



SUBJECT: Infrastructure Design Directive
IDD-2018-11
Design Exception, Design Variance and ADA Design Variance
Procedures

DATE: April 24, 2018

TO: Office of Infrastructure Divisions
District Offices
Transportation Design Community

FROM: Armando Armendariz, P.E.
Chief Engineer
Office of Infrastructure Divisions

FILE REFERENCE:
PSESHARE:Design Directives

The following IDD shall be used to ensure consistency in the development of all projects to be let by NMDOT in relation to Design Exception, Design Variance and ADA Design Variance Procedures. The procedures were developed in partnership by the Federal Highway Administration and Department of Transportation and serve as the Department's procedure for requesting design exceptions, variances and ADA design variances. The procedure conforms to the minimum requirements set forth by the Federal Highway Administration (FHWA) regulations for design exceptions



OFFICE OF INFRASTRUCTURE DIVISIONS

**Design Exception,
Design Variance
&
ADA Design Variance
Procedures**



TABLE OF CONTENTS

I. INTRODUCTION	3
II. DESIGN CRITERIA AUTHORITY	3
III. DESIGN EXCEPTION CRITERIA.....	3
IV. DESIGN VARIANCE CRITERIA	5
INTERSTATES AND HIGH SPEED NHS FACILITIES.....	5
LOW SPEED NHS AND NON-NHS FACILITIES.....	5
V. EVALUATING & ANALYZING PROJECT CRITERIA	5
VI. DOCUMENTATION OF DESIGN EXCEPTIONS, VARIANCES, & ADA DESIGN VARIANCES.....	7
VII. REVIEW AND APPROVAL.....	8
FEDERAL OVERSIGHT PROJECTS (INTERSTATE HIGHWAYS)	8
<i>Projects in Design Phase</i>	<i>8</i>
<i>Projects in Construction Phase.....</i>	<i>8</i>
FEDERAL OVERSIGHT DELEGATED PROJECTS (NHS HIGHWAYS).....	8
<i>Projects in Design Phase</i>	<i>8</i>
<i>Projects in Construction Phase.....</i>	<i>8</i>
STATE OVERSIGHT PROJECTS (NON-NHS HIGHWAYS).....	9
<i>Projects in Design Phase</i>	<i>9</i>
<i>Projects in Construction Phase.....</i>	<i>9</i>
NON-NHS – 100% STATE FUNDED (DISTRICT BETTERMENT) PROJECTS.....	9
VIII. REPOSITORY & FOLLOW-UP REQUIREMENTS.....	11
<i>A. RECORD KEEPING</i>	<i>11</i>
<i>B. FOLLOW-UP REQUIREMENTS</i>	<i>11</i>
IX. APPENDICES.....	12
APPENDIX A – DESIGN EXCEPTION.....	13
(INTERSTATE HIGHWAYS)	13
APPENDIX B - DESIGN EXCEPTION.....	18
(NON-INTERSTATE NHS HIGHWAYS)	18
APPENDIX C – DESIGN VARIANCE	23
APPENDIX D – ADA DESIGN VARIANCE	28

I. Introduction

The following procedures and guidelines are the New Mexico Department of Transportation's (NMDOT) policy for requesting design exceptions, design variances, and American's with Disabilities Act (ADA) design variances. NMDOT's policy conforms to the minimum requirements set forth by the Federal Highway Administration (FHWA) regulations for design exceptions.

II. Design Criteria Authority

The New Mexico State Statutes Section 41-4-11 describes overall design immunity relating to highways and streets and deviations from standard geometric design practices.

FHWA's regulations for design exceptions are located in the Title 23 Code of Federal Regulations (CFR) Section 625.3. This section defines exceptions as, "designs that do not conform to the minimum or limiting criteria as set forth in the standards, policies, and standard specifications adopted in 23 CFR 625."

The minimum standards, policies, and standard specifications are set forth in Title 23 CFR Section 625.3 and 625.4. The geometric design standards for projects on the National Highway System (NHS) as established in 23 CFR 625.3 and 23 CFR 625. are "*A Policy on Geometric Design of Highways and Streets*", AASHTO (Green Book) and "*A Policy on Design Standards Interstate System*". NMDOT has accepted the AASHTO (Green Book) as its design standard for geometric design. NMDOT has also accepted the "*AASHTO Policy on Design Standards Interstate System*" as a supplement to the Green Book standards for the Interstate system.

