
PURPOSE: The purpose of this EB is to distribute the new DPM Appendix L, revisions to DPM Appendix C, and an updated DPM Table of Contents.

TECHNICAL INFORMATION:

Changes to Appendices:
Appendix C: Major changes include:

- Inclusion of the errata changes issued by EB 99-041.
- The elimination of the outdated address lists.
- References to the electronic address lists on the Internet, IntraDOT, and Toolbox.

Appendix L: Significant changes to the April 28, 1998 Working Draft “Procedure for Requests to Add or Revise Access to the Existing Interstate System and Other Controlled Access Facilities” include:

- Revised definition of what constitutes an access modification. The definition is based on FHWA Policy published in the Federal Register and will eliminate the need to obtain access modification approval, in addition to design approval or work permits, for very minor shifts in ramp terminals (e.g., moving an outer connection ramp 30 m to increase the weaving area at a full clover leaf interchange).
- Clarification of the process to be followed and the required prerequisites.
- The elimination of a separate Access Modification Report, which currently duplicates much of the Design Approval Document. Additional information needed for the access modification is to be placed in an appendix of the Design Approval Document.
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- Creation of a standard report format and content for developers and municipalities so that Department and Federal requirements are clearly outlined.
- The Mobility Management Bureau will provide guidance and concurrence (if appropriate) during project scoping and the initial requests for access modifications from local municipalities or developers.
- Traffic Engineering and Highway Safety Division will be responsible for recommending approval to the Chief Engineer or FHWA for access modifications from local municipalities and developers.
- DQAB will be responsible for recommending approval to the Chief Engineer or FHWA for access modifications from Department and New York State Thruway Authority (NYSTA) projects.

How to Obtain Copies:
The updated DPM Table of Contents, Appendix C and Appendix L are attached. Copies of the January 9, 1999 DPM Revision 3 and all subsequent revisions are also 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; DPM Table of Contents; Appendices C and L; and the January 9, 1999 DPM files are posted on the IntraDOT at: http://intradot/design/dqab/liaison/dpm.html. These files will be posted on the Department’s Internet site in February, 2002.

TRANSMITTED MATERIALS: Design Procedure Manual: Table-of-Contents, Appendix C, and Appendix L.

CONTACT:
- Questions during the Project Scoping Stage or the initial requests for access modifications from local municipalities or developers should be directed to the Mobility Management Bureau of the Planning and Strategy Group.
- Questions during the Design Stage on Department or NYSTA projects should be directed to your Regional Liaison Engineer in the Design Quality Assurance Bureau.
- Questions relating to highway work permits should be directed to Chuck Riedel of the Traffic Engineering and Highway Safety Division at (518) 457-2185 or e-mail criedel@gw.dot.state.ny.us.
Design Procedure Manual

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1.0 INTRODUCTION

The purpose of this appendix is to provide procedures for the distribution of NEPA and SEQR scoping letters and environmental documents to federal, state, and local agencies.


These advisory agency lists are intended to cover the following distributions:

- Scoping letters for projects requiring a Draft Environmental Impact Statement.
- Final Design Report/Final Environmental Impact Statements and Final Section 4(f) Evaluations in Design Phase IV.

During the Design Stage, it should be assured that coordination is continued with federal, state, and local agencies that were involved during the Scoping Stage.

These procedures do not cover submissions of Cultural Resource Surveys, Case Reports or other documents which are coordinated with the Environmental Analysis Bureau in the Section 106 process to obtain determinations from the State Historic Preservation Officer (SHPO), FHWA or Advisory Council on Historic Preservation. Also, they do not cover submissions of Wetland Delineation Reports, Noise or Air Quality Reports, etc. While these documents may be included as Technical Appendices to Environmental Assessments or Draft or Final Environmental Impact Statements, the submission and processing of these reports should be in accordance with the NYSDOT Environmental Procedures Manual (EPM) and Appendix B, Section 10 of this manual on Technical Appendices.
NOTE: It should also be recognized that, while these procedures are provided in a format that separates federal-aid and 100% state funded projects, there are federal requirements (Corps of Engineers Section 404 Permits, Coast Guard Permits, etc.) that may have to be met on 100% state funded projects and state requirements (SEQR, Freshwater Wetland Permits, etc.) that may have to be met on federal-aid projects. The need to comply with the various regulations should be considered in the distribution of scoping letters and environmental documents.

The guidance in this section refers to advisory agencies and cooperating agencies. The following is a brief explanation of these terms.

Advisory agency - This is a term used in this manual to broadly cover all agencies and groups from whom input on projects is sought. Refer to the electronic lists of federal and state advisory agencies (Refer to Section 5.0 of this appendix) and the examples of local agencies listed in Section 3.0 of this appendix.

Cooperating agency - This is a term from the Council on Environmental Quality's NEPA Regulations, 40 CFR Parts 1500-1508, Section 1508.5. It is any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency. Cooperating agencies are discussed further in Section 2.1.1 of this appendix.

When sending out the scoping letters or distributing the reports to federal, state and local agencies in Design Phase II or IV, documentation should be provided by a memo to the files or some other means. An example, (Example Letter C1), is included in Section 4.0 of this appendix. FHWA (for federal-aid projects), DQAB, and as appropriate other main office units (such as the Environmental Analysis Bureau if there is a Section 4(f) involving a historic site) should be carbon copied on these memos for at least the distribution to state and federal agencies.

2.0 DISTRIBUTION PROCEDURES

Section 5.0 of this appendix references the electronic lists of federal and state advisory agencies. The "Remarks" column in the lists of federal and state agencies provides guidance on when to send DEIS's, etc. to some of the agencies. Where there is no special guidance in the Remarks column, discretion should be used in deciding whether or not to contact the agency based upon the project scope, possible impacts and area of expertise of the agency. If there is uncertainty whether or not to send the DEIS, etc., it is recommended that the DEIS, etc. be sent to the agency.
2.1 FEDERAL-AID PROJECTS

2.1.1 EIS Projects (Class I Projects)

2.1.1.1 Scoping

The "SCOPING LETTER" column of the electronic state and federal advisory agency lists (referenced in Section 5.0 of this appendix) includes the state and federal agencies to be sent requests for input using the scoping letter. The "Scoping Letter" should also be sent to appropriate local agencies listed in Section 3.0 of this appendix. The purpose of the scoping letter is to provide early coordination with appropriate agencies in the NEPA scoping process to identify the significant issues to be addressed in the EIS. An example scoping letter for most agencies is provided as Example Letter C2 in Section 4.0 of this appendix.

For federal and state agencies which have jurisdiction by law, (such as the Corps of Engineers when an individual Section 404 Permit is required or the NYS Department of Environmental Conservation when a Freshwater of Tidal Wetland Permit is required) the scoping letter should include a request that such agencies be cooperating agencies. Agencies with special interest or expertise may also be requested to be cooperating agencies.

Note: The Corps of Engineers is not required to be a cooperating agency when only a Nationwide Section 404 Permit applies. Also, the Advisory Council on Historic Preservation and the SHPO do not need to be invited to be cooperating agencies since the Section 106 review process is integrated into the NEPA process and includes early involvement of these agencies.

