

**SUPERSEDED BY EI 95-013
EFFECTIVE 3/7/95**

ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: MAINTENANCE AND PROTECTION OF TRAFFIC
THROUGH CONSTRUCTION ZONES

Subject Code: 7.26

Distribution:



Main Office



Regions

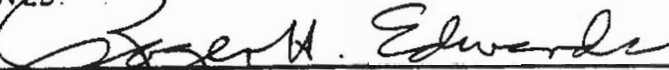


Special

Code: EI 79-53

Date: 11/26/79

APPROVED:



Deputy Chief Engineer, Facilities Design Subdivision

Supersedes:

Attached, for your information and use, is a copy of an October 17, 1979 memorandum from FHWA and a reprint from the Federal Register concerning maintenance and protection of traffic through construction zones.

This information deals with the condition where two-lane traffic is maintained during construction of a one-way roadway. Please note three things:

The rules and regulations published in the Federal Register require physical separation either through the use of positive barrier or by using appropriate devices throughout the detour as explained in Section 630.1010 (a)(5)(i).

This rule does not apply retroactively to previously approved projects. However it appears that FHWA will be encouraging us to revise ongoing projects in accordance with the new requirements.

Where an exception to this requirement appears to be warranted, special approval will have to be obtained from the FHWA Division Administrator.

When you encounter this situation, be sure to discuss it thoroughly in the Traffic Control Plan (TCP) that is sent in to the Preliminary Plan Review Bureau in accordance with Engineering Instruction 77-57. The method of physical separation must be clearly described in the TCP and shown on the accompanying plans.

RHE:RKR:fm

Attachments

PREL.	FINAL
	LANDSCAPE
RECEIVED FACILITIES DESIGN SUBDIVISION	
DEC 6 1979	

Smith

UNITED STATES GOVERNMENT

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Memorandum

DATE: October 17, 1979

SUBJECT: Maintenance and Protection of
Traffic Through Construction Zones

In reply refer to: HD-NY

FROM : Victor E. Taylor
Division Administrator
Albany, New York

TO : Assistant Commissioner, Transportation Operations
New York State Department of Transportation
Albany, New York

RECEIVED
ASST. COMM. TRANS. MGMT. & FIN.
OCT 18 1979
REF. TO _____

Attached is a copy of the Federal Register publication of an emergency final rule concerning the separation of opposing traffic in construction zones. The effective date of the rule is September 17, 1979.

Although this rule is already effective, comments received from interested parties will be considered in making future revisions. Comments must be submitted on or before November 16, 1979.

Attachment

PREL. []
OCT 18 1979
CIRC. FILE

E.E. Morelli
E.E. Morelli
District Engineer

Design & Const.	Real Estate
RECEIVED Asst. Commissioner for Operations OCT 22 1979	
Maintenance	Traffic & Safety

PRELIMINARY PLAN REVIEW
BUREAU
OCT 29 1979
ROOM 408 BLDG. 5

RECEIVED
Dep. Asst. Comm. Trans. Mgmt. & Fin.
OCT 22 1979

desire to comment, I find that notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-24815 as published in the Federal Register on August 13, 1979, page 47325 in the fifth line, describing R-2501N, Bullion Mountains North, Calif., after coordinates 34°41'15" N.; 116°04'30" W.; add:

"34°41'00" N.; 116°03'00" W.;" all after remains the same.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 7, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-26615 Filed 9-14-79; 8:45 am]
BILLING CODE 4910-13-44

14 CFR Part 73

[Airspace Docket No. 79-GL-2]

Alteration of Restricted Area; Crane, Indiana

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This amendment alters Restricted Area R-3404, Crane, Ind., by (1) increasing the restricted area ceiling from 1,800 feet MSL to 2,500 feet MSL, (2) changing the controlling agency to Federal Aviation Administration, Indianapolis Air Route Traffic Control Center (ARTCC), and (3) reducing the time of designation. This action is necessary because recently developed technical data indicate the higher ceiling is required to provide protection to overflying aircraft from demolition activities conducted within the restricted area.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John Watterson, Airspace Regulations Branch (AAT-230),

Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On July 19, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter Restricted Area R-3404, Crane, Ind., by (1) increasing the ceiling to 2,500 feet MSL, (2) changing the controlling agency, and (3) reducing the time of designation, (44 FR 42228). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received and this amendment is that proposed in the notice. Section 73.34 was republished in the Federal Register on January 2, 1979, (44 FR 691).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) alters Restricted Area R-3404, Crane, Ind., by increasing the ceiling from 1,800 feet MSL to 2,500 feet MSL and changing the controlling agency to Indianapolis ARTCC because of ATC considerations. Additionally, the time of designation is reduced with a provision for activation by NOTAM. This reduction restores airspace to public use a greater portion of the year. The increased ceiling is necessary to provide protection to overflying aircraft from demolition activities conducted within the restricted area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.34 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 691) is amended, effective 0901 GMT, November 29, 1979, as follows:

Under R-3404, Crane, Ind.

1. Designated altitudes. "1,800 feet MSL" is deleted and "2,500 feet MSL" is substituted therefor.

2. Controlling agency. "Terre Haute Flight Service Station." is deleted and "Indianapolis ARTCC Center." is substituted therefor.

3. Time of designation. "Sunrise to sunset." is deleted and "Sunrise to sunset daily from May 1 through and including November 1. Other times by NOTAM 24 hours in advance." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as

implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on September 11, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-26686 Filed 9-14-79; 8:45 am]
BILLING CODE 4910-13-44

Federal Highway Administration

23 CFR Part 630

[FHWA Docket No. 79-31]

Traffic Safety in Highway and Street Work Zones; Separation of Opposing Traffic

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Emergency final rule.

SUMMARY: The Federal Highway Administration (FHWA) has determined that an alarming number of fatal traffic accidents is occurring where two-way traffic is maintained on one roadway of a normally divided highway. This rule amends existing procedures to require more stringent control measures to reduce the incidence of such accidents on highway construction projects funded by FHWA.

DATES: This amendment is effective September 17, 1979. Comments must be received on or before November 16, 1979.

ADDRESS: Anyone wishing to submit written comments may do so. Comments should be sent, preferably in triplicate, to FHWA Docket No. 79-31, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth L. Ziems, Office of Highway Operations, 202-426-4848, or Mr. Stanley H. Abramson, Office of the Chief Counsel, 202-426-0761; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The FHWA issued a final rule on traffic safety in highway and street work zones on October 12, 1978 (43 FR 47138). The purpose of the rule was to assure that adequate consideration is given to motorists, pedestrians, and construction workers on all Federal-aid highway construction projects (23 CFR 630.1002).

In recent months, FHWA officials have received continuing evidence of severe head-on accidents on divided highways which have been reduced to two-lane, two-way operations because of construction or maintenance work. Over the past 16 months, some 17 major accidents in such highway work zones have been reported to FHWA. These accidents resulted in 44 traffic fatalities and 29 injuries. The total number of such accidents is not known, because detailed information on all accidents is not reported at the Federal level. The accidents which have been reported have occurred on federally-assisted highway projects as well as projects undertaken without Federal funds.

The FHWA has determined that more stringent control measures are required in order to reduce the incidence of such accidents. Permitting two-way traffic on one roadway of a normally divided highway is not considered appropriate unless other methods of traffic control (e.g., one-way operation or detours) are determined to be infeasible. Where two-way traffic must be maintained, the most effective control measure is to physically separate the opposing traffic lanes. This separation is accomplished either with positive barriers or with appropriate devices to provide delineation and channelization.

Existing requirements for all Federal-aid highway construction projects call for the development of a traffic control plan (TCP) for each project (23 CFR 630.1010(a)). This amendment requires the TCP to include provisions for the separation of opposing traffic lanes whenever two-way traffic must be maintained on one roadway of a normally divided highway. This two-way traffic situation will be permitted only when other traffic control methods are infeasible.

