



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **ACTION** Changes to FHWA's Policy on
Access to the Interstate System

Date: May 22, 2017

From: Thomas D. Everett
Associate Administrator for Infrastructure
/s/

In Reply Refer To:
HIPA; HEPE

Hari Kalla
Acting Associate Administrator for
Planning, Environment, and Realty

To: Directors of Field Services
Division Administrators

Section 111(a) of Title 23, United States Code, provides that State departments of transportation (State DOTs) may not add any points of access to, or exit from, the Interstate System without prior approval of the Secretary. The Secretary has delegated this authority to the Federal Highway Administrator pursuant to Title 23, Code of Federal Regulations, Paragraph 1.48(b)(10). To implement this authority, FHWA is issuing the attached new Policy on Access to the Interstate System (Policy). The Policy was initially published in October 1990 and subsequently updated in 1998 and 2009. The new Policy replaces the 2009 Policy.

The FHWA has identified several areas where the current Policy may be streamlined to eliminate duplication with other project reviews. The new Policy will now focus on the technical feasibility of any proposed change in access in support of FHWA's determination of safety, operational, and engineering acceptability. Consideration of the social, economic, and environmental impacts and planning considerations will be addressed through the National Environmental Policy Act (NEPA) review of the project. This change will eliminate the potential for duplicative analysis of those issues in the State DOT's Interstate Access report and the NEPA documentation. The change will allow State DOTs to submit only a single technical report describing the types and results of technical analyses conducted to show that the change in access will not have significant negative impact on the safety and operations of the Interstate System.¹

The FHWA will be seeking public comment on this updated Policy. In the interim, division offices are directed to begin using the updated Policy for all new change-in-access requests

¹ The changes discussed in this memorandum do not alter or restrict the option to delegate approval authority for Interstate access justification reports to State DOTs pursuant to 23 U.S.C. 111(e).

effective May 22, 2017 (this includes projects to be processed within the division office as well as those that are forwarded to Headquarters). The FHWA will evaluate Interstate Access requests under the updated Policy as follows:

- The FHWA will rely on the information developed for NEPA reviews to account for the social, economic, and environmental impacts of the change in access. The information collected for the NEPA review of the access request should include a discussion of the need for the action (for example, why the need is not satisfied by existing interchanges or by reasonable transportation system management, geometric design, or improvements to the Interstate System or local roads); evaluation of consistency with local and regional land use and transportation plans; a comprehensive corridor or network study if the potential for future multiple interchange additions exist; and demonstration of coordination with proposed transportation system improvements when the proposal is due to a new, expanded, or substantial change in current or planned future development or land use.
- The FHWA will consider and analyze information regarding the technical feasibility of the change in access as a separate review. The FHWA's determination of safety, operational, and engineering acceptability will be based on a detailed review of this technical report.
- The FHWA's determination of acceptability, along with the supporting information, will be included as an appendix to the NEPA documentation.

Regardless of the type of NEPA action selected for the project, a separate technical report will be required to be submitted to FHWA for determination of safety, operations, and engineering acceptability. This technical report can be submitted as an appendix to the NEPA documentation in the case of an EIS, EA, or D-List CE, or as a separate stand-alone document in the case of a C-List CE. This procedure will ensure that the technical information considered during the analysis of impacts under NEPA is readily available to the public and others.²

Note that a State DOT may choose to send a separate technical report prior to a State DOT proceeding with the full NEPA documentation so that FHWA may determine the safety, operational, and engineering acceptability of the alternatives prior to engaging in the environmental impacts analysis.

If you have questions, please contact Michael Matzke, HIPA-20, at michael.matzke@dot.gov or (202) 366-4658.

Attachment

² State departments of transportation (State DOTs) may assume FHWA environmental review responsibilities under 23 U.S.C. 326 (Categorical Exclusion assignment program) or 23 U.S.C. 327 (Surface Transportation Project Delivery Program). The FHWA retains final approval authority of the Interstate System Access change request once the project receives safety, operational, and engineering acceptability; and environmental review. The FHWA will develop specific guidance on how this memorandum and Policy update is addressed in NEPA Assignment States.