An example of a scoping letter for cooperating agencies is Example Letter C3 in Section 4.0 of this appendix. During development of the EIS cooperating agencies should:

1. be invited to participate in scoping meetings and attend meetings and field reviews relevant to their area of expertise;
2. be consulted on relevant technical studies; and
3. be requested to review the relevant sections of the DR/DEIS in Design Phase I.
2.1.1.2 Design Phase II

The "NEPA DEIS" column of the electronic federal and state advisory agency lists (referenced in Section 5.0 of this appendix) include the federal and state agencies that should be considered for distribution of the Design Report/DEIS. The DR/DEIS should also be sent to appropriate local agencies listed in Section 3.0 of this appendix. A copy of an example Design Phase II distribution letter, Example Letter C4, is included in Section 4.0 of this appendix.

Separate technical appendices shall be distributed to FHWA, EPA Region II and DOI as noted in the electronic distribution lists. In addition they should be sent to cooperating agencies and to other agencies that have expertise in the subject area of the respective technical appendices. The separate technical appendices should be available with all copies of the DR/DEIS available at libraries, etc. Refer to Section 10 in Appendix B of this manual for a list of the separate and attached technical appendices.

2.1.1.3 Design Phase IV

In the procedures noted below, the FHWA NY Division Office will have reviewed and commented on the draft Final Design Report/Final Environmental Impact Statement earlier in Design Phase IV. When FHWA’s comments are resolved and the draft Final Design Report/DEIS revised accordingly, the report becomes the Final Design Report/FEIS, which is discussed in Section 2.1.1.3 A, below.

A. FEIS Procedures

For FEIS's requiring FHWA Washington Office prior concurrence, eight (8) copies of the proposed Final Design Report/FEIS (including one copy for DQAB), the original title sheet to be signed by the Director of the Design Division, and a draft of the Record of Decision (with a 90 mm (3 1/2") computer disk of the Record of Decision using "Word Perfect") are forwarded by the Region to DQAB for forwarding to the FHWA NY Division Office for adoption. An additional copy of the proposed Final Design Report/FEIS should be sent for projects with U.S. Coast Guard involvement (i.e., making a total of 9 copies).

For FEIS's requiring FHWA Division Office approval, but not FHWA Washington Office prior concurrence, only four (4) copies of the proposed FDR/FEIS (including one copy for DQAB) need be sent with the Record of Decision and the original title sheet for signature. Five (5) copies of the proposed FDR/FEIS should be sent for projects with U.S. Coast Guard involvement.

Once the FEIS title sheet has been signed by NYSDOT and FHWA and bound in the FEIS, the report becomes the approved FDR/FEIS which is discussed in Section 2.1.1.3 B, below.
APPENDIX C
Federal, State and Local Agencies

January 7, 2002

B. FEIS Distribution

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

- 5 copies (with 3 copies 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 in Section 4.0 of this appendix. 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 in Section 4.0 of this appendix. 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 in Section 4.0 of this appendix.
2.1.2 **Environmental Assessment/Finding of No Significant Impact Projects - (Class III Projects)**

2.1.2.1 Design Phase II

The "NEPA or SEQR EA" column in the federal and state agency lists (referenced in Section 5.0 of this appendix) provides the agencies which should be considered for distribution of the Design Report/Environmental Assessment in Design Phase II. The DR/EA should also be sent to appropriate local agencies listed in Section 3.0 of this appendix.

2.1.2.2 Design Phase IV

Copies of the "Notice of Availability of the FONSI" are to be distributed to the federal and state agencies that received copies of the Design Report/Environmental Assessment in Design Phase II. Copies of the notice should also be sent to the Areawide Clearinghouses and affected units of federal, state and local government. Refer to the Regional Program and Project Management Group for addresses of the Areawide Clearinghouses.

2.1.3 **Categorical Exclusion Projects (Class II Projects)**

Normally there is no Design Phase II distribution of categorical exclusion projects. If there is a need for a Design Phase II distribution of a Design Report on these projects the "EA" distribution column in the federal and state agency lists (referenced in Section 5.0 of this appendix) should generally be followed. In this case the DR should also be sent to appropriate local agencies listed in Section 3.0 of this appendix.

2.1.4 **Projects with Section 4(f) Involvement**

The procedures below discuss distribution in Design Phases II and IV for projects with Section 4(f) involvement. The FHWA NY Division Office will have reviewed the Section 4(f) evaluation in Design Phase I and their comments will have been resolved and incorporated in the Draft Section 4(f) Evaluation that is discussed in Section 2.1.4.1 A of this appendix or, in the Design Report/DEIS or Design Report/EA that is discussed in Section 2.1.4.1 B of this appendix.

Early in Design Phase IV the FHWA NY Division Office will normally have reviewed the draft Final Section 4(f) Evaluation. When their comments are resolved and the draft Final Section 4(f) revised accordingly it becomes the proposed Final Section 4(f) Evaluation discussed in Section 2.4.1.2 of this appendix.
It should be noted that when a Programmatic Section 4(f) applies there is no separate distribution because of Section 4(f). The programmatic Section 4(f) provisions are to streamline the interagency coordination although they generally provide the same level of documentation as a normal Section 4(f) Evaluation. The Programmatic Section 4(f), which must have prior FHWA NY Division Office concurrence, should be discussed in the Design Report, Design Report/EA or Design Report/DEIS, including the documentation of coordination with officials having jurisdiction over the land. The report distribution in Design Phase II and IV should be the same as the distribution for a categorical exclusion, EA or EIS without any Section 4(f) involvement.

2.1.4.1 Design Phase II

A. Categorical Exclusions

After the "Draft Section 4(f) Evaluation" is satisfactory to FHWA and the title sheet, signed by NYSDOT and FHWA, is bound in the report; the Region distributes the Draft Section 4(f) Evaluation as follows, providing a minimum of 45 days for receipt of comments:

3 copies, plus 2 copies of any Technical Appendices

FHWA NY Division Office (#1 on Federal Agency List)

12 copies

DOI (#5 of Federal Agency List)

1 copy

Dept. of HUD (#17 on the Federal Agency List) if the project is located in an urbanized area or involves lands purchased with funds administered by HUD.

1 copy

Natural Resource Conservation Service, Dept. of Agriculture (#20 on Federal Agency List) when project involves activities sponsored or funded by DOA.

1 copy

Other federal, state and local agencies with possible interest in the Section 4(f) issue. For example, U.S. Coast Guard is to be sent a copy for all projects requiring a Coast Guard permit.
B. EIS or EA Projects

The Section 4(f) information is normally part of the Design Report/DEIS or Design Report/EA and therefore the normal DEIS or EA distribution applies except for the EA distribution to the FHWA NY Division Office and DOI. For FHWA Division Office send 3 copies of the DR/EA (and 2 copies of technical appendices). For the DOI agencies 12 copies of the EA are sent to DOI, (#5 on Federal List). A minimum of 45 days for comments shall be provided when the Design Report/EA includes a Draft Section 4(f) Evaluation.

If a separate Draft Section 4(f) Evaluation is distributed after the DEIS or EA (such as if a Section 4(f) involvement is not identified until after the DEIS or EA is distributed) it should be sent to the same agencies that received the DEIS or EA except for an EA to DOI. For an EA, 3 copies should be sent to FHWA and 12 copies of the Draft Section 4(f) Evaluation should be sent to DOI (#5 on Federal List).

2.1.4.2 Design Phase IV

Six (6) copies of the proposed Final Section 4(f) Evaluation plus 3 copies of any technical appendixes (including 1 copy of each for DQAB) should be forwarded by the Region to DQAB for forwarding to the FHWA Division Office for approval.