The United States Access Board, a federal agency committed to accessible design, has provided the *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* for Public Right-of-Way Accessibility Guidelines (PROWAG). This document will be used to identify and mitigate ADA design variances.

III. Design Exception Criteria

Design exceptions were first identified in FHWA Technical Advisory 5040.21 dated April 4, 1983, which established 11 factors to be addressed on Resurfacing, Restoration, and Rehabilitation (3R) projects.

In April 5, 1985 the design exception process was updated with implementation memorandum titled "*Implementation of New Design Criteria for Federal-Aid Projects*," which established 13 controlling criteria. The design exception process was further explained in 23 CFR 625, Federal-Aid Policy Guide, dated March 1, 2005, Transmittal 33. Most recently, the FHWA published their revisions to Controlling Criteria for design. Their memorandum titled "Revisions to the Controlling Criteria for Design and Documentation for Design Exceptions" was

issued on May 5, 2016. Those revisions eliminated 3 criteria, renamed others, and focused the application of most criteria on high speed roadways.

The following 10 controlling criteria require formal approval from the FHWA, for "High Speed" NHS facilities, which include Interstates, Freeways, and roadways with a design speed greater than 50 mph:

1. Design Speed*
2. Lane Width
3. Shoulder Width
4. Horizontal Curve Radius
5. Superelevation Rate
6. Stopping Sight Distance
7. Maximum Grade
8. Cross Slopes
9. Vertical Clearance
10. Design Loading Structural Capacity*

The following 2 controlling criteria require formal approval from the FHWA, for "Low Speed" NHS facilities with a design speed less than 50 mph:

1. Design Speed*
2. Design Loading Structural Capacity

* From the Federal Aid Policy Guide: two items, design speed and design loading capacity, warrant some further explanation and discussion.

- a) Design Speed: Design speed is a concept by which coordination of the various physical design elements is achieved. Design speed has a significant effect on the operation and safety of a highway because it is used to determine various individual design elements with specific dimensions such as stopping sight distance or horizontal curvature. Therefore, a "design speed exception" is not necessarily an exception to individual physical design elements and accordingly must be justified on that basis.

Design exceptions for Design Speed should be extremely rare and exception documentation shall provide the following information:

- i) Length of section with reduced design speed compared to overall length of project
- ii) Measures used in transitions to adjacent sections with higher or lower design or operating

- speeds.
- b) Design Loading Structural Capacity: Design exceptions for Design Loading Structural Capacity should be rare and exception documentation shall include:
 - i) Verification of safe load-carrying capacity (load rating) for all State unrestricted legal load or routine permit loads.
 - ii) In the case of bridges and tunnels on the Interstate, verification of safe load-carrying capacity (load rating) all Federal legal loads. Only under the most extreme circumstances will a design exception be approved on Interstate highways.

IV. Design Variance Criteria

Interstates and High Speed NHS Facilities

A design variance is a variation from a design parameter other than the 10 controlling criteria discussed above, or any deviation from a State Statute, a NMDOT Design Standard or Manual, NMDOT policy, MUTCD, or Roadside Design Guide criteria, etc.

Low Speed NHS and Non-NHS Facilities

A design variance is a variation from a State Statute, a NMDOT Design Standard or Manual, NMDOT policy, MUTCD, or Roadside Design Guide criteria, etc. or a deviation from the eight controlling criteria listed below:

1. Lane Width
2. Shoulder Width
3. Horizontal Curve Radius
4. Superelevation Rate
5. Stopping Sight Distance
6. Maximum Grade
7. Cross Slopes
8. Vertical Clearance

