



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Gregory A. Whirley
Commissioner

August 28, 2013

Ms. Irene Rico
Division Administrator
Federal Highway Administration
400 N. 8th Street, Room 750
Richmond, VA 23240-0249

RE: Agreement for Safety and Operational Projects Not Requiring Formal Design Exceptions and Design Waivers (excludes Preventative Maintenance, 3R Projects and projects that add capacity to the roadway)

Dear Ms. Rico:

On January 12, 2012, our two agencies met and discussed, among other things, a more efficient approach to smaller scale safety and operational projects. We agreed that two categories of safety and operational projects do not require Formal Design Exceptions and/or Design Waivers.

This agreement excludes Preventative Maintenance and 3R projects as well as improvements that will provide additional capacity to Interstate and NHS highways with controlled access. These projects will be evaluated on a case by case basis. In no way shall safety and operational projects adversely impact the safety of the roadway or its users.

In light of our agreement we propose Formal Design Exceptions and/or Design Waivers not be required for:

Systemic Safety Asset Improvement Projects

- Formal Design Exceptions and/or Design Waivers are not required for projects which focus on **systemic improvements** of a specific road safety feature or operational element, such as rumble strips, guardrail, signs, pavement marking systems, signals, Intelligent Transportation Systems and devices as outlined in Appendix A. These projects have been proven to generate measurable safety benefits.

Spot Safety & Operational Improvement Projects

- Formal Design Exceptions and/or Design Waivers are not required for targeted-scope safety and operations projects such as typical Highway Safety Improvement Program (HSIP) and Intelligent Transportation (ITS) projects. These projects typically have limited or targeted scope and improve safety or operation. These types of projects typically do not add capacity to the roadway. If the proposed improvements provide for additional capacity (i.e. additional turn lane, auxiliary lane, etc), then the Design Exception/Design Waiver process must be followed.

Appendix A is a general list of safety and operational projects that will not require Formal Design Exception and/or Waiver under this agreement. These projects are not intended to address the 14 FHWA/VDOT controlling criteria that require design exceptions. In most cases, the substandard features that are present will remain in place. No formal design exception or design wavier process is therefore required.

Documentation of Safety and Operational projects not requiring Formal Design Exceptions and/or Waivers will be provided in the Project Narrative section of VDOT Project Scoping Sheet Form (PM-100) or through the form attached as Appendix B. Project specific documents such as HSIP proposal or ITS Form 940 should also be attached.

We request your concurrence. If you have any questions, please contact Mohammad Mirshahi at (804) 786-2507.

Sincerely,



Mohammad Mirshahi, P.E.
Deputy Chief Engineer

Concurred by Martha C Kapitani of FHWA Virginia Division

Signature Martha C Kapitani Date 9/14/13

Cc: Garrett Moore, P.E.
Raymond J. Khoury, P.E.
Bart Thrasher, P.E.
Emmett R. Heltzel, P.E.
Kendal Walus, P.E.
Dean Gustafson, P.E.

Attachments

VDOT-FHWA Monthly Coordination Meeting – January 12, 2012

VDOT Safety Analysis Guidelines For Preventive Maintenance and 3R Projects – October 26, 2012

Eligibility of Preventative Maintenance on Federal-Aid Projects – November 8, 2010

Agreement for Maintenance Projects on NHS Agreement – April 23, 2009

APPENDIX A

Example List of Safety and Operational Projects Not Requiring Formal Design Exception and Waiver*

- Systemic Safety Assets Improvement Projects - Scope limited to one or more of these elements:
 - Roadway Lighting
 - Signs
 - Signals
 - Pavement Marking Systems
 - ITS devices and systems to improve safety & operational efficiency
 - Installation or adjustment of Guardrail Systems to meet VDOT's current policy and/or standards
 - Paving existing graded shoulder
 - Shoulder widening up to 4 ft
 - High friction surfacing
 - Safety edge
 - Rumble strip installation

- Spot Safety & Operational Improvement Projects – Scope limited to one or more of these elements:
 - Intersection improvement that does not add capacity, such as turn lane extension, and changing turning radius and does not alter the intersection as defined in the Department of Justice /FHWA Technical Assistance Memo dated July 8, 2013 (<http://www.ada.gov/doj-fhwa-ta.htm>)
 - Vertical curve adjustment (*HSIP only*)
 - Horizontal curve adjustment (*HSIP only*)
 - Signal Optimization/Retiming
 - Adaptive Signals operation
 - ITS devices and systems to improve safety & operational efficiency
 - Sign upgrade to comply with latest MUTCD requirements
 - Flashing Beacons/Warnings
 - Acceleration Lanes on non-interstate system
 - Pedestrian and Bicycle accommodation such as bicycle lanes, shared use path, pedestrian refuge, sidewalk and crosswalk projects
 - Roadway Lighting, Signs, Signals, Raised Pavement Markers, Pavement Markings
 - Installation or adjustment of Guardrail Systems to meet VDOT's current policy and/or standards
 - Shoulder Widening up to 4 ft
 - Paving existing graded shoulder
 - High friction surfacing
 - Safety edge
 - Rumble strip installation

*Additional projects may be eligible on a case by case basis if approved by the Office of State Traffic Engineer in coordination with the Federal Highway Administration as appropriate.

APPENDIX B
Safety or Operational Project Documentation

District: _____ **UPC:** _____

County: _____ **Federal #:** _____

Route: _____ **Prepared By:** _____

Project Type/Category: _____

Existing Conditions:

Scope of Work:

Project Notes *(attach program specific documents such as HSIP Proposal or ITS Form 940):*

Approval:

Signature

Responsible Charge Engineer

Date