After FHWA has approved the Final Section 4(f) Evaluation for categorical exclusion reports, or for EA projects when FHWA has approved a FONSI, 6 copies are sent to the Department of Interior (#5 on Federal List) and 1 copy sent to any other federal, state or local agencies or persons that made substantive comments on the Draft Section 4(f) Evaluation. For EIS projects, DOI will receive the 6 copies Final Section 4(f) Evaluation with the distribution of the 6 copies of the FEIS. Other federal, state and local agencies and individuals that made substantive comments on the DEIS will receive a copy of the Final Section 4(f) Evaluation with their copy of the FEIS as discussed under Section 2.1.1.3 B of this appendix.

2.2 100% STATE FUNDED PROJECTS

2.2.1 EIS Projects (Non-Type II (EIS) Projects)

2.2.1.1 Scoping

For SEQR EIS Projects, the Region should send out "scoping letters" similar to those used on NEPA EIS Projects as a means of obtaining early advisory agency input on the alternatives and impacts to be addressed in the SEQR EIS. The "scoping letter" should state that the project is 100% state-funded.
2.2.1.2  Design Phase II

See the "SEQR DEIS" column in the state and federal agencies lists (referenced in Section 5.0 of this appendix) for the agencies which should be considered for distribution of the Design Report/DEIS. The DR/DEIS should also be sent to appropriate local agencies listed in Section 3.0 of this appendix. The distribution letter should state that the project is 100% state-funded.

2.2.1.3  Design Phase IV

There is no required distribution of a SEQR FEIS although it is to be filed as described in 17 NYCRR 15.10(e) with the SEQR "Notice of Completion of Final Environmental Impact Statement". It is suggested that the Region distribute the SEQR FEIS to local, state and federal agencies that made substantive comments and to any other agencies that requested copies.

2.2.2  Non-Type II (EA Projects)

The "NEPA or SEQR EA" column in the federal and state agency lists (referenced in Section 5.0 of this appendix) provides the agencies that should be considered for distribution of the Design Report/Environmental Assessment in Design Phase II. The DR/EA should also be sent to appropriate local agencies listed in Section 3.0 of this appendix.

2.2.3  Type II Projects

Normally there is no Design Phase II distribution of 100% state funded SEQR Type II Projects. If there is a need for Design Phase II distribution of a Design Report on these projects, the "NEPA or SEQR EA" column in the state and federal agency lists (referenced in Section 5.0 of this appendix) should generally be followed. If a Design Phase II distribution is made, the DR should also be sent to appropriate local agencies listed below.

3.0  LOCAL ADVISORY AGENCIES

Each Region should develop and keep updated its own list of local advisory agencies. These should be agencies, organizations, groups and other individuals with jurisdiction, special interest or expertise. The list below are examples of local officials, organizations, etc. that should be included. As with state and federal agencies, discretion should be used, depending upon project scope, possible impacts, jurisdictions and the expressed or assumed interest of the individuals, municipality or organizations, when determining who to contact on specific projects.

For all construction and reconstruction projects on state and county roads, a copy of the draft design approval document shall be sent to the County Planning Board in Design Phase II for review. This is a requirement of Paragraph (h), Subdivision 3, Section 239-c of the General Municipal Law of New York
January 7, 2002

APPENDIX C
Federal, State and Local Agencies

State. The transmittal letter to the County Planning Board should state that “the document is being sent in compliance with Section 239-c of the General Municipal Law and the Department is soliciting the Planning Board’s comments on the enclosed plans.”

Federal - U.S. Senators and Representatives
State - State Senators and Assemblyman
County - Board of Supervisors, County Executive, Planning Board, Planning Departments, Highway Superintendent, Environmental Management Council, Health Department, County Fire Coordinator, County Sheriff, County Farmland Protection Board
Town - Town Board, Supervisor, Planning Board, Historian, Conservation Advisory Councils
Village - Village Board, Mayor, Planning Board, Historian, Conservation Advisory Councils
City - Council, Mayor, City Manager, Planner, Engineer, Historian

1City

Tribal Governments
Metropolitan Planning Organizations
Schools, Colleges & Universities
Religious Organizations
Fire & Police Departments, Ambulance Squads
Sewer & Water Districts
Civic Associations
Local Office of Federal and State Agencies
Utility Companies
Neighborhood & Community Organizations
Social Service Organizations
Historical Societies
Environmental Organizations
Automobile & Trucking Associations
Business, Labor & Trade Associations
Rural Cooperative & Agricultural Associations
Minority and Ethnic Organizations
Senior Citizen Organizations
Hospitals, Public Health Agencies & Clinics
Organizations for Persons with Disabilities
Private Transportation Companies
Transit Rider Organizations

1 For Region 8 and 10 projects that warrant distribution of environmental documents to New York City, the addresses of NY City agencies should be obtained from the Region 11 Regional Landscape Architecture/Environmental Services Unit Manager. (This also applies to scoping letters and any notices, etc. to be sent to NY City).
4.0 EXAMPLE LETTERS

The following example memos and letters are provided:

Example Letter C1 Memo to files documenting the distribution of the DR/EA or other design reports/environmental documents.
Example Letter C2 Scoping Letter (to agencies that are not potential cooperating agencies).
Example Letter C3 Scoping Letter (to agencies that are potential cooperating agencies).
Example Letter C4 Letter distributing DR/EA.
Example Letter C5 Letter distributing FDR/FEIS to EIS Filing Section of EPA.
Example Letter C6 Letter distributing the approved FEIS.
EXAMPLE LETTER C1 - Memo to files documenting the distribution of the DR/EA or other design reports/environmental documents.

TO: Files

FROM: John Smith, Design Group, Region 8

SUBJECT: DR/EA DISTRIBUTION
PIN 8999.99
ROUTE 99
FOREMAN DRIVE TO N.Y.S. THRUWAY,
TOWN OF WASHINGTON, LINCOLN CO.

DATE: April 15, 2001

By copy of the attached letter we have distributed the March, 2001 Design Report/Environmental Assessment to the following state and federal agencies:

State Agencies

NYS Office of Parks, Recreation & Historic Preservation
Director of Recreation Planning & Research

Director
Cultural Resource Survey Program
Cultural Education Center

New York State Police
State Campus

Center for Environmental Health
NYS Department of Health

Regional Director, Region 3
New York State Department of Environmental Conservation
Federal Agencies

Regional Director, Region 5
Fish and Wildlife Service
U.S. Department of Interior

Field Supervisor
Division of Ecological Services
Fish & Wildlife Service
U.S. Department of Interior

Chief, Environmental Impacts Branch
Environmental Protection Agency

Dept. of Health & Human Services
Center for Disease Control
Center for Environmental Health & Injury Control

Regional Administrator, Region II
Department of Housing & Urban Development
Environmental Clearance Office

Federal Railroad Administration
Office of Economic Analysis

Chief, Regulatory Branch
N.Y. District, U.S. Army Engineers

PS TO MESSRS. BROWN, DODDS, O'CONNELL & BELLAIR: The attached copy of the November, 1999 Design Report/Environmental Assessment is for your information only.

NOTE: A similar memo should be done documenting the distribution of the scoping letters or environmental documents to local agencies or, the local agencies should be included in this memo.
EXAMPLE LETTER C2 - Scoping Letter (to agencies that are not potential cooperating agencies).