V. Evaluating & Analyzing Project Criteria

Design exceptions, design variances and ADA design variances should be requested as early as possible in the Project Development process, desirably as part of the Scoping Report. This will minimize the likelihood of an extensive re-design effort should any part of the request be denied. Late requests for design exceptions, design

variances, and ADA design variances received by the final approving official could result in substantial delay to the project letting. Some project conditions that may warrant design exceptions, design variances, or ADA design variances could be due to the preservation of historic or scenic values of the location, society impacts, acquisition of right-of-way, cost of construction, mitigation of environmental impacts, or providing accessible right-of-ways. The careful application of the flexibility provided in the design standards and policies, appropriate use of design exceptions, design variances or ADA design variances, and coordination with transportation enhancement activities can result in projects that provide safe and efficient transportation facilities and are sensitive and responsive to all users, scenic and historic resources. FHWA encourages state agencies to work together with stakeholders to develop context sensitive solutions that enhance communities and provide multiple transportation options. The Fixing America's Surface Transportation (FAST) Act of 2015 includes new provisions encouraging design flexibility and the appropriate use of design exceptions and variances and can assist in achieving such flexibility.

It is important to consider the impact of the design exception, design variance, or ADA design variance to the safety and operations of the facility as well as its consistency and compatibility to adjacent sections of roadway. The following are some of the factors that should be considered and documented:

1. Functional classifications of the road.
2. Amount and character of traffic (e.g. AADT, % heavy commercial).
3. Type of project (e.g. 3R, new construction).
4. Crash history. What are the prevalent crash types and how do they relate to the existing conditions and proposed design features?
5. The cost effectiveness of the exception compared to minimum standards. Estimate cost of exceptions and that of minimum design.
6. Project constraints and justification for the exception, variance, or ADA design variance.

Depending on the nature of the variation from the design standard, it may not be necessary to look at all of the above factors. However, before a design exception, design variance, or ADA design variance is approved there should be compelling reasons why the adopted standard or criteria should not be used.

The ADA design variance will be used where existing physical constraints make it impracticable to construct pedestrian facilities to fully meet current NMDOT standards, as determined by using sound engineering. The ADA design variance must be submitted and approved before construction activities begin in order to document that access has been designed to the maximum extent practicable within the scope of the project.

VI. Documentation of Design Exceptions, Variances, & ADA Design Variances

All design exceptions, design variances, and ADA design variances require submittal for approval and should include sufficient details and/or drawings to describe the project, ADA curb ramp documentation form, photos of the existing condition, narrative of conditions warranting a design exception and/or variance along with sufficient information to answer the following and serve as the justification:

- 1) What is the design criteria that will not be met?
 - a) State specific AASHTO or Department standard or policy.
 - b) To what degree is the standard is being reduced?
- 2) What are the characteristics of existing and proposed roadway? (functional classification, terrain, AADT, % Trucks, Posted Speed, crash data)
- 3) What alternatives were considered?
- 4) What will be the effect on safety and operations as well as impacts to the right-of-way, community, environment, cost and usability by all modes of transportation (provide data, research, crash data analysis or basis of professional judgment)?
- 5) Will the exception or variance affect other standards?
- 6) What measures are provided to mitigate the deviation?
- 7) How does the exception or variance relate to adjacent sections of the roadway? Is consistency provided?
- 8) Has there been historical evidence that would indicate that an exception or variance would sacrifice the improvements established by a minimum design standard? (i.e. flooding, irregular maintenance, etc.)
- 9) What is the value realized by applying an exception or variance (i.e. resource impacts/benefits, social impacts/ benefits, cost impact/benefits, timeline impact/ benefits, etc.)?
- 10) Other options considered.

VII. Review and Approval

Federal Oversight Projects (Interstate Highways)

Projects in Design Phase

Federal Oversight projects are limited to projects on the Interstate Highway System. The request must be initiated by the responsible professional engineer (e.g. Project Development Engineer (PDE), Consultant, or Technical Engineer for the various discipline components of a project). Prior to submitting the request for approval the PDE shall coordinate with the responsible Engineering Support Manager (Traffic, Bridge, Drainage) at the General Office and receive concurrence by the Regional Design Manager. These requests require FHWA approval and should be formally transmitted to the FHWA Division Administrator (or designee) by letter after the Chief Engineer approval and Construction Liaison Engineer (CLE) concurrence.

