

# Interstate System Access Notice of Proposed Rulemaking

CLAYTON WELLMAN  
PRE-CONSTRUCTION TEAM  
OFFICE OF PRECONSTRUCTION, CONSTRUCTION, AND  
PAVEMENTS



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

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# Current Interstate System Access Policy

2

- Most recently updated by Policy memo (May 22, 2017)  
<https://www.fhwa.dot.gov/design/interstate/170522.cfm>
- Identifies two considerations that address:
  - Safety and operations
  - Meeting standards, connecting to a public road and providing for all movements

# Proposed Provisions

3

- Proposed 23 CFR part 624 (NEW):
  - Specifies the conditions under which the proposed part 624 would be applicable (§ 624.3)
  - Identifies terms specific to the Interstate System access approval process (§ 624.5)
  - Clarifies how “significant adverse impacts” on Interstate System traffic operations or the safety for all roadway users in the project’s area of influence will be determined (§ 624.7(a))
  - Provides age limitations for traffic and safety data used in the technical analysis (§ 624.7(a))



# Proposed Provisions (Cont.)

4

- Proposed part 624:
  - Identifies the Interstate System access approval process (§ 624.9)
  - Extends the verification of an affirmative safety, operations and engineering (SO&E) determination from 3 years to 5 years (§ 624.9(e))
  - Clarifies the content of the Interstate Justification Report (IJR) (§ 624.11)
  - Identifies the Programmatic Agreement (PA) process (§ 624.13)

# Applicability - § 624.3

5

- Historically, FHWA applied the Policy to changes in access regardless of the funding source, except for:
  - Toll segments incorporated into the Interstate System that have not used Federal-aid highway funds.
  - Toll Segments added to the Interstate System under the provisions of 23 U.S.C. 103(c)(4)(A).
- This proposed rule aligns applicability with 23 U.S.C. 111(a), which ties the approval to the project agreement. (§ 624.3(a))

# Term Definitions - § 624.5

6

- Terms specific to Interstate System access such as Access Point, Interstate Justification Report (IJR) and Safety, Operations, and Engineering (SO&E) determination are defined in the proposed rule.



# “Significant Adverse Impacts” - § 624.7(a)

7

- The current Policy states:
  - “An operational and safety analysis has concluded that the proposed change in access does not have a significant adverse impact on the safety and operation of the Interstate facility (which includes mainline lanes, existing, new, or modified ramps, ramp intersections with crossroad) or on the local street network based on both the current and the planned future traffic projections.”



# “Significant Adverse Impacts” - § 624.7(a) (Cont.)

8

- The proposed rule states:
  - “The proposed change in access to the Interstate System shall not result in a significant adverse impact on the Interstate System traffic operations or the safety for all roadway users in the project’s area of influence, as demonstrated by operational and safety analyses based on both the current and future traffic projections using traffic and safety data that is no more than 5 years old.”
- This rulemaking proposes to ensure traffic and safety data used in the analysis is reasonably current.
  - No more than 5 years old.





# Approval Process - § 624.9

9

- To propose a change in access, the State DOT would submit electronically:
  - A request letter to FHWA
  - An IJR complying with section § 624.11
- If a favorable SO&E determination is made, FHWA would determine whether final approval of a **change in access** is appropriate and meets the following conditions:
  - Transportation planning, conformity, congestion management process, and NEPA must be complete
  - Alternative covered in the SO&E determination is of the same scope and design as alternative selected and approved in NEPA decision



# Verification - § 624.9(e)

10

- The current Policy provides for verification of a change in access final approval if the project has not progressed to construction within 3 years.
- The proposed rule would increase the time period to within 5 years of receiving an affirmative SO&E determination.



# Interstate Justification Report (IJR) - § 624.11

11

- This rulemaking proposes that the IJR be a standalone report with all applicable information included in the report.
- The IJR must include at a minimum:
  - Description and overview of proposed change in access
  - Preliminary documents sufficient to demonstrate geometric viability
  - Operational and safety analysis
  - Conceptual signing plan
- FHWA will consider the complexity of a change in access when determining the extent of the safety and operational analysis within the IJR.

# Programmatic Agreement (PA) - § 624.13

12

- This rulemaking proposes to clarify the process a State DOT must use if they choose to enter into a Programmatic Agreement with FHWA that would delegate to the State DOT responsibility for making SO&E determinations in accordance with 23 U.S.C. 111(e) added by section 1318(d) of MAP-21 and modified by the FAST Act.
- The PA template will be updated to reflect the final regulatory provisions and citations.

# Summary

13

- Comments on the Proposed Rule are only accepted and considered if they are submitted to the docket.
- Interstate System Access Notice of Proposed Rulemaking (NPRM) published on September 19, 2023.
- Docket at: <http://www.regulations.gov/>
- Docket Number: FHWA-2020-0006
- Regulatory Identification Number (RIN) 2125-AF89
- Comments due by October 19, 2023