September 9, 2001

Ladies and Gentlemen:

Re: PIN 5999.99, Route 39, Newport Expressway
    Town of Williams, Lincoln County

The New York State Department of Transportation, in cooperation with the Federal Highway Administration, will be preparing an Environmental Impact Statement on a proposal to improve the Route 39, Newport Expressway. The proposed improvement will involve the reconstruction of the existing route between the towns of Eastern and Western for a distance of about 6 miles. Improvements to Route 39 are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing East End Bridge over Claverack Creek and new interchanges with County Route 6 and with Western Turnpike.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane highway to four lanes; and (4) constructing a four-lane, limited access highway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. Enclosed for your information is one copy of the "Preliminary Evaluation of Design Alternatives" report.

Issues that will be analyzed in depth include the project's effect on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects.

As part of the process for determining the scope of issues to be addressed in the Environmental Impact Statement and for identifying the important issues related to the proposed action, we request your comments on the above issues and any other issues that you can identify as important. We intend to use your comments to:

- Identify the range of alternatives and impacts and the important issues to be addressed in the Environmental Impact Statement.
- Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review.
- Identify other environmental review and consultation requirements.

We request your comments by October 15, 2001. If you do not reply by that date, we will assume that you have no comments at this stage of project development. If you have any questions regarding the enclosed, please contact me at __________.
Very truly yours,

WILLIAM S. BROWN  
Regional Design Engineer  

NOTE: If a scoping meeting is scheduled it should be noted in the scoping letter.
EXAMPLE LETTER C3 - Scoping Letter (to agencies that are potential cooperating agencies).

September 7, 2001

Ladies and Gentlemen:

Re: PIN 5999.99 ROUTE 39, NEWPORT EXPRESSWAY
   TOWN OF WILLIAMS, LINCOLN COUNTY

The New York State Department of Transportation, in cooperation with the Federal Highway Administration will be preparing an Environmental Impact Statement on a proposal to improve the Route 39, Newport Expressway. The proposed improvement will involve the reconstruction of the existing route between the towns of Eastern and Western for a distance of about 6 miles. Improvements to Route 39 are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing East End Bridge over Claverack Creek and new interchanges with County Route 6 and with Western Turnpike.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane highway to four lanes; and (4) constructing a four-lane, limited access highway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. Enclosed for your information is one copy of the "Preliminary Evaluation of Design Alternatives" report.

Issues that will be analyzed in depth include the project's effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects.

As part of the process for determining the scope of issues to be addressed in the Environmental Impact Statement and for identifying the important issues related to the proposed action, we request your comments on the above issues and any other issues that you can identify as important. We intend to use your comments to:

- Identify the range of alternatives and impacts and important issues to be addressed in the Environmental Impact Statement.
- Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review.
- Identify other environmental review and consultation requirements.

Since the impacts on the Claverack Creek and its adjacent wetlands (will require a Section 404 permit and because of your agency's legal jurisdiction over such permits) (may effect fish and wildlife habitat and because of your agency's special expertise) , we request your agency to be a cooperating agency.
We expect your agency's involvement to entail only those areas under its (jurisdiction) (expertise) and no direct writing or analysis will be necessary for the document's preparation. The activities we will take to maximize interagency cooperation may include the following:

1. Invite you to participate in scoping meetings and other meetings;
2. Consult with you on any relevant technical studies that will be required for the project;
3. Organize joint field reviews with you;
4. Provide you with project information, including study results;
5. Request your review of relevant sections of the DEIS prior to its release for comment by the public and other agencies.
6. Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and
7. Include information in the project environmental documents that cooperating agencies need to discharge their National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

You have the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process, the EIS and our public involvement process will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and our subsequent record of decision as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EIS approval process. (NOTE: This paragraph applies for regulatory agencies with permit approval authority. Delete or modify this paragraph for permitting agencies when the permit process does not proceed concurrently with the EIS approval process or for agencies having special expertise).

We look forward to your comments and response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact __________________________. Please forward your comments and confirmation that you will be a cooperating agency to us by ________________________________.

Very truly yours,

WILLIAM S. BROWN
Regional Design Engineer

NOTE: The requested role of the cooperating agency may differ on various projects. The role should be consistent with that described in the Council of Environmental Quality Guidelines, 40 CFR 1501.6. If a scoping meeting is scheduled it should be noted in the scoping letter.
EXAMPLE LETTER C4 - Letter distributing DR/EA.

December 2, 2001

Re: PIN 8999.99 ROUTE 99, FOREMAN DRIVE
TO PALISADES INTERSTATE PARKWAY, TOWN
OF WASHINGTON, LINCOLN COUNTY

Dear Sir/Madam:

We are transmitting for your review one copy of the Design Report/Environmental Assessment, dated December, 1999. This report has been prepared in accordance with the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQR).

The report presents a study of proposed alternate designs and the Department's evaluation of the social, economic and environmental effects upon the human environment.

We solicit your comments on the proposed project. Your comments should be as specific as possible and should address either the merits of the proposed project or the adequacy of the report or both. Please forward your comments to us by January 8, 2001.

A public hearing will be held at 7:30 P.M. on January 15, 2001 in the Washington Town Hall located at 11 Church Street in the Village of Madison.

All pertinent comments, including those received at the public hearing, will be evaluated before a final design is selected.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

NOTE: A similar letter applies for distribution of the DR/DEIS. As appropriate, copies of notices should also be included with this distribution of the reports.
EXAMPLE LETTER C5 - Letter distributing FDR/FEIS to EIS Filing Section of EPA.

April 24, 2001

US Environmental Protection Agency, Office of Federal Activities
NEPA Compliance Division
EIS Filing Section, Mail Code 2252-A
401 M. Street S.W.
Washington, D.C.  20460

Dear Sir/Madam:

Re: PIN 8999.99 BERKSHIRE STATE PARKWAY
    HAWTHORNE INTERCHANGE TO CAMPFIRE ROAD
    LINCOLN COUNTY

The Final Environmental Impact Statement (FHWA-NY-EIS-94-01-F) has been signed by the Federal Highway Administration. Enclosed for filing of the FEIS with your office are the following documents:

! 5 copies of the Final Environmental Impact/4(f) Statement, January, 2001
! 1 copy of the Draft Section 4(f) Evaluation for Opperman's Pond Park, January, 2001
! 5 copies of each of the following Technical Reports:

  No. 1 Air Quality Report, March, 1999
  No. 2 Noise Report, August, 1999
  No. 3 Water Quality Report, August, 1999
  No. 4 Relocation Plan, August, 1999
  No. 5 Cultural Resources, August, 1999
  No. 6 Flood Plain Report, August, 1999
  No. 7 Wetlands Report, March, 1999

We request that you publish the Notice of Availability in the Federal Register and list the contact person as Mr. Robert Arnold (518) 431-4127.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

bcc: R. Arnold, Div. Administrator, FHWA
     D. D’Angelo, Design Quality Assurance Bureau, 5-410
EXAMPLE LETTER C6 - Letter distributing the approved FEIS.