Projects in Construction Phase

In cases where the need for a design exception, design variance, or ADA design variance arises from changes in the field during construction, the District Construction Section must appoint a Responsible Engineer to initiate the documentation outlined in this document. In cases where engineering design standards are being deviated from the Responsible Engineer shall coordinate with the appropriate Engineering Support Manager (Traffic, Bridge, Drainage) at the General Office prior to submitting the request for approval. The Responsible Engineer will sign the request and concurrence is required by the PDE or Engineer of Record, Regional Design Manager, and the CLE. These requests require FHWA approval and should be formally transmitted to the FHWA Division Administrator (or designee) by letter after the State Construction Engineer approval and Construction Liaison Engineer (CLE) concurrence. The Chief Engineer shall be copied on the approved exception.

Federal Oversight Delegated Projects (NHS Highways)

Projects in Design Phase

For non-interstate projects on the NHS FHWA approval has been delegated to the State per the NMDOT/FHWA Stewardship and Oversight Agreement. Design exceptions, design variances, and ADA design variances approved by the State for FHWA are subject to FHWA oversight through periodic process reviews. Concurrence is required by the responsible Regional Design Manager with approval granted by the Chief Engineer and concurrence by the CLE.

Projects in Construction Phase

In cases where the need for a design exception, design variance, or ADA design variance arises from changes in the field during construction, the District Construction Section must appoint a Responsible Engineer to initiate the documentation outlined in this document. In cases where engineering design standards are being deviated from the Responsible Engineer shall coordinate with the appropriate Engineering Support Manager (Traffic, Bridge, Drainage) at the General Office prior to submitting

the request for approval. The Responsible Engineer will sign the request and concurrence is required by the PDE, Regional Design Manager, and the CLE. The approval is granted by the State Construction Engineer and a copy sent to the Chief Engineer.

State Oversight Projects (Non-NHS Highways)

Projects in Design Phase

These requests require State approval and must be formally initiated by the responsible professional engineer (e.g. PDE, Consultant, or Technical Engineer for the various discipline components of a project). The PDE shall coordinate with the responsible Engineering Support Manager (Traffic, Bridge, Drainage) at the General Office prior to submitting the request for approval. Concurrence is required by the Regional Design Manager with approval granted by the Chief Engineer. CLE concurrence will be required if federal funds are utilized.

Projects in Construction Phase

In cases where the need for a design exception, design variance, or ADA design variance arises from changes in the field during construction, the District Construction Section must appoint a Responsible Engineer to initiate the documentation outlined in this document. These requests require State approval and must be formally transmitted to the State Construction Engineer. The Responsible Engineer will sign the request and concurrence is required by the PDE, Regional Design Manager, and the CLE with approval granted by the State Construction Engineer. The Chief Engineer shall be copied on the approved exception or variance.

Non-NHS – 100% State Funded (District Betterment) Projects

For District Betterment Projects that are 100 percent State funded, design exceptions will be required when:

- Project occurs on the Interstate and the pavement cross slopes are less than 1.5 percent.
- There is a conversion of a shoulder to a driving lane.
- There is a lane width reduction (for roadways with a design speed lower than 50 mph a design variance will be required in lieu of a design exception).

The scope of these projects is to maintain, preserve or extend the service life of an existing roadway pavement, structure or drainage facility. Such projects are not intended to update the geometrics to current standards. However, NMDOT ADA standards, AASHTO standards and other Department standards that were in effect at the time of the original construction will apply. This shall be noted in the plans and it shall be recorded as “This section of highway was originally built under (Route, Section) using design standards as per the (date) AASHTO publication entitled (name of publication) or Department publication entitled (name of publication).”

While this information may be difficult to locate, a good faith effort to obtain the as-built plans for the roadway section should be done and that information included in the plans.

Current NMDOT ADA standards/PROWAG must be followed and features updated as part of the scope of work or documented and added to the District Transition Plan that will address upgrading to current standards at a later date. Any substandard features created, ADA non-compliance, or existing features made worse, must be covered by an ADA design variance since such actions in effect change the project as built.

The following activities are considered alterations by the Department of Justice and FHWA that will require ADA compliance:

Addition of new layer of asphalt	New construction
Cape Seals	Open-graded surface course
Hot in-place recycling	Rehabilitation
Micro-surfacing/Thin-lift overlay	Reconstruction
Mill & Fill/Mill & Overlay	

The following activities are considered maintenance by the Department of Justice and FHWA that will not require ADA compliance:

Chip seals	Surface sealing
Crack filling and sealing	
Diamond grinding	
Dowel bar retrofit	
Fog seals	
Joint crack seals	
Joint repairs	
Pavement patching	
Scrub sealing	
Slurry seals	
Spot high-friction treatments	

Other examples of projects in this category are guardrail installations, spot drainage structure extensions, and curb & gutter repair.

