



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

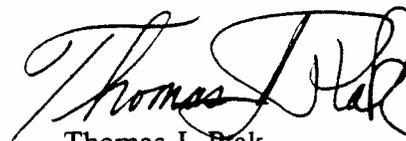
Subject ACTION: Access Control on Non-Interstate NHS Freeways Date December 8, 1997

From Associate Administrator for Program Development Reply to Attn of HNG-14

To Regional Administrators Federal Lands Highway Program Administrator

We have received several questions concerning FHWA's policy on additional access points, or modification to existing access points, on non-Interstate National Highway System (NHS) freeways. The questions relate to how provisions in 23 CFR 620, subpart B, relating to access control are to be applied. This subpart is primarily intended to prescribe procedures for relinquishment of highway facilities. Although access control is mentioned therein, these provisions must be viewed within the context of the prevailing statutory authority. Under this authority, only on the Interstate System is there a specific requirement for approval of additional access points (23 U.S.C. 111). While we expect the State departments of transportation to maintain the operational and safety integrity of non-Interstate NHS freeway facilities, there is no separate FHWA access point approval necessary as is the case for projects on the Interstate System. The design standards for all projects on the NHS, whether on the Interstate System or not, remain unchanged as contained in 23 CFR 625.

For projects where Federal-aid funds were used to acquire access control, it is expected that changes in access control be prudently managed by the State since such rights are a public asset. Net proceeds from such management can either be credited under existing disposal requirements or handled under the provisions of 23 U.S.C. 156. We are in the process of revising regulations dealing with property disposal requirements that will conform provisions in 23 CFR 620, 23 CFR 713, and 49 CFR 18. Until such time as these changes can be finalized, please be guided by this memorandum.


Thomas J. Ptak

