Application of the Design Exception Process
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- FHWA
  - FAPG Design Exceptions.docx
    - General - exceptions may be given on a project basis to designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for: experimental features on projects and projects where conditions warrant that exceptions be made.
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- The careful application of the flexibility provided in the design standards and policies, appropriate use of design exceptions........can result in projects that provide safe and efficient transportation facilities and are sensitive and responsive to scenic and historic resources.
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- Some project conditions that **may** warrant exceptions
  - extreme difficulty or high cost of obtaining right-of-way
  - cost of construction
  - mitigation of environmental impacts
  - the preservation of historic or scenic values
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• Any of the 13 Controlling Criteria that do not meet the established Federal Standards must have Design Exceptions
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- FHWA full oversight projects on the National Highway System (NHS):
  - For projects that do not meet AASHTO Green Book design standards, a design exception document (following the FHWA Design Exception format) needs to be prepared for FHWA formal approval. After obtaining FHWA approval, if the project also does not meet the Board of Classifications & Standards Minimum Design Standards, it should be presented to the Board for a relaxation.
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- Federal-aid projects **not on the NHS**: Standards are approved state standards.
  - Projects that do not meet the Board of Public Roads Classifications & Standards Minimum Design Standards need to be presented to the Board for a relaxation.
  - This includes those that do not meet the Green Book when it represents the State Standards

- All Projects with Federal Oversight require FHWA approval also
Application of the Design Exception Process

- Non-FHWA full oversight projects on the NHS (regardless of funding):
  - Projects that do not meet AASHTO Green Book design standards, a design exception document (following the FHWA Design Exception format) needs to be prepared for NDOR approval.
  - Projects that do not meet the Board of Public Roads Classifications & Standards Minimum Design Standards need to be presented to the Board for a relaxation.
  - All Projects with Federal Oversight require FHWA approval also
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- State Standards - NBPRCS
  - NEB.REV.STAT §39-2113 Any county or municipality which believes that the application of standards for any functional classification to any segment of highway, road, or street would work a special hardship, or any other interested party which believes that the application of standards for scenic-recreation roads and highways to any segment of highway, road, or street would defeat the purpose of the scenic-recreation functional classification contained in section 39-2103, may request the board to relax the standards for such segment.
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- Design Exceptions / Relaxations should be identified and obtained early in the design process
- Before the NEPA document is completed
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- **Key Elements of the Design Exception**

  - safety and operation of the facility and its compatibility with adjacent sections of roadway.
  - functional classification of the road
  - amount and character of the traffic
  - type of project (new construction, reconstruction, or 3R)
  - crash history and type of accidents
  - cost of attaining full standards
  - impacts of obtaining full standards on scenic, historic, or other environmental features,
  - future programmed improvements
  - Any proposed mitigation measures
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- **Important Thoughts**
  - Design Exceptions must be obtained when the 13 controlling criteria are not met.
  - Design Relaxations must be obtained when the Minimum Design Standards are not met.
  - Design Exceptions / Relaxation must be used 
    **judiciously** to ensure safe and efficient transportation system.
Questions???