February 24, 1999

Chief, Regulatory Branch
New York District
U.S. Army Engineer
26 Federal Plaza
New York, New York  10278

Dear Sir/Madam:

Re: PIN 8999.99 BERKSHIRE STATE PARKWAY
    HAWTHORNE INTERCHANGE TO CAMPFIRE ROAD
    LINCOLN COUNTY

The Final Environmental Impact Statement (FHWA-NY-EIS-94-01-F) has been signed by the Federal Highway Administration. In accordance with 23 CFR 771. FHWA's "Environmental Impact and Related Procedures" we are making the following documents available to your office:

1 copy of the Final Environmental Impact 4(f) Statement, January, 2001
1 copy of the Draft Section 4(f) Evaluation for Opperman's Pond Park, January 2001
1 copy of each of the following Technical Reports:
    No. 1 Air Quality Report, March, 2001
    No. 7 Wetlands Report, March, 2001

No revisions have been made to Technical Reports Nos. 2 to 6, dated August,2001 which were distributed with the Draft Environmental Impact Statement.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

bcc: R. Arnold, Div. Administrator, FHWA
     D. D'Angelo, Design Quality Assurance Bureau, 5-410
     J. S. LaBarge, Consultant Mgmt. Bur., 4-G-01
5.0 DISTRIBUTION LISTS

Since the addresses in the distribution lists for federal and state advisory agencies change frequently, a hard copy is not provided in this manual. For the latest version, obtain the electronic distribution lists from the Department’s Internet site in Word Perfect 9.0 format at:

http://www.dot.state.ny.us/cmb/consult/dpm/parts.html#C

Electronic distribution lists are also available from the Department’s IntraDOT site in Word Perfect 9.0 format at:

http://intradot/design/dqab/liaison/procman.html#C
Appendix L -

Interstate & Other Freeway

Access Control & Modifications
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3.0 FREEWAY ACCESS MODIFICATION REPORT FORMAT & CONTENT ....... L-11

Attachment 1 - Access Modification Appendix Format & Content ........ L-12
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1.0 INTRODUCTION

1.1 PURPOSE

This appendix provides guidance for:

- obtaining required Federal Highway Administration (FHWA) approval for all new or revised access points to Interstate Highways.
- obtaining required NYSDOT Chief Engineer approval for similar access modifications to non-Interstate freeways.

All proposals for motor vehicle access modifications to freeways with full control of access, including work permit projects by municipalities or the private sector, must be processed and approved in accordance with this appendix. For non-motor vehicle access modifications (e.g., locked gate access for billboard or utility maintenance activities), contact the Regional Real Estate Group for the appropriate procedures.

1.2 DEFINITIONS

**Access Control** - As defined in Highway Design Manual (HDM) Section 2.6.15, control of access is defined as the regulated limitation of access rights to and from properties abutting the highway facilities. Control of access is measured by the degree to which access is controlled, that is, fully controlled, partially controlled or uncontrolled. Control of access is a critical design element only for interstate highways and other freeways.

Freeways and freeway ramps shall have full control of access. AASHTO's “A Policy on Design Standards - Interstate System," July, 1991, states that control for connections to the crossroad should be effected beyond the ramp terminals by purchasing access rights, providing frontage roads, controlling added corner right of way areas, or denying driveway permits. This policy is used for other non-Interstate freeways as well.

Control of access is to extend beyond the ramp terminal at least 30 m in urban areas and 90 m in rural areas. These limits are applicable to diamond interchanges. Refer to HDM Section 6.04.09 and figures 6-Q to 6-V for the access control limits to be used along the crossroads for diamond and other types of interchanges.

**Access Modification** - For the purpose of this appendix, access modification shall mean any proposed new access point or revised access point to a freeway or ramps. Freeway access modifications can involve trails, bikeways, utility placements or other non-highway use.

Note that a change in the access control line is not necessarily an access modification, as defined in this appendix. Similarly, an access modification may not change the access control lines (e.g., reconfiguring a freeway to freeway interchange).
Access Modification Report - The technical document used to request and justify freeway access modification acceptability and approval when a Design Approval Document and Access Modification Appendix are not required.

Access Point - In this appendix, each entrance point or exit point, including “locked gate” access, to the main line is considered to be an access point. For example, a diamond interchange configuration has four access points.

Department Project - New or revised points of access proposed for construction by Department forces or a construction contractor hired to accomplish the work for the Department.

Freeway - The highest type of principal arterial public highway with full control of access to give preference to through traffic by providing access connections with selected public roads only and by prohibiting at-grade crossings or direct private driveway connections. All highways on the Interstate System in New York State are freeways.

Freeway Access Modification Final Approval - A control point that occurs in Design Phase IV based on the results of an engineering analysis of the operating characteristics of the proposal. Final approval of the access modification can occur only after the conclusion of the environmental (NEPA and/or SEQR) process.

Interchange - A system of interconnecting roadways in conjunction with one or more grade separations that provides for movement of traffic between two or more roadways or highways on different levels.


Interstate - A freeway on the Interstate System.

New York State Thruway Authority (NYSTA) Project - A project proposed for construction on a portion of the State Thruway Route that will be let by the NYSTA. Refer to Appendix M, Section 1.1 for a definition of the State Thruway Route.

Revised Access Point - A revised access point is a change in the interchange configuration, even though the number of access points may remain the same. For example, replacing an existing ramp with a different type of ramp, such as replacing a direct ramp of a diamond interchange with a loop ramp, or adding a lane to the ramp is revised access. Adding a lane to a portion of the ramp or a minor ramp realignment to improve safety or operations without altering the interchange configuration is not revised access. Such minor realignments might include relocating access points 30 m or less, lengthening a speed change lane, increasing a ramp radius or changing between a taper and parallel type speed change lane.

Work Permit Project - New or revised points of access proposed for construction by other than Department forces or a construction contractor hired by the department and subject to issuance of a highway work permit and/or use and occupancy permit by the Department.
PERG - Property Executive Review Group reviews every proposed disposition of real property by the Department.

1.3 ACCESS CONTROL CHANGES

Refer to Figure L-1 for the flow chart of the approval authority when changing access control. The following items correspond to the numbered steps in the flow chart.

1. Refer to 23 CFR 713 for management and disposal of real property acquired in connection with Federal-aid highway projects and 23 CFR 620 for relinquishment of highway facilities where Federal-aid funds have previously participated in either right-of-way or physical construction costs of the highway section.

2. FHWA approval is required for ROW relinquishment for non-transportation purposes where federal funds were used for construction, right of way acquisition, or improvement. Refer to the Regional Real Estate Group for guidance on how to obtain FHWA’s ROW relinquishment approval. Additionally, the NYSDOT Property Executive Review Group (PERG) must process all cases involving disposal of NYSDOT real property rights.

3. Access is defined in Section 1.2.

4. Changes in access control that create new access points or revised access points on the main line or ramps are access modifications, and are subject to the procedures in this appendix.

5. Crossroads with either a new break in access along the crossroad or a reduction in the length of access control require special documentation and approval unless the change in access is a minor adjustment.

6. Minor adjustments to bring the access control up to standards or minor shifts in the location of existing access points that do not meet the definition of revised access in Section 1.2 of this appendix do not require any special approvals in accordance with this appendix.

7. The Interstate System includes the ramps. Contact the Design Quality Assurance Bureau, Regional Liaison Section for segments that are part of the future Interstate System.

8. FHWA has access modification authority for Interstate toll facilities that previously used federal funds for ROW, construction, or improvements.

9. FHWA approval is required for:
   - Access modification on the non-toll portions of the Interstate System mainline or ramps.
   - Access modification on the toll portions of the Interstate System that received federal funds for construction, right of way acquisition, or improvement.
Access modifications requiring FHWA approval shall follow the procedures in Section 2.0 of this appendix. Note that the requirement for FHWA’s approval also requires compliance with NEPA, regardless of funding.

