
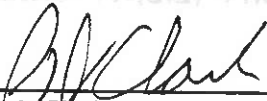


<b>To:</b> n-30-1-87728- Design Quality Assurance Bureau EIIIS Administrator Bldg. 5, Rm. 408 MC 0750,		New York State Department of Transportation <b>ENGINEERING  BULLETIN</b>	<b>EB</b> <b>99-056</b>
<i>Expires one year after issue unless replaced sooner</i>			
<b>Title: REVISED TEA-21 MATRIX FOR APPROVAL OF NON-STANDARD FEATURES FOR 100% STATE FUNDED PROJECTS ON THE INTERSTATE SYSTEM</b>			
<b>Distribution:</b> <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"/> ( )		<b>Approved:</b>  _____ P. J. Clark, Director Design Division	
		<b>07/01/99</b> Date	

This Engineering Bulletin does not supersede any previous issuances. This EB modifies the procedures in the 1999 Design Procedure Manual (DPM) issued by EB 99-002 and revised by EB 99-041.

**Effective Date:**

This EB is effective immediately.

**Transmitted Materials:**

1. FHWA's June 9, 1999 memo.
2. July 1, 1999 TEA-21 Procedures/Design Related Approval Matrix

**Requirements**

FHWA has informed us in the attached June 9, 1999 letter that the Department will now assume full responsibility for approval of non-standard features on the Interstate System for projects that do not include federal-aid.

Consequently, approval of non-standard features created or made worse on the Interstate System on 100% state funded projects > \$1M estimated construction cost will now be by the Chief Engineer. One copy of the request for approval of these non-standard features is to be submitted from the Regional Design Engineer to the Design Quality Assurance Bureau. The approval of the non-standard features shall be based on justification in accordance with Highway Design Manual Section 2.8, Requirements for Justification of Non-Standard Features and documented in the Design Approval Document. The procedure for retention of existing non-standard features remains unchanged.

## **EB 99-056 Page 2 of 2**

The modification of approval of non-standard features for 100% state funded projects on the Interstate System modifies footnote No. 7 in the TEA-21 Procedures/Design Related Approval Matrix. A revised matrix dated July 1, 1999 is attached.

### **DPM Changes:**

This EB modifies the matrix on DPM Introduction page 11 and DPM Appendix F, page F-7. It also modifies DPM Step 6 on page SEQR Type II-4, Step 6 on page SEQR Non-II (EA)-7 and Step 6 on page SEQR Non-II (EIS)-7. These modifications will be included in the next update of the DPM.

### **Contact**

Questions regarding this EB should be directed to your Regional Quality Control Engineer, your Regional Liaison Engineer in DQAB, or the DPM authors listed in EB 99-002.

# Memorandum

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

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**Subject:** Interstate Design Approval  
of Design Exceptions

**Date:** June 9, 1999

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

**Reply to**  
**Attn of:** HTS-NY

**To:** Director, Facilities Design, \*5-405, MC 0748  
New York State Department of Transportation  
Albany, New York

In our continuing effort to assist with your "streamlining" initiative, and to better align our administrative actions with our basic responsibilities, we have identified an important step in project development which should be transferred from FHWA to the Department. Henceforth, the Department should assume full responsibility for approval of design exceptions incorporated into projects on the Interstate System, provided, no federal-aid will be used to finance any part of the project. This authority would not extend to the basic features of access controls, minimum number of through traffic lanes (4), and inclusion of a median. These latter requirements cannot be waived by the Department or by FHWA.

As you know, every design exception on the NHS, including the Interstate, must be appropriately evaluated and properly documented (23 CFR 625) in Department files.

This action will reduce the time involved in engineering review and eliminate any implication that NEPA be satisfied.

We will gladly consult with you at any time in your consideration of Interstate design exceptions of this type.

