



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

**Alaska Division**

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In Reply Refer To:  
ENVI 1-1

Mr. Roger Healy, P.E.,  
Chief Engineer  
Alaska Department of Transportation and Public Facilities  
P.O. Box 112500  
Juneau, Alaska 99801

  
Dear Mr. Healy:

Since the first year of implementation of the 6004 Program, the Department of Transportation and Public Facilities (DOT&PF) has excluded certain scopes of work from 6004 assignment based on discussions with the Federal Highway Administration (FHWA) Alaska Division and FHWA attorneys that occurred during the development of the 2009 *Memorandum Of Understanding between Federal Highway Administration, Alaska Division and the Alaska Department of Transportation and Public Facilities State Assumption of Responsibility for Categorical Exclusion* (MOU). This letter is intended to clarify the FHWA Alaska Division's interpretation of certain scopes of work that we have determined fall within the Categorical Exclusions (CEs) found in 23 CFR 771.117.

#### Realignments

During the development of the MOU, the FHWA made clear that the CE for modernization of a highway [23 CFR 771.117(d)(1)] was not intended to apply to roadway "realignments" that resulted in new location roadway, often referred to as a roadway on new alignment. In application, the DOT&PF has been excluding any project that included any shift in the roadway. However, we believe (and have traditionally interpreted) that some roadway shifts were inherently included within the bounds of some of the CEs found in 23 CFR 771.117.

The FHWA Alaska Division has determined that the following scopes of work fall within the meaning of 23 CFR 771.117(d)(1) *Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing)*:

- Minor roadway alignment shifts no greater than a lane width
- Roadway alignment shifts and straightening of curves (vertical or horizontal) to eliminate a safety hazard or to bring the roadway to current highway design standards
- Roadway alignment shifts in approaches to existing intersections and roundabouts
- Roadway alignment shifts necessary to accommodate the addition of auxiliary lanes (including passing lanes)
- Changes in pavement markings

The FHWA Alaska Division has determined that the following scopes of work fall within the meaning of 23 CFR 771.117(d)(3) *Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings*:

- Roadway alignment shifts in approach to a replacement bridge that require up to approximately ½ mile of new roadway on either side of the bridge structure.

The FHWA Alaska Division has determined that the following scopes of work do not fall within the meaning of 23 CFR 771.117(d)(1),(2), or (3):

- Construction or reconstruction of a road on an entirely new alignment.
- Addition of new travel through-lanes

#### Roundabouts

The DOT&PF has been excluding roundabouts from 6004 assignment since that activity is not specifically called out in any of the CEs listed in 23 CFR 771. In the past the FHWA Alaska Division Office has approved roundabouts as CEs under 23 CFR 771.117 (d), similar to other types of improvements to existing intersections. However, on September 19, 2013, the FHWA published a Notice of Proposed rulemaking in the Federal Register regarding Environmental Impact and Related Procedures – Programmatic Agreements and Additional Categorical Exclusions (78 Fed. Reg. 57587). In the preamble of this proposed rulemaking, the FHWA specifically stated that the agency considers roundabouts and traffic circle projects to be highway safety or traffic operations improvement projects of the type described in 23 CFR 771.117(d)(2).

Consistent with that text, the FHWA Alaska Division has determined that the following scopes of work fall within the meaning of 23 CFR 771.117(d)(2) *Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting*:

- Construction of new roundabouts or intersection improvements

I appreciate the extensive efforts of you and your staff in consulting with my staff over the last several months regarding this effort. It is our hope that these clarifications will add to the continued success of the 6004 Program, and enhance our joint efforts to streamline the project development process in advancing the Federal-aid Highway Program in Alaska. If you have any questions, please contact Mr. Tim Haugh, Environmental Program Manager at (907) 586-7430.

Sincerely,



Sandra A. Garcia-Aline  
Division Administrator

Electronic cc

Owen Lindauer, HEPE-10