10. NYSDOT Chief Engineer approval is required for:

a) Access modifications on:
   • Interstate toll facilities that did not receive federal funds for construction, right of way acquisition, or improvement.
   • Non-Interstate freeways.

   Access modifications requiring the Chief Engineer approval shall follow the procedures in Section 2.0 of this appendix.

b) New breaks in access on the crossroad at an Interstate or other freeway ramp terminal.*

c) A reduction in the length of access control along the crossroad at an Interstate or other freeway ramp terminal.*

   * Items b and c, above, shall be justified in accordance with HDM Section 2.8.

11. The retention of non-standard access control on the crossroad at an Interstate or other freeway ramp terminal shall be justified in accordance with HDM Section 2.8. Non-standard feature approval shall be in accordance with the TEA-21 “Design Related Approvals Matrix.”

   A project with multiple independent access control issues may require multiple approval authorities.
Figure L-1 Flow Chart of Access Change Process

Start

Reinquishment of ROW for non-transportation purposes where federal funds were used for ROW, construction, or improvement?

No

Access modification on the Interstate, other freeways, or ramps; or access control change on the crossroad at the ramp terminals?

Yes

Creation of new access points or revised access points on the main line or ramps?

No

Crossroad with either a new break in access or a reduction in the length of access control?

Yes

Minor adjustment to bring up to standards or minor shifts in the location of existing access points?

No

Is it on the Interstate System (including ramps and mainline)?

Yes

Approval by NYSDOT Chief Engineer

Follow standard procedures. Justify Non-Standard Access Control, as needed.

No

Relinquishment of ROW for non-transportation purposes where federal funds were used for ROW, construction, or improvement?

Yes

Contact the Regional Real Estate Group for guidance on obtaining FHWA's approval of ROW relinquishment for non-transportation purposes.

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Comply w/ NEPA. Approval by FHWA.

Approval by NYSDOT Chief Engineer.

Follow standard procedures. Justify Non-Standard Access Control, as needed.
2.0 PROCEDURES

2.1 RESPONSIBILITIES

NYSDOT Regional Office/NYSTA - For NYSDOT or NYSTA administered projects, the NYSDOT Regional Office/NYSTA is responsible for all engineering documentation. The Regional Office/NYSTA will initiate coordination with FHWA for proposals to modify access on the Interstate System. The Regional Office/NYSTA shall include the following certification statement in the memo to DQAB when recommending access modification approval by the Chief Engineer or FHWA:

“An independent quality control review separate from the functional group reviews has been conducted and all policies, procedures, standards, rules and regulations requisite to Access Modification Approval have been followed except as otherwise noted and explained.”

For highway work permits, the NYSDOT Regional Office/NYSTA is the primary contact with the Permittee. The Regional Office/NYSTA will initiate coordination with FHWA for proposals to modify access on the Interstate System. The Regional Office/NYSTA shall include the following certification statement when recommending access modification approval:

“From our review for completeness and the attached certification by a New York State Licensed Professional Engineer in responsible charge of the project it appears that all requirements requisite to access modification approval have been met. The Professional Engineer has informed us that the project has been sufficiently reviewed to assure that the work is consistent with established standards, policies, regulations and procedures, except as explained in the attached.”

Permittee - “Permittee” is a general term for the private developers, authorities or local governments who initiate a request for an access modification. The Permittee will be required to prepare all necessary engineering documentation. Engineering documentation must be approved by a New York State Licensed Professional Engineer in responsible charge of the design.

When a municipality is the Permittee, they will be responsible for the SEQR determination.

Main Office Liaison - For NYSTA and NYSDOT administered projects, Design Quality Assurance Bureau (DQAB) will recommend access modification approval by the Chief Engineer or FHWA.

For highway work permits, the Safety Management Bureau in the NYSDOT Traffic Engineering and Highway Safety Division will recommend access modification approval to the Director of the Traffic Engineering and Highway Safety Division. The Director will recommend approval to the Chief Engineer or FHWA.

Mobility Management Bureau - The Mobility Management Bureau in the Planning and Strategy Group will review the Regional Office’s initial feasibility assessment when proposals (possibly from a Permittee) include a new access point or a revised access point that may have systemwide implications.
FHWA - On the Interstate System, with the exception of Interstate toll facilities that have never been improved with federal funds, FHWA determines acceptability of access modification and grants approval. Based on the magnitude of the access modification, the Division Office of FHWA may request Washington D.C. FHWA approval (See Attachment 2). Additionally, access modifications must be approved by FHWA if the ROW will be relinquished and federal funds were used for construction, ROW, or improvements.

NYSDOT Chief Engineer - Based on the recommendation of the Main Office Liaison, the NYSDOT Chief Engineer grants access modification approvals that do not require FHWA approval. Note that FHWA needs to be kept informed on all projects that will have an effect on the operation of the Interstate System, even though the actual construction may not be on the Interstate.

2.2 STEPS

The following steps apply to all access modifications, as defined in Section 1.2 of this appendix. Therefore, NYSDOT and NYSTA administered projects should skip steps and procedures for the permittee, as defined in Section 2.1 of this appendix.

Design approval, issuance of highway work permits, and real property transactions shall not occur prior to:

- the formal issuance of a favorable decision on the proposed access modification.
- Completion of legally enforceable arrangements for highway work permits in accordance with current Department policy for mitigation of adverse impacts on transportation by site development.

2.2.1 Project Scoping Stage

1. Permittee - Develops a conceptual access modification proposal and submits a copy to the NYSDOT Regional Office or NYSTA (if on the State Thruway Route). Note that FHWA approval of an access modification request can never be guaranteed, even if it is a municipally and Department mandated action to mitigate adverse transportation impacts of a site development. In cases where the Department is the Lead Agency under SEQR, this statement shall be incorporated directly into the SEQR documentation.

2. Regional Office/NYSTA - Determines that a freeway access modification approval is likely to be needed. Performs an initial feasibility to identify major issues that could preclude eventual approval (such as partial interchanges, interchange spacing, mainline level of services, real estate appraisal and PERG issues, etc.). A study of the cumulative traffic impacts from planned development along a freeway corridor may be required to assure compatible geometric design and minimize adverse impacts on freeway traffic.
Coordinates with FHWA and DQAB when Interstate System access modifications are proposed. Early FHWA involvement is needed to facilitate FHWA’s NEPA determination on the access modification approval action. (A NEPA determination is required for FHWA approvals, regardless of fund source.)

For NYSTA projects with impacts off the State Thruway Route, the NYSTA coordinates with the Regional Office. The Regional Office/NYSTA will coordinate with the Mobility Management Bureau for any new access point or any access modification that may have systemwide implications.

3. **Mobility Management Bureau** - The Mobility Management Bureau in the Planning and Strategy Group reviews, provides guidance, and performs an initial feasibility assessment when proposals include a new access point or a revised access point may have systemwide implications.

4. **FHWA** - When requested, reviews proposal, provides guidance, and (if appropriate) provides concurrence that the proposed access modification appears feasible.

### 2.2.2 Design Phase I - Preliminary Design

1. **NYSDOT Regional Office/NYSTA or Permittee** - Prepares the Draft Design Approval Document for Department projects or Access Modification Report for highway work permits using the format discussed in Section 3.0 of this appendix.

