

**MODIFIED BY EB 99-056  
EFFECTIVE 7/1/99**



*New York State  
Department of  
Transportation*  
**ENGINEERING  
BULLETIN**

**EB  
99-041**

*Expires one year after issue unless replaced sooner*

**Title: ERRATA FOR DESIGN PROCEDURE MANUAL (DPM) REVISION 3**

**Distribution:**

- |   |  |
|---|--|
| <input type="checkbox"/> Manufacturers (18)               | <input type="checkbox"/> Surveyors (33)              |
| <input checked="" type="checkbox"/> Main Office (30)      | <input checked="" type="checkbox"/> Consultants (34) |
| <input checked="" type="checkbox"/> Local Govt. (31)      | <input type="checkbox"/> Contractors (39)            |
| <input checked="" type="checkbox"/> Regions/Agencies (32) | <input type="checkbox"/> ( )                         |

**Approved:**

P. J. Bellair, Director  
Design Quality Assurance Bureau

5/11/99  
Date

**Effective Date**

This EB is effective immediately.

**Purpose**

The purpose of this EB is to distribute an errata that includes minor changes and corrections to DPM Revision 3 issued on January 9, 1999 by EB 99-002. We expect to issue another major revision in the Fall of 1999. In the meantime these changes, although minor, affect day-to-day project processing.

**Instructions**

Current holders of the 1999 DPM should insert this errata into the front of their DPM and should use it to note changes in their manual.

**Copies**

Copies of the January 9, 1999 DPM Revision 3 and this errata are available from the Plan Sales Unit (518) 457-2124 (see address below). Consultants and others who are required to purchase the January 9, 1999 DPM should send a check or money order for \$20.00 payable to the New York State Department of Transportation at the following address:

Plan Sales Unit, Bldg. 5, Rm 109  
New York State Department of Transportation  
W. Averell Harriman State Office Building Campus  
1220 Washington Avenue  
Albany, N.Y. 12232

An electronic copy of this EB, the attached errata, and the January 9, 1999 DPM files are posted in the electronic toolbox on the Design Division's Server. Instructions for Department staff accessing the electronic toolbox are posted on the Design Division's site on the IntraDOT.

The January 9, 1999 DPM files will be posted on the Department's Internet site on June 1, 1999.

**Contact**

Consultants with DPM questions should contact their NYSDOT Consultant Job Manager. Department staff with DPM questions should contact their Regional Quality Control Engineer. Regional Quality Control Engineers with project specific questions should contact their Regional Liaison Engineer in the Design Quality Assurance Bureau (DQAB). General questions or comments on the DPM should be directed to James C. Dunham (518) 485 7321, Carol A. Hennessy (518) 457 7278 or Rick Wilder at (518) 457 1572 of the Design Quality Assurance Bureau.

**Table of Contents**

1. Page viii - Delete "Combined Location -" from the title of Section 3.1.9 under Appendix D.

**PART II**

2. Section 1.0, Page Class II-4 - Delete "unless they meet the criteria for an automatic or programmatic categorical exclusion projects" from the first sentence. NEPA hearings should be used to satisfy the EDPL requirements on Federal-aid projects.
3. Section 1.0, Page Class III-8 - In the second NOTE under Step 10, replace the last line with:  
". . . the request for a FONSI."
4. Section 1.0, Page Class I-8 - In the second NOTE under Step 10, replace the last line with:  
". . . the request to prepare the Record of Decision."

**PART III****Appendix A**

5. Page A-28 - The "Historic Sites (including archaeological sites)" row should be changed as illustrated by the highlighted text in Errata Figure 1.

**Appendix B**

6. Page B-SD 11 - Add the following to the list of "Normal Element-Specific Highway Work":
  - ac. 1R projects that meet the requirements of EI 99-001, use a hot mix asphalt overlay material over an existing hot mix asphalt pavement surface material, and complete the "Section 106" process if major trees are cleared from the vicinity of historic properties.
7. Page B-DR 25 - In Section III.A.1, Change the reference to "8.4" to "2.4" in the last line of this section.
8. Page B-DR 27, B-EA 28 and B-EIS 30 - Change "EI 89-13" to "Section 19.2.2 of the Bridge Manual" in the first line of Section III.B.(2).
9. Page B-DR 38 - Change 4.3 to 5.3 in the second paragraph on section IV.A.1.
10. Page B-DR 41 - In the first line of this page, replace "EI 88-34" with "EI 88-43". Additionally, change 4.3 to 5.3 in the second line under Alternative Format Option B.
11. Page B-DR 42 and B-EA 39 - Change 1.5.1 to 6.1 in the second paragraph of item (3).