/s/ Stanley Gee

Stanley Gee  
Assistant Division Administrator

TEA-21 Procedures / Design Related Approval Matrix

TEA-21 Procedures / Design Related Approval Matrix (July 1, 1999)									
Funding	Highway System & Construction Cost		Design Approval Procedure	NEPA/SEQR Environmental Determination	Non-Standard Feature Approval	Design Approval Request Memo		P.S. & E. Approval	
						To:	From:		
Fed-Aid	Interstate NHS	≥ \$ 1 M Est. Const. Cost	NYSDOT DPM	FHWA/RD	FHWA <sup>1</sup>	M.O. Liaison <sup>2</sup>	RD	FHWA*	RD & FHWA
Fed-Aid	Non-Interstate NHS	< \$ 1 M Est. Const. Cost <sup>3,4</sup>	NYSDOT DPM	FHWA/RD	RD <sup>1</sup>	RD	RDE	RD**	RD
Fed-Aid	Interstate NHS	≥ \$ 1 M Est. Const. Cost <sup>4</sup>	NYSDOT DPM	FHWA/RD	Chief Engr. <sup>1</sup>	Chief Engineer <sup>5</sup> thru M.O. Liaison <sup>6</sup>	RD	Chief Engineer***	RD & Chief Engineer
Fed-Aid	Non-Interstate NHS	< \$ 1 M Est. Const. Cost <sup>3,4</sup>	NYSDOT DPM	FHWA/RD	RD <sup>1</sup>	RD	RDE	RD	RD
Fed-Aid		All Non-NHS <sup>4</sup>	NYSDOT DPM	FHWA/RD	RD	RD	RDE	RD	RD
Non Fed-Aid (100% State)		All	NYSDOT DPM	not applic. / RD	RD <sup>1,7</sup>	RD	RDE	RD	RD

KEY TO ABBREVIATIONS

DPM = NYSDOT Design Procedure Manual  
 DQAB = Design Quality Assurance Bureau  
 EI = NYSDOT Engineering Instruction  
 FHWA = Federal Highway Admin.

LAB = Landscape Architecture Bureau  
 M.O. = Main Office  
 NHS = National Highway System  
 RD = Regional Director

RDE = Regional Design Engineer  
 SDCD = Structures Design & Const. Division  
 TE&HS = Traffic Engineering & Highway Safety

FOOTNOTES

\* See DPM Appendix F, Example 1 of Design Approval Request Memo.  
 \*\* See DPM Appendix F, Example 2 of Design Approval Request Memo.  
 \*\*\* See DPM Appendix F, Example 3 of Design Approval Request Memo.

- When non-standard feature requests on the NHS are not processed through DQAB, an informational copy of the non-standard feature request and documentation should be sent to DQAB.
- The M.O. Liaison (e.g., DQAB, LAB, SDCD, TE&HS, etc.) is shown in Table 1-1 on page 7 of DPM Part I. For element-specific projects that are Federal-Aid and Interstate with an estimated construction cost ≥ \$1M, the RD sends the Design Approval Request Memo directly to FHWA. DPM Appendix F, Example 6 shows an example Design Approval Request Memo. (e.g. An Interstate, Fed-Aid, guide rail/median barrier upgrading project with an est. const. cost = \$1.2M.)
- For projects on more than one system, where the work is not directly related, the \$1M threshold is to be applied to the estimated construction cost for project work on each highway system individually (e.g., the Regional Director would grant design approval for a contract containing unrelated work of \$0.8M Interstate NHS & \$0.7M Non-Interstate NHS). For projects with work on the Interstate System, FHWA should be consulted to obtain their concurrence. If the work on each system is related, the \$1M threshold applies to the entire estimated construction cost and the higher level procedure applies. (e.g., FHWA would grant design approval for a contract containing related work of \$0.8M Interstate NHS & \$0.7M Non-Interstate NHS.)
- Projects funded in any part by federal ITS funds shall follow the Interstate NHS procedures for projects ≥ \$1 M for design approval, ADP review, specification review and PS&E approval.
- For element-specific projects that are Federal-Aid and Non-Interstate NHS, with an estimated construction cost ≥ \$1M, the RDE sends the Design Approval Request Memo to the RD and the RD grants Design Approval. See DPM Appendix F, Example 5 of Design Approval Request Memo.
- A cover memo to the M.O. Liaison (e.g., DQAB, LAB, SDCD, TE&HS, etc. as shown in Table 1-1 on page 7 of DPM Part I) is to be used. See page F-15 of DPM Appendix F.
- For non-federal-aid projects on the Interstate with ≥ \$1 M Est. Const. Cost, the Chief Engineer must approve any non-standard features created or made worse. RDE is to submit request through DQAB.