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TO: Director, Preliminary Plan Review Bureau SUPERSEDED BY EB 00-009 EFFECTIVE 1/24/2000	<h2 style="text-align: center;">ENGINEERING INSTRUCTION</h2> <p style="text-align: center;">NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> SUBJECT: <p style="text-align: center;">RELEASE OF SUBSURFACE INFORMATION</p> Subject Code: 7.41
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special APPROVED: <div style="text-align: center;">  <hr/> DIRECTOR, SOIL MECHANICS BUREAU </div>	Code: <u> EI 75-48 </u> Date: <u> July 10, 1975 </u> Supersedes: <p style="text-align: center;">EI 72-42</p>

The Freedom of Information Law became effective on September 1, 1974. The Department's policy concerning this law is included in "Processing Public Requests For Access to Printed Department Information," Code 2.7-1 of the Manual of Administrative Procedures, dated January 14, 1975.

This instruction concerns the Department's policy regarding the release of subsurface information to other than prospective bidders and contractors working on Departmental projects. Such requests fall into three categories: I. Other State Agencies, II. Counties, Cities, Towns, Authorities, Other Public Agencies and State Regulated Corporations (Public Utility Companies, etc.), and III. Other Non-Governmental organizations or Individuals.

The Department's practice will be as follows:

Category I - Other State Agencies

One copy of logs of subsurface explorations and location plans may be given to the agency by the Region upon receipt of a written request from the agency. All requests for subsurface information shall be accompanied by a location map showing the location(s) at which such data is requested.

Category II - Counties, Cities, Towns, Authorities, Other Public Agencies and State Regulated Corporations (Public Utility Companies, etc.)

Upon receipt of a written request from the agency, copies of subsurface exploration logs and location plans may be made available for inspection in the Regional Office. A minimum of five working days advance notice to the Regional Soils Engineer is required. All requests for subsurface information shall be accompanied by a location map showing the location(s) at which such data is requested. Such inspection may include excerpting and taking notes by hand or photocopying by the requestor at the Region's data inspection site. Original data is neither to be loaned nor permitted to leave the Regional Office.

Within budgetary limitations, one copy of logs of subsurface explorations and location plans may be given by the Region upon receipt of a written request from the agency and after the data has been examined in the Regional Office.

Requests for mass data such as that covering large areas or whole counties should be referred to the Chief Engineer to resolve whether or not costs of retrieval should be reimbursed.

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Category III - Other Non-Governmental Organizations or Individuals

Private individuals and organizations shall not be permitted access to, or inspection of subsurface information. Such information was obtained for the design and construction of specific projects and do not constitute public information for use on private projects.

General

Each Region shall establish a file in the Regional Soils Engineer's office to record all requests for subsurface data from Categories I and II organizations and the action that was taken. When a request has been fulfilled, a letter shall be sent to the organization stating the identifying number of each subsurface exploration(s) made available and a specific reference to the location plan sheet(s) that show the correct location of the subsurface explorations. A copy of this letter will serve as the record of action taken. Each letter of transmittal shall include the following statement:

"The subsurface information and location plan(s) that are attached were obtained for the design of a New York State project(s). Persons using the information do so at their own risk."

