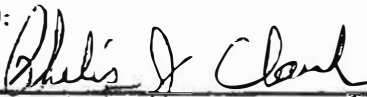


TO: SUPERSEDED BY EB 99-002 EFFECTIVE 6/1/99	<h1>ENGINEERING INSTRUCTION</h1> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>
Distribution: 30 Main Office 32 Regions Special	SUBJECT: SUBSTANDARD FEATURE JUSTIFICATION FOR 100% STATE FUNDED PROJECTS ON THE INTERSTATE SYSTEM Subject Code: 7.26-1
APPROVED:  PHILIP J. CLARK, Director, Preliminary Plan Review Bureau	Code: <u> EI 90-46 </u> Date: <u> 12-27-90 </u> Supersedes: MODIFIES EI 80-042

The purpose of this Engineering Instruction is to inform the Regional Offices of an agreement reached between the Department and the FHWA regarding the justification of existing substandard features contained within 100% State funded projects on the Interstate system. The attached memo of December 4, 1990 from P.J. Clark to H.J. Brown outlines the policy to be implemented by this EI. The attached memo of December 11, 1990 from H.J. Brown to Director, Preliminary Plan Review Bureau, indicates FHWA's approval of the policy.

s policy states that existing substandard features on 100% State funded projects on the Interstate System do not require approval from FHWA in order to be retained. However, this does not relieve the designer of his or her responsibility to identify existing substandard features and to perform engineering analyses to determine whether upgrading the feature to standard is desirable. If the feature in question is to be retained, then the rationale used to make this decision, including an accident analysis, should be included in the design report.

As always, any substandard features associated with Federal-Aid Projects must be justified in accordance with EI 80-42. Additionally, any newly created or worsened substandard features on the Interstate System must be justified in accordance with EI 80-42 and require Federal approval regardless of the funding source.

M E M O R A N D U M
DEPARTMENT OF TRANSPORTATION

TO: H.J. Brown, Division Administrator, FHWA, HA-NY

FROM: P.J. Clark, Preliminary Plan Review Bureau, 5-408 

SUBJECT: SUBSTANDARD FEATURE JUSTIFICATION FOR
100% STATE FUNDED PROJECTS ON THE
INTERSTATE SYSTEM

DATE: December 4, 1990

This memo serves to summarize the November 30, 1990 discussion of substandard features between Douglas Conlan of your staff and John DiCocco of my staff.

As explained by Mr. Conlan, we understand that for 100% State funded projects on the Interstate System, except for those where FHWA has approved interim design exceptions, no justification is required to retain existing substandard features which are not diminished. This applies to the subject class of projects irrespective of the scope of the project, i.e., regardless of the type of improvement being made to the interstate.

However, any new substandard features created or existing ones made worse, must be approved by FHWA. This requirement for FHWA approval applies to any proposed work whether it be substantial physical construction or only temporary operational changes exceeding the scope of a construction contract traffic control plan.

Please let us know whether or not you agree with the content of this memorandum. Upon reaching agreement with your office, we will forward this information to our Regional Offices in the form of an Engineering Instruction so that we may establish a State-wide policy for substandard feature justification on the subject class of projects.

PJC:WHM:slpa



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

Memorandum

FILE
POST
ATTN
REPLY

Subject: Substandard Feature Justification for
100% State Funded Projects on the
Interstate System


Date: December 11, 1990

From: Harold J. Brown
Division Administrator
Albany, New York

Reply to
Attn. of: HE-NY

To: Director, Preliminary Plan Review Bureau
New York State Department of Transportation
Albany, New York

We concur with your December 4, 1990 memorandum on the subject.


Douglas P. Conlan
District Engineer