VIII. Repository & Follow-up Requirements

A. Record Keeping

The project files must include all approved design exception, design variance, and ADA design variance information. Additionally, a central filing system shall be maintained containing all design exceptions, design variances, and ADA design variances at each Regional Design Center and in the Office of Infrastructure (Chief Engineer). FHWA maintains its own file on design exceptions, thus copies of State approved design exceptions, variances, and ADA design variances on State oversight projects should be forwarded to the New Mexico Division FHWA office.

B. Follow-up Requirements

The project authorization process must acknowledge if a design exception, variance, or ADA design variance is applicable and approved accordingly for every project or otherwise certify to FHWA that no design exceptions, design variances, or ADA variances exist.

Strategic Highway Network (STRAHNET)

The STRAHNET is a system of highways that provides defense access, continuity and emergency capabilities for movements of personnel and equipment in both peacetime and wartime.

For projects on the STRAHNET System, exceptions to the minimum 16' vertical clearance must be coordinated with the Surface Distribution and Deployment Command, Transportation Engineering Agency (SDDCTEA) prior to approval of a design exception. The office approving the design exception, whether it is the FHWA Division or NMDOT under 23 USC 106(b), should notify the SDDCTEA directly. For projects on the Interstate System, not on the STRAHNET System, prior coordination is not required, but FHWA policy provides that SDDCTEA be notified of vertical clearance exceptions.

Director, SDDCTEA, Attn: SDTE-SA, 720 Thimble Shoals Blvd., Suite 130,
Newport News, VA 23606-4537 (Telephone: 757-599-1117, Fax: 757-599-1560,
Toll Free: 1-800-722-0727)

IX. Appendices

Appendix A – Design Exception (Interstate Highways)

Appendix B – Design Exception (Non-Interstate NHS Highways)

Appendix C – Design Variance

Appendix D – ADA Design Variance

Appendix A – Design Exception

(Interstate Highways)

This form to be used for Federal Oversight Projects on Interstate Highways in the either the Design or Construction Phase

Division Administrator
 FHWA, New Mexico Division
 4001 Office Court Drive, Suite 801
 Santa Fe, New Mexico 87507

Date

Subject: Design Exception (Interstate)

Control Number:	
County:	
Termini:	
Description:	

Technical Data

Functional Classification:		Terrain:	
Current AADT/Year:		Design AADT/Year:	
Current DHV:		Design DHV:	
Current % Trucks:		Design % Trucks:	
Posted Speed:		Selected Design Speed:	
Crash Data (Number):		Crash Data (Rates):	

Design Exception

Design exception formal approval from FHWA is requested for one of the following 10 controlling criteria:

- Design Speed
- Lane Width
- Shoulder Width
- Horizontal Curve Radius
- Superelevation Rate
- Stopping Sight Distance
- Maximum Grade
- Cross Slopes
- Vertical Clearance
- Design Loading Structural Capacity

If more than one exception criteria is needed please submit each separately. However, if one exception causes another exception they must be submitted together.

Design Standard or Policy Criteria:

- 1.
- 2.

Reference or Policy:

- 1.
- 2.

Proposed Design Criteria (and Location as applicable):

Background Information:

The scope of this project is:

-
-

Justification:

1. To what degree is the standard is being reduced?
2. What will be the effect on safety and operations (provide data, research, crash data analysis or basis of professional judgment)?
3. Will the exception affect other standards?
4. What measures are provided to mitigate the deviation?

The U.S Department of Transportation, through the Federal Highway Administration, published Mitigation Strategies for Design Exceptions in July 2007. Upon referencing this publication, we propose including the following measures to aid in the protection of motorists.