12. Page B-EA 6 - Change 7.5 to 4.5 in the second line in the COVER PAGE section.
13. Page B-EIS 66 - Delete "Federal Highway Administration" and "Region One" at the top, left of the sample title sheet.

**Appendix C**

14. Page C-6 - This page should be changed as illustrated by the highlighted text in Errata Figure 2.
15. Page C-8 - In Section 2.1.4.1 change the number of copies to the DOI from 7 to 12.
16. Page C-22 - The changes to this page are illustrated by the highlighted text in Errata Figure 3.
17. Page C-25 - In item 16, change the street address to "1600 Clifton Road" and the zip code to "30333". In item 18, add ", N.W." after "Pennsylvania Avenue".

**Appendix D**

18. Table of Contents and Page D-26 - Delete "COMBINED LOCATION -" from the title of Section 3.1.9, the notice title and the notice text.
19. Page D-13 - Add the following to the note under the heading for 3.1.1 "This notice must be double spaced."
20. Page D-14 - Add the following as a new indented line after the paragraph ending with "program.)" -

"Authority: 23 U.S.C. 315; 23 U.S.C. 771.123."

Additionally, replace "Division Administrator" with "District Engineer" under the signature line.

**Appendix G**

21. Page G-1 - Replace item (2) with:  
"2. FHWA for Interstate projects with estimated construction costs  $\geq$ \$1M and any project with Federal ITS funds."

Errata Figure 1

Area of Concern	Title or Common Name	Statutory Authority	Regulatory Authority	NYSDOT Guidance	Requirements		Comments
						Timing	
<b>IV.B.3.d. Historical and Cultural Resources</b>							
Historic Sites (including archaeological sites)	National Historic Preservation Act (Section 106 Process)	16 USC 470f	36 CFR 800 36 CFR 60 36 CFR 61, Appendix A; 36 CFR 63 36 CFR 68	EPM Sections 2.F.1.A & 2.F.1.B	Procedure must be followed for properties or sites on or eligible for inclusion on the National Register of Historic Places. Procedure involves:  1. Identification 2. Determination of eligibility 3. Determination of effect 4. Identification of prudent and feasible alts. 5. Consultation and agreement on mitigation measures with SHPO.		<p>1. If National Register Property will be affected, §4(f) will usually apply. Further details may be obtained from the Environmental Analysis Bureau.</p> <p>2. Regular updates of National Register listings provided by the Environmental Analysis Bureau.</p> <p>3. Section 106 is applicable to Parkways on or eligible for the National Register or Historic Places.</p> <p>4. Note that M. E. Ivey's July 22, 1998 memo distributed a programmatic agreement for Section 106 Procedures that has eliminated the mandatory Advisory Council Review for determination of no adverse effect.</p> <p>5. See page A-32 of this appendix</p>
	DOT Act (Section 4(f)) (See page A-32 of this appendix.)	23 USC 138 49 USC 303	23 CFR 771.135 Exec. Order 11593 (See page A-32 of this appendix.)	EPM Section 2.A	Obtain FHWA's determination of compliance with 36 CFR Part 800 before the final CE classification or Title Sheet Signature for the draft DR/EA or DR/DEIS.  If SHPO makes an Adverse Effect determination, an Advisory Council Review is needed and the final signatures on the Memorandum of Agreement between the Dept. & SHPO must be complete before FHWA's FONSI or FEIS Title Sheet signature.		