2. **Permittee** - Submits the requested number of copies of the Draft Access Modification Report to the Regional Office. The submittal memo should be signed by a New York State Licensed Professional Engineer in responsible charge of the engineering work for the proposed access modification.

3. **NYSDOT Regional Office/NYSTA** - Reviews the Draft Access Modification Report. Transmits copies for an advisory review, as follows:
   - Main Office Liaison
   - FHWA (if FHWA approval is required. The submission to FHWA should request concurrence on whether or not FHWA Headquarters in Washington, D.C. must approve the access modification. See Attachment 2);
   - Metropolitan Planning Organization Staff (for new access points in urban area);
   - Safety Program Management Bureau (for new access points if DQAB is the Main Office Liaison);
   - Mobility Management Bureau (for new access points);
   - Real Estate Division (for ROW relinquishment);
   - Office of Legal Affairs (for highway work permits);
   - NYSDOT Regional Office (if a highway work permit or NYSTA project with impacts off the State Thruway Route);
   - NYSTA (if a highway work permit or Department project may impact the State Thruway Route); and
   - Other stakeholders from whom advice or input is prudent.
4. **Reviewers** - Reply directly to the Regional Office/NYSTA and provide copies of their comments to the Main Office Liaison.

2.2.3 **Design Phase IV - Design Approval**

Access modification approval should be requested with the NEPA environmental determination if FHWA approval is needed. Access modification approval should be requested at Design Approval if the NYSDOT Chief Engineer will grant Design Approval.

1. **NYSDOT Regional Office/NYSTA or Permittee** - Revises the Design Approval Document or Access Modification Report to resolve review comments received.

2. **Permittee** - Submits 4 copies of the Final Access Modification Report to the NYSDOT Regional Office/NYSTA with a cover memo signed by a New York State Licensed Professional Engineer in responsible charge of the engineering work for the access modification.

3. **Regional Director/NYSTA Chief Engineer** - Ensures that all comments have been satisfactorily resolved. Recommends access modification approval to the Main Office Liaison by a memorandum that includes a certification statement (from the permittee, as applicable) and 2 copies of the Final Access Modification Report or Design Approval Document.

4. **Main Office Liaison** - Ensures that all comments have been satisfactorily resolved and will request the Chief Engineer’s or FHWA’s access modification approval.

5. **FHWA or NYSDOT Chief Engineer** - Approves access modification. The FHWA Division Office will request FHWA Headquarters in Washington, D.C. to approve access modification for certain projects described in Attachment 2.

6. **Main Office Liaison** - Upon receipt of the access modification decision, the Main Office Liaison will distribute the written decision to the Regional Office/NYSTA, who will forward it on to the permittee, as applicable.
2.3 RELATIONSHIP TO OTHER PROCEDURES, LAWS, REGULATIONS, ETC.

The requirements in this appendix are in addition to all other current state and federal laws, regulations, policies and procedures, and is not a substitute for any of them. For example, Appendix B of this manual requires a “full” Design Approval Document for new and reconstruction projects.

Compliance with this procedure is not a substitute for compliance with requirements for site developer mitigation of adverse traffic impacts, processing of requests for exceptions to level of service policy for site developments on opening day, and requests for phased mitigation of site development traffic impacts. Refer to the NYSDOT “Policy and Standards for Entrances to State Highways,” February, 1998 for these additional requirements.

3.0 FREEWAY ACCESS MODIFICATION REPORT FORMAT & CONTENT

To document the engineering and environmental acceptability of the access modification while simultaneously complying with applicable Federal and State procedures, laws, and regulations, the access modification documentation shall consist of:

A. An Access Modification Report included as a separate appendix to a standard Design Approval Document. The appendix shall follow the format and content of Attachment 1. Additionally, it should refer to the Design Approval Document wherever possible to reduce/eliminate redundancy.

OR

B. A Design Approval Document using the format and content in Appendix B of this manual that incorporates the content of Attachment 1.

Option A should be used when FHWA approval is needed for a non-federal-aid project that includes a substantial amount of work unrelated to the access modification. Option B should be used when the access modification is an integral part of a locally administered federal-aid project, NYSDOT project, NYSTA project, or a highway work permit.
APPENDIX L
 Interstate & Other Freeway
 Access Control & Modifications

January 7, 2002

Attachment 1 - FORMAT AND CONTENT OF FREEWAY ACCESS MODIFICATION APPENDIX

APPENDIX ___

FREEWAY ACCESS MODIFICATION DOCUMENTATION

I INTRODUCTION

This section should include the reason for preparing the appendix. For example:

“In order to maintain the integrity of the freeway, access modifications must be clearly and convincingly justified based on adequate information in areas such as safety, traffic operations, and coordination with land use. This appendix documents the Department and FHWA’s decisions to modify access at the Rte. 85/I-90 interchange in the City of Albany. This appendix was prepared in accordance with the NYSDOT Design Procedure Manual Appendix L - Freeway Access Modifications.”

II EXISTING CONDITIONS

Refer to sections of the Design Approval Document wherever possible to reduce repetition. Add additional information as required below or as needed due to different study area. Refer to Appendix B of this manual for additional requirements and guidance on what to include in the following sections if the access modification appendix will not refer to the Design Approval Document

A. Project Identification - Reference and indicate limits on a location map. Generally the limits of analysis will extend outward from the proposal site to the highway network nodes at which motorists choose which competing alternative routing they will take to move through the freeway corridor being studied. The analysis should be included for Interstate mainline segments and interchanges with traffic impact changes due to the interchange modification proposal. As a minimum this should extend one full interchange before and after the access modification.

B. Project Evolution

C. Conditions and Needs

1. Transportation Conditions, Deficiencies and Engineering Considerations

   a. Functional Classification and National Highway System (NHS)
b. Culture, Terrain and Climatic Conditions

c. Control of Access

d. Existing Highway Section - Refer to plans, profiles and typical section.

e. Abutting Highway Segments and Future Plans for Abutting Highway Segments - The work being proposed should be consistent with future plans, including long-range system plans, for abutting highway segments. Include a brief statement regarding plans to reconstruct or widen the abutting highway segment within 20 years. If the project involves a state highway, a brief statement should be provided by the Regional Planning and Program Manager. If the project is on a non-state highway, a written statement from the unit of government having authority over the facility should be obtained.

f. Speeds and Delay

g. Traffic Volumes

h. Level of Service

i. Non-Standard Features and Non-Conforming Features

j. Safety Considerations, Accident History and Analysis - The accident analysis should extend for the entire study area to identify areas for improvement to ensure the access modification will not degrade safety.

k. Planned Development for Area

l. System Elements and Conditions - Review and coordination sufficient to avoid piece-meal consideration of added access is necessary to identify and evaluate potential proposals in the interstate corridor that may better serve planned traffic patterns and that might otherwise be precluded by approval of the current proposal. For example, where two freeways junction with one another, the operational requirements of the freeway to freeway movements take precedence over community access to the freeway. In the same way, community access to the freeway should normally take precedence over private business site access (via a public road) to the freeway.

2. Needs

a. Project Level Needs - Discuss need for access modification. Document that the existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal.
b. Corridor or Area Level Needs - Discuss corridor level needs.

c. Transportation Plans - New/expanded development and transportation improvements must be coordinated. The intent is to require consistency between transportation planning and land use planning in the area of proposed change, including endorsement of the proposed land uses by appropriate authorities.