5. How does the exception relate to adjacent sections of the roadway? Is consistency provided?
6. Has there been historical evidence that would indicate that an exception would sacrifice the improvements established by a minimum design standard? (i.e. flooding, irregular maintenance, etc.)
7. What is the value realized by applying an exception (i.e. resource impacts/benefits, social impacts/ benefits, cost impact/benefits, timeline impact/ benefits, etc.)?
8. Other options considered.

Requested By:

Engineer in Responsible Charge (Consultant)

Date

Project Development Engineer / Technical Support Engineer

Date

Concurrence:

Regional Design Manager

Date

Construction Liaison Engineer

Date

Approved:

Chief Engineer

Date

FHWA

Date

Approval (comments):

Appendix B - Design Exception

(Non-Interstate NHS Highways)

This form to be used for Federal Oversight Projects on NHS Highways in the either the Design or Construction Phase



Intra-Departmental Correspondence

Date:

TO: Chief Engineer Office of Infrastructure Divisions

1120 Cerrillos Road

Santa Fe, NM 87504

From:

Subject: Design Exception (Non-Interstate, Non-PoCI, or Non-PoDI)

Control Number:	
County:	
Termini:	
Description:	

Technical Data

Functional Classification:		Terrain:	
Current AADT/Year:		Design AADT/Year:	
Current DHV:		Design DHV:	
Current % Trucks:		Design % Trucks:	
Posted Speed:		Selected Design Speed:	
Crash Data (Number):		Crash Data (Rates):	

Design exception formal approval is requested for one of the following 10 controlling criteria:

- Design Speed
- Lane Width
- Shoulder Width
- Horizontal Curve Radius
- Superelevation Rate
- Stopping Sight Distance
- Maximum Grade
- Cross Slopes
- Vertical Clearance
- Design Loading Structural Capacity

If more than one exception criteria is needed please submit each separately. However, if one exception causes another exception they must be submitted together.

Design Standard or Policy Criteria

- 1.

Reference or Policy:

- 1.
- 2.

Proposed Design Criteria (and Location as applicable):

Background Information:

The scope of this project is:

-
-

This project begins at milepost...

Justification

1. What is the degree to which the standard is being reduced?
2. What will be the effect on safety and operations (provide data, research, crash data analysis or basis of professional judgment)?
3. Will the exception or variance affect other standards?
4. What measures are provided to mitigate the deviation?
5. How does the exception or variance relate to adjacent sections of the roadway? Is consistency provided?
6. Has there been historical evidence that would indicate that an exception or variance would sacrifice the improvements established by a minimum design standard? (i.e. flooding, irregular maintenance, etc.)
7. What is the value realized by applying a an exception or variance (i.e. resource impacts/benefits, social impacts/ benefits, cost impact/benefits, timeline impact/ benefits) ?
8. Other options considered.

Requested By:

Engineer in Responsible Charge (Consultant)

Date

Project Development / Technical Support
Engineer

Date

Concurrence:

Regional Design Manager

Date

Construction Liaison Engineer

Date

Approved:

Chief Engineer

Date

Approval (comments):

Copy: FHWA Division Administrator (or designee)

Appendix C – Design Variance



Intra-Departmental Correspondence

Date:

TO: Chief Engineer Office of Infrastructure Divisions

1120 Cerrillos Road

Santa Fe, NM 87504

From:

Subject: Design Variance

Control Number:	
County:	
Termini:	
Description:	

Technical Data

Functional Classification:		Terrain:	
Current AADT/Year:		Design AADT/Year:	
Current DHV:		Design DHV:	
Current % Trucks:		Design % Trucks:	
Posted Speed:		Selected Design Speed:	
Crash Data (Number):		Crash Data (Rates):	

Design Variance

- 1.

Design Standard or Policy Criteria

- 2.

Reference or Policy:

- 1.
- 2.

Proposed Design Criteria (and Location as applicable):

Background Information:

The scope of this project is:

-
-
-
-

This project begins at milepost ...

Justification

1. What is the degree to which the standard is being reduced?
2. What will be the effect on safety and operations (provide data, research, crash data analysis or basis of professional judgment)?
3. Will the exception or variance affect other standards?
4. What measures are provided to mitigate the deviation?
5. How does the exception or variance relate to adjacent sections of the roadway? Is consistency provided?
6. Has there been historical evidence that would indicate that an exception or variance would sacrifice the improvements established by a minimum design standard? (i.e. flooding, irregular maintenance, etc.)
7. What is the value realized by applying a an exception or variance (i.e. resource impacts/benefits, social impacts/ benefits, cost impact/benefits, timeline impact/ benefits) ?
8. Other options considered.