More specifically, where two-way traffic must be maintained, § 630.1010(a)(5)(i) now requires opposing traffic to be separated either with concrete "safety-shape" barriers or with drums, cones, or vertical panels throughout the length of the two-way operation, except for transition zones, where the concrete barriers are to be used in all cases. The use of striping and signs without barriers or appropriate delineation devices is prohibited. A

limited provision for exceptions is provided (§ 630.1010(a)(5)(ii)).

Although this rule does not apply retroactively to previously approved projects, the States will be urged to revise ongoing projects in accordance with the new requirements. The States are also encouraged to apply these requirements to non-Federal-aid projects.

This amendment is being issued as an emergency final rule without prior opportunity for public notice and comment and without a 30-day delay in effective date in accordance with the criteria established by the Department of Transportation (DOT) pursuant to Executive Order (E.O.) 12044. The reasons for issuance on an emergency basis are the alarming number of traffic fatalities in work zones which have been reported to FHWA and the need to take immediate action to reduce the incidence of such accidents. Although a detailed evaluation has not been made, it is anticipated that the costs of implementing this rule will be far outweighed by the benefits resulting from the prevention of traffic fatalities and serious accidents.

Although this amendment is being issued in final form and is effective September 17, 1979, comments are requested from all interested parties. Comments received will be considered by FHWA in evaluating the effectiveness of the amendment and in determining the need for future revisions.

§ 630.1010 [Amended]

In consideration of the foregoing, Subpart J of Part 630, Chapter I, Title 23, Code of Federal Regulations, is amended by adding a new Subparagraph (5) to § 630.1010(a) to read as follows:

(a)
(5) The TCP shall include provisions for the separation of opposing traffic whenever two-way traffic must be maintained on one roadway of a normally divided highway. Two-way operation on one roadway of a normally divided highway shall be permitted only when other methods of traffic control are determined infeasible.

(i) Where two-way traffic must be maintained on one roadway of a normally divided highway, opposing traffic shall be separated either with positive barriers (concrete safety-shape or approved alternate) or with drums, cones, or vertical panels throughout the length of two-way operation, except for transition zones, where positive barriers shall be used. Where terminal sections of temporary positive barriers are not tied to an existing structure, the barriers shall be flared or fitted with impact

attenuation devices. The use of striping and complementary signing, by themselves, is prohibited.

(ii) An exception to the provisions of paragraph (a)(5)(i) of this section may be granted only when it has been demonstrated that the use of positive barriers or delineation and channelization devices is not feasible or practical. An exception shall not be granted where drivers entering the two-way operation cannot see the transition back to a one-way operation. Each exception granted by FHWA will require the written approval of the FHWA Division Administrator.

Note.—The Federal Highway Administrator has determined that this document contains an emergency regulation according to the criteria established by DOT pursuant to E.O. 12044. A regulatory evaluation is being prepared and will be made available for inspection in the public docket. Copies may be obtained by contacting Mr. Kenneth L. Ziem, Office of Highway Operations, at the address specified above.

(23 U.S.C. 109(b), 109(d), 315, and 402(a); 49 CFR 1.48(b))

Issued on: September 12, 1979.

Karl S. Bowers,

Federal Highway Administrator.

(FR Doc. 79-2870 Filed 9-14-79; 8:45 am)

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Mining Reclamation and Enforcement Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Final rule; notice to confirm clearance of recordkeeping and reporting requirements.

SUMMARY: This notice confirms clearance by the U.S. General Accounting Office (GAO) of permanent program regulations requiring collection, submission or retention of information issued by the Office of Surface Mining Reclamation and Enforcement (OSM), in addition to those previously confirmed. OSM amends its permanent regulatory program rules to reflect this clearance and announces the effective dates for those sections of the rules for which GAO clearance was obtained.

EFFECTIVE DATE: Effective dates for the approved provisions are set forth below