The relationship of the current proposal to adopted municipal, county, and urban area land use and transportation plans should be clearly explained. If the current proposal is an addition to currently adopted land use and transportation plans, the impacts of the proposal on those plans should be clearly explained. Prior to final approval, all requests must be consistent with the municipal and/or statewide transportation plan, applicable provisions of 23 CFR 450, and the transportation conformity requirements of 40 CFR parts 51 and 93.

III ALTERNATIVES

Refer to sections of the Design Approval Document wherever possible to reduce repetition. Add additional information as required below or as needed due to different study area.

A. Design Criteria


2. Critical Design Elements - Refer to Section III.A of the Design Approval Document. Design Criteria must be provided for the freeway, ramps and cross streets to be modified by the access modification. Note that access control is a critical design element for the main line and ramps since both shall have full control of access. For the cross road, refer to HDM Section 6.04.09 for the control of access limits, which extend beyond the ramp terminal.

3. Other Controlling Parameters

   a. Interchange Spacing - Interchange spacing is measured from gore area to gore area since the actual crossroads may not be located near the physical entrance to the freeway. Interchanges should be 1.5 km apart in urban areas and 4.5 km apart in rural areas. The interchange spacing guidelines are based on AASHTO’s “A Policy on Design Standards - Interstate System,” 1991. These values should be considered as good guidance and followed to the maximum extent possible.

   b. Connection - Must connect to public roads.
c. Configuration - All interchanges should provide for all movements. Less than “full interchanges” for special purpose access for transit vehicles, for HOV’s, or into park and ride lots may be considered on a case-by-case basis.

d. Design Vehicle - See HDM Section 5.8.1.

e. LOS (For non-Interstate System access modifications)

B Alternatives - All reasonable alternative for design options, location, and transportation system management options (such as ramp metering, mass transit, and HOV facilities) should be considered and provided for if currently justified, or provisions included for accommodating such facilities if a future need is identified.

C Feasible Alternative

1. Description - Reference or include a plan of the access modification. The plan should include pavement markings, dimensioned lane and shoulder widths, and alignment data.

2. Engineering Considerations

a. Special Geometrics - Non-standard features must be justified based on HDM Chapter 2, Section 2.8 and approved in accordance with the TEA-21 Matrix in the Introduction of this manual. Refer to Section III.C.2.a of the DAD.

i. Spacing - Interchanges that violate the spacing parameters may be acceptable based on further analysis. For example, the construction of a collector distributor road that violates the interchange spacing parameters may actually reduce collision rates and congestion on the freeway. However, more detailed design information may be needed to ensure that traffic operations with the modified access will be acceptable. For example, guide signing plans through a series of closely spaced interchanges may be necessary to demonstrate that positive guidance and sign spacing issues can be resolved.

ii. Connection - Access points must be connected to a public road. Direct access from a freeway to a private driveway will not be permitted.

iii. Interchange Configuration - Except in the most extreme circumstances, all interchanges should provide for all movements. When initial construction of a partial interchange can be clearly justified, commitments for completion of the full interchange must be made prior to the initial construction. Purchase of right-of-way for the full interchange at the time of purchase for the initial partial interchange stage should be considered.
b. Safety Considerations - The safety implications of the access modification must be determined by comparing the existing accident rates with the anticipated accident rates of the access modification.

c. Traffic Considerations - Access modifications must be justified based on regional traffic needs and not only to solve local system needs or problems. Additionally, the freeway should not become part of the local traffic circulation system. However, special purpose access for high occupancy vehicles, for transit vehicles, or into park and ride lots may be decided on a case by case basis.

This section should demonstrate by analysis that the network of crossroads and parallel roads in the traffic study area can satisfactorily accommodate design-year demand traffic volumes induced by the proposed modification. The concept “satisfactorily accommodate design-year demand traffic volumes” is defined as not having a significant adverse impact on the safety and operation of the freeway.

The analysis may be based on comparison of highway segment and intersection volume/capacity ratio performance measures provided by traffic simulation models.

Note that a benefit-cost analysis is not required. However, it has application to show that the proposal is cost effective and minor adverse traffic operations impacts at some network locations are a tolerable consequence of substantial benefits to freeway corridor highway users. Benefit-cost analysis is a valuable input to the decision making process. However, it is not the sole or even a major determinant when considering access modifications or the selection of a particular geometric design configuration for the access modification. Benefit-cost analysis is not a method applicable to justification for single or isolated ramps and partial versus full interchanges.

Use of a calibrated computer assisted traffic simulation model, such as TMODEL or TRANPLAN, is suggested as an effective and efficient means of evaluating the travel pattern impacts of network modifications. Use of selected link origin-destination matrices for freeway entrance and exit ramps to show use by non-local traffic is encouraged.

In urban areas with many relatively closely spaced interchanges and recurring freeway congestion, operational analysis may include microscopic traffic performance simulation using computer software such as Traf-Netsim or CORSIM. Refer to Appendix J of the Scoping Procedure Manual for additional information on transportation modeling.

d. Traffic Control Devices - Reference a preliminary signing plan and ITS measures, as appropriate.
e. Phased Mitigation - Phased construction of developer mitigating measures in accordance with current Department policy may be used where extensive private development is not expected to be completed for several years. Explanation of the phasing of the access modification proposal with other site development actions and transportation mitigating measures should be clearly explained.

f. Right-of-Way

D. Project Costs and Schedule

1. Costs

2. Schedule

IV SOCIAL, ECONOMIC, AND ENVIRONMENTAL CONSIDERATIONS

For non-federal-aid projects with access modifications on the Interstate System, this chapter must provide sufficient information for FHWA to base their NEPA determination. The format should follow the Chapter IV format in Appendix B of this manual.

For all other projects, refer to Chapter IV of the Design Approval Document to reduce repetition. Add additional information, as needed, due to different study area.
## Attachment 2 - FHWA Delegation of Authority*

<table>
<thead>
<tr>
<th>Types of New Access</th>
<th>Transportation Management Area (TMA)**?</th>
<th>Washington, D.C. FHWA Approval</th>
<th>Division FHWA Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>• New Freeway-to-Freeway Interchange</td>
<td>all</td>
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<td></td>
</tr>
<tr>
<td>• Major Modification of Freeway-to-Freeway Interchange</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>• New Partial Interchange or New Ramps To/From Continuous Frontage Roads That Create a Partial Interchange</td>
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<td></td>
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<tr>
<td>• New Freeway-to-Crossroad Interchange</td>
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<td>✓</td>
</tr>
<tr>
<td>• Modification of Existing Freeway-to-Crossroad Interchange</td>
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<td></td>
</tr>
<tr>
<td>• Completion of Basic Movements at Partial Interchange</td>
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<td></td>
<td>✓</td>
</tr>
<tr>
<td>• Locked Gate Access</td>
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<td></td>
</tr>
<tr>
<td>• Abandonment of Ramps or Interchanges</td>
<td></td>
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</tr>
</tbody>
</table>

**Note:**

* Reference Rodney E. Slater, FHWA Administrator, August 19, 1996 memo “Delegation of Authority - Requests for New or Revised Access Points on Completed Interstate Highways.”

** TMA’s, as defined in 23 USC 134(i), are the areas covered by Metropolitan Planning Organizations (MPO’s) in metropolitan areas with over 200,000 people. For the purpose of this table, TMA includes only the urbanized portion of the MPO area, as defined by the Bureau of the Census.