated March 12, 1997 to FHWA Division Administrators, entitled "Delegation of Authority – Requests for New or Revised Access Points on Completed Interstate Highways."



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

**Subject: Delegations of Authority -
Requests for New or Revised Access
Points on Completed Interstate Highways**

Date: March 12, 1997

**From: Henry H. Rentz
Regional Administrator
Albany, New York**

Reply to
Attn. of: HES-01

To: Division Administrators

Our memorandum dated September 27, 1997, transmitted former Federal Highway Administrator Slater's August 19 memorandum that issued a revised delegation of authority to FHWA field offices regarding requests for new or revised access points on completed Interstate Highways. Certain approval actions relative to determinations of engineering and operational acceptability were retained by the Federal Highway Administrator, while authority for other approvals were delegated to the Regional Administrator with the option to redelegate to Division Administrators. In the Regional Office memorandum (bottom of page 1/ top of page 2), we listed several types of access that were being redelegated to Division Administrators. To that list, we are now adding two additional access types:

- ! New Freeway-to-Crossroad Interchange (where the interchange is not located in a Transportation Management Area), and
- ! Modification of Existing Freeway-to-Crossroad Interchange (whether the interchange is, or is not, located in a Transportation Management Area).

Please refer to the attached matrix showing the revised delegation of authority. The only types of new access that now need to be referred to this office are those that are required to be submitted to the Headquarters Federal Highway Administrator for approval action. Referral to the Regional Office will be primarily to assure that 1) we are aware of the request, and 2) all of the necessary information is included for the Federal Highway Administrator to act expeditiously on the request. Upon completion of this review, the submission will be forwarded to the Federal-Aid and Design Division (HNG-14).

This revision is effective immediately.

Original Signed by:
BRUCE HOSLEY

Bruce A. Hosley, Director
Office of Engineering Services

Attachment

Delegation of Authority - Acceptability of Access Requests on Interstate Highways				
Type of New Access	TMA	HQ/Federal Highway Administrator	Regional Administrator REGION 1	Division Administrator
New Freeway-to-Freeway Interchange	Yes	X		
	No	X		
Major Modification of Freeway-to-Freeway Interchange	Yes	X		
	No	X		
New Partial Interchange or New Ramps To-From Continuous Frontage Roads That Create a Partial Interchange	Yes	X		
	No	X		
New Freeway-to-Crossroad Interchange	Yes	X		
	No			Z
Modification of Existing Freeway-to-Crossroad Interchange	Yes			Z
	No			Z
Completion of Basic Movements At Partial Interchange	Yes			Z
	No			Z
Locked Gate Access	Yes			Z
	No			Z
Abandonment of Ramps or Interchanges	Yes			Z
	No			Z

X = Determination of acceptability not redelegated to field offices

Y = Determination of acceptability delegated to Regional Administrators

Z = Determination of acceptability that is redelegated to Division Administrators in REGION 1

TMA = Transportation management area as defined in 23 USC 134(l). For purposes of this delegation of authority, TMA includes only the urbanized portion as defined by the Bureau of the Census.

Appendix D

FHWA Region Office Memorandum (and attached Tom Ptak's December 8, 1997 policy memorandum), dated December 19, 1997, entitled "Access Control on Non-Interstate NHS Freeways."



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **ACTION:** Access Control on Non-Interstate NHS
Freeways

Date: December 8, 1997

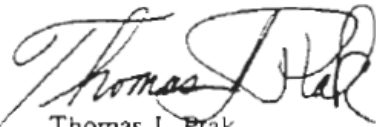
From: Associate Administrator for
Program Development

Reply to
Attr. of: HNG-14

To: Regional Administrators
Federal Lands Highway Program Administrator

We have received several questions concerning FHWA's policy on additional access points, or modification to existing access points, on non-Interstate National Highway System (NHS) freeways. The questions relate to how provisions in 23 CFR 620, subpart B, relating to access control are to be applied. This subpart is primarily intended to prescribe procedures for relinquishment of highway facilities. Although access control is mentioned therein, these provisions must be viewed within the context of the prevailing statutory authority. Under this authority, only on the Interstate System is there a specific requirement for approval of additional access points (23 U.S.C. 111). While we expect the State departments of transportation to maintain the operational and safety integrity of non-Interstate NHS freeway facilities, there is no separate FHWA access point approval necessary as is the case for projects on the Interstate System. The design standards for all projects on the NHS, whether on the Interstate System or not, remain unchanged as contained in 23 CFR 625.

For projects where Federal-aid funds were used to acquire access control, it is expected that changes in access control be prudently managed by the State since such rights are a public asset. Net proceeds from such management can either be credited under existing disposal requirements or handled under the provisions of 23 U.S.C. 156. We are in the process of revising regulations dealing with property disposal requirements that will conform provisions in 23 CFR 620, 23 CFR 713, and 49 CFR 18. Until such time as these changes can be finalized, please be guided by this memorandum.


Thomas J. Ptak





U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: Access Control on Non-Interstate
NHS Freeways

Date: December 19, 1997

From: Nelson J. Castellanos
Acting Regional Administrator
Albany, New York

Reply to
Attn. of: HES-01

To: Division Administrators

Questions recently have arisen with regard to the need for a separate FHWA approval action when State highway agencies request additional access points, or modifications of existing access points, on non-Interstate National Highway System (NHS) freeways. For your information, we have attached Associate Administrator Thomas J. Ptak's December 8 policy memorandum concerning this issue.

As provided in 23 USC 111 (Agreements relating to use of and access to rights-of-way --Interstate System), only on the Interstate system is there a specific requirement for approval of additional access points, or modifications. Thus, there is no FHWA access point approval needed for non-Interstate freeway facilities.

Please note, however, that the design standards for all NHS projects - whether on the Interstate System or not - continue as presently provided in 23 CFR 625 (April 1, 1997).

CHARLES L. O'DONNELL

Charles L. O'Donnell
Geometric Design Engineer

Attachment

File: DES 8-8
RF:HES-DF;Mr.O'Donnell
CO'Donnell:pmo 12/19/97

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Appendix E

Connecticut Planning Regions Map showing Transportation Management Areas (TMA) in Connecticut.

