ATTACHMENT

2.2.E. FHWA'S JULY 22, 1996 MEMO AND A LIST OF ELEMENT-SPECIFIC PROJECTS WHICH FHWA, NEW YORK DIVISION, HAS APPROVED AS CATEGORICALLY EXCLUDED ACTIONS (EB 96-034 ELEMENT-SPECIFIC WORK WITH FEDERAL AID)
Memorandum

Subject: Element-Specific Work with Federal-aid Administrative Action

Date: July 22, 1996

Harold J. Brown
Division Administrator
Albany, New York

To: Director, Design Quality Assurance Bureau, 5-408, M. C. 0750
New York State Department of Transportation
Albany, New York

Your July 18, 1996 memorandum and attachments, telefaxed same date, have been reviewed. The package of information includes a proposed Engineering Bulletin which establishes a new, streamlined procedure to assist the development of element-specific work to be accomplished using Federal-aid. The new approach was developed with extensive consultation and input by Division staff.

The work specifically listed in the Engineering Bulletin is very minor, yet important. Projects limited in scope to such work, or combinations thereof, clearly will not generate significant environmental impacts and satisfy all the conditions and criteria in 23 CFR 771 for categorically excluded actions. Your project-specific procedure to document this determination is satisfactory.

We agree the work specifically listed is eligible for Federal-aid on an “element-specific” basis. It may be advanced using the streamlined process set forth in the Engineering Bulletin. Please forward a finalized copy of the Engineering Bulletin when available.

We applaud your initiative to focus more attention on these cost-effective activities.

[Signature]
Stanley Gee
Assistant Division Administrator
Introduction

This Engineering Bulletin provides guidance and instructions for qualifying element-specific work for federal-aid. It also includes guidance on cyclical and on-call work with federal-aid. This EB does not address qualifying preventive maintenance paving for federal-aid, which will be covered in separate, forthcoming guidance.

To be eligible for federal-aid these projects must:

1. not degrade safety.
2. be let in contracts that are large enough to be competively bid.

Operational maintenance work, such as snow plowing, sanding, salting, mowing, sweeping, weeding, pot-hole patching, debris and litter control, minor sign and signal repair, and cleaning out comfort station septic systems is not eligible for federal-aid.

(For assistance in reading this Engineering Bulletin an acronym list is included as Attachment #1).

Element-Specific Project Tables

Attached are two tables (Attachments No. 2 and 3) describing element-specific highway and bridge work, including cyclical and on-call work, that is eligible for federal-aid. The tables provide a list of eligible work and brief descriptions of the procedures and documentation to process these projects. Only the element-specific work listed in these tables is eligible for federal-aid. Federal-aid may not be used for other element-specific projects until FHWA has approved their addition to these lists of element-specific highway and bridge work.
Design Approval

There will be no Main Office involvement in the processing of design approval for the listed element-specific projects. This represents a procedural change from other federal-aid projects which is effective with this memo. The Regional Director will grant design approval for all non-interstate projects, including those on the NHS that exceed $1M of estimated construction costs, and for Interstate projects less than $1M of estimated construction costs. The Regional Director will request design approval directly from FHWA for Interstate projects that exceed $1M of estimated construction costs.

A copy of the July 17, 1996 ISTEA Procedural/Design Related Approval Matrix is attached (Attachment No. 6) with these revisions reflected by footnotes No. 1 and 4. Also attached is a sample memo (Attachment No. 7) from the Regional Director to FHWA for requesting design approval from FHWA on Interstate projects that exceed $1M. This guidance, including the revised ISTEA Procedural/Design Related Approval Matrix and sample memo, will be included in a forthcoming revision to the Design Procedure Manual. (In the interim the attached matrix may be used in place of the matrix in the July 29, 1994 Design Procedure Manual.)

NEPA, SEQR & Other Environmental Considerations

With respect to NEPA, FHWA has determined in their attached July 22, 1996 memo (Attachment No. 8) that all of these listed element-specific projects are categorical exclusions. Therefore, with reference to the NEPA Checklist, these projects can be treated as Automatic Categorical Exclusions.

To classify these projects as NEPA Categorical Exclusions, the Region should use the NEPA Checklist. The NEPA Checklist was recently revised to include these element-specific projects as Automatic Categorical Exclusions. The revised NEPA Checklist will be included as part of the Environmental Procedures Manual by EB 96-035. In the interim, the NEPA Checklist is being issued to the Regions by Environmental Analysis Bureau's July 26, 1996 memo.

With respect to SEQR, these projects will normally be exempt or Type II Actions in accordance with NYSDOT's SEQR regulations, 17 NYCRR Part 15.

Format and Content of Design Approval Documents

For these projects, the format and content of the Design Approval Document is as determined by the Region. It is recommended that either a Final Design Report or Scope Summary Memorandum/Final Design Report be used as described on pages B-DR 1 to 3 of the NYSDOT Design Procedure Manual. For element-specific bridge work, a recommended Scope Summary Memorandum/Final Design Report outline is included as Attachment No. 4 and a sample report is included as Attachment No. 5.
This work will not involve elements that warrant justifying critical design elements as non-standard features as described in Chapter 2 of the Highway Design Manual. However the Design Approval Document should, under design criteria, list the appropriate guidance, standards or regulatory source for the project such as the NYSMUTCD for sign and/or signal upgrading projects or Chapter 12 of the NYSDOT Highway Design Manual and the 1984 AASHTO "An Informational Guide for Roadway Lighting" for lighting upgrading projects or Chapter 10 of the Highway Design Manual for guide railing and median barrier upgrading projects. While there is no need to justify non-standard features on these projects, there may be a need to document non-conforming features in the Design Approval Document. An example of non-conforming features in element-specific projects is the retention of trees within the clear zone in front of a historic structure. Deviations from regulatory requirements must be justified as appropriate.

Questions concerning the information and guidance in this EB should be directed to Jim Dunham in the Design Quality Assurance Bureau at (518) 485-7321 or Keith McCarty in the Structures Design and Construction Division at (518) 457-4550.