Requested By:

Engineer in Responsible Charge (Consultant)

Date

Project Development / Technical Support
Engineer

Date

Concurrence:

Regional Design Manager

Date

Construction Liaison Engineer
(Not required for 100% state funded projects)

Date

Approved By:

Chief Engineer

Date

Approval (comments):

Appendix D – ADA Design Variance



Intra-Departmental Correspondence

Date:

To: Chief Engineer Office of Infrastructure Divisions

1120 Cerrillos Road

Santa Fe, NM 87504

From:

Subject: ADA Design Variance

General Information

Control Number:	
County:	
Project Termini:	
Specific Location:	
Curb Ramp / Intersection:	
Station and	

Offset:	
---------	--

Facility Type: *Indicate which facility type is being investigated. If “other” is selected, please provide a description of the facility.*

- Curb Ramp
 Accessible Pedestrian Signal
 Other _____
 Sidewalk
 Accessible Pedestrian Pushbutton

Appendix: *The appendix shall contain ADA Curb Ramp Documentation form(s), photos of the existing condition, and detail layout, if applicable.*

Project Information: *Indicate project type. If “Other” is selected, please provide a description of the project being performed. Also, be sure to complete the remaining questions by answering “Yes” or “No” to the appropriate questions than provide the Average Daily Traffic (ADT) for the roadway the pedestrian facility crosses on the line provide.*

- Resurfacing
 Signal Project
 New Construction_(Technically Impractical normally
 Reconstruction Widening Project not applicable)
 Other _____

Pedestrian Traffic Yes No

Pedestrian Trip Generators Yes No

Safety Concerns Yes No

“No Peds” Signs Yes No

Existing Crosswalk Yes No

Existing Sidewalk Yes No

Existing Pushbuttons Yes No

ADT Yes No

Justification for Technically Impracticable: *Indicate which justification for technically impracticable applies to the investigated facility. There can be more than one option. If “other” is selected provide a description of the justification. Items checked must not be included in the scope of the project.*

Exception: *In alteration work, if compliance is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.*

Technical Impracticable: *Where existing physical constraints make it impracticable for altered elements, spaces, or facilities to fully comply with the requirements for new construction, compliance is required to the extent practicable within the scope of the project. Existing physical constraints include, but are not limited to, underlying terrain, right-of-way availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature.*

- Limited Right of Way Existing Utilities Structures, Buildings, Vaults
 Historic Areas Environmental Area Grade Separation

 Other 1 _____ Other 2 _____

Investigated Design Alternatives/Why Alternative Was Not Selected: *Provide a description for the investigated design alternatives and why each alternative was not selected in order to justify why **Technically Impracticable** is being applied to the particular pedestrian facility.*

- 1.
- 2.
- 3.

Alternative Selected and Description of Which Requirements are not met: *_Provide a description of the alternative that was selected and what requirement(s) per NMDOT standards/PROWAG that the project does not meet to the **Maximum Extent Practicable**. Examples: running slope, cross slope, grade break, width, counter slope, gutter lip, flares, obstruction, protrusions, clear width, etc.*

1. Proposed Design Deviation (Maximum Extent Practicable):

2. Justification for Design Deviations:

3. Applicable NMDOT Standard(s) / PROWAG affected:

Transition Plan Elements: *Identify current physical obstacles that limit the accessibility of programs or activities to individuals with disabilities that will not be part of the current scope of the project for the District to utilize in planning and prioritizing future projects. Complete this section if the modifications of these elements will be completed through the District Transition Plan. Provide suggested modification and approximate modification cost.*

1.

2.

3.

Requested By:

Engineer in Responsible Charge (Consultant)

Date

Project Development / Technical Support
Engineer

Date

Concurrence:

NMDOT ADA Coordinator

Date

Regional Design Manager

Date

Construction Liaison Engineer

Date

Approved:

Chief Engineer

Date

Approval (comments):

Copy: FHWA Division Administrator (or Designee)