## Errata Figure 2

### B. FEIS Distribution

The approved FEIS shall be distributed by the NYSDOT Regional Office as follows:

5 copies (with 3 copies of of all Technical Appendices)	FHWA NY Division Office (#1 on Federal Agency List)
*5 copies (with 5 copies of all Technical Appendices)	EPA, Off. of Federal Activities, NEPA Compliance Division, EIS Filing Section (#4 on Federal Agency List)
**5 copies	EPA, Region II, New York, NY (#14 on Federal Agency List)
***6 copies	DOI (#5 on Federal Agency List)
***1 copy each	Federal, state and local agencies and persons that made substantive comments on the DEIS or that requested a copy of the FEIS. Copies should also be sent to all affected local governments (counties, cities, towns and villages)

#### Notes:

- \* The letter to EPA, Washington shall state that the FEIS is being sent to them for filing and request that the Notice of Availability of the FEIS be published in the Federal Register. A copy of an example of this letter, (Example Letter C5), is included on page C-20. Include 5 copies of the DR/DEIS if an errata format is used for the FDR/FEIS.
- \*\* For Technical Appendices that were sent with the DEIS, send one copy of any Technical Appendices which have been revised since the circulation of the DEIS. If no changes have been made, note this in the transmittal letter. A copy of an example of this letter, (Example Letter C6), is included on page C-21. Include 2 copies of the DR/DEIS if an errata format is used for the FDR/FEIS.
- \*\*\* For Technical Appendices that were sent with the DEIS, send one copy of any Technical Appendices which have been revised since the circulation of the DEIS. If no changes have been made, note this in the transmittal letter. A copy of an example of this letter, (Example Letter C6), is included on page C-21

## Errata Figure 3

## 5.0 DISTRIBUTION LIST FOR FEDERAL ADVISORY AGENCIES

	ADDRESS	SCOPING LETTER	NEPA DEIS <sup>2</sup>	SEQR DEIS <sup>2</sup>	NEPA OR SEQR EA	REMARKS
1	Division Administrator Federal Highway Administration <sup>2</sup> Leo W. O'Brien Federal Bldg., 9th Fl. Albany, NY 12207	1	9 - 10 +9 copies of Technical Append.	1	1 <sup>1</sup>	Total NEPA DEIS copies = 2 + total for the following 3 agencies.
2	Eastern Resource Center Federal Highway Administration <sup>2</sup> Leo W. O'Brien Federal Building, 7th Fl. Albany, NY 12207	1	(1) (+1 copies of Technical Append.)	0	0	The copies noted in ( ) are included in the number of copies to the FHWA Division Office.
3	Washington Office (HEP-30) Federal Highway Administration <sup>2</sup> 400-7th Street, S.W. Washington, DC 20590	0	(1) (+1 copies of Technical Append.)	0	0	The copies noted in ( ) are included in the number of copies to the FHWA Division Office. <sup>4,5</sup>
4	U.S. Environmental Protection Agency <sup>6</sup> Office of Federal Activities, NEPA Compliance Div. EIS Filing Section, Mail Code 2252-A. 401 M. Street, S.W. Washington, DC 20460	0	(5) (+5 copies of Technical Append.)	0	0	The copies noted in ( ) are included in the number of copies to the FHWA Division Office <sup>7</sup>

Notes

- 1 For federal-aid projects FHWA is not an advisory agency, it is a lead agency under NEPA.
- 2 The distribution of the FEIS is not shown on these lists. See page C-6 of this appendix for a discussion of the NEPA FEIS distribution and page C-9 of this appendix for a discussion of the SEQR FEIS distribution.
- 3 For NEPA EA, send one copy to FHWA for information only. For SEQR EA sent one copy to FHWA as an advisory agency and request their comments.
- 4 This copy is for the Office of the Secretary of Transportation, USDOT, which should be listed in the DR/DEIS as a federal agency receiving the DEIS.
- 5 Add 1 copy of DEIS if prior Wash. FHWA concurrence will be needed for the NEPA FEIS per 23 CFR 771.125(c).
- 6 For special delivery, Fed/EX, UPS or hand carrying, the address is: U.S. EPA, Office of Federal Activities, NEPA Compliance Div., EIS Filing Section, Ariel Rios Building, (So. Oval Lobby), Mail Code 2252-A, Rm. 7241, 1220 Pennsylvania Ave., NW, Washington DC 20044. (To gain access to the building call (202) 564-2410 or (202) 564-2400). To confirm that the EPA EIS Filing Section has received an FEIS or to find out the date when a notice of availability will be published in the Federal Register, call (202) 564-7167.)
- 7 When the EPA EIS Filing Section receives these 5 copies they will proceed to publish the notice of availability in the Federal Register. (See note in Class I, Phase II, for timing of the publication of this notice.)