

Chapter 13 EXCEPTIONS

13.1 Exceptions: (Applicable To All Types of Work)

General

Conditions may arise or exist in the field that make it impractical or cost prohibitive to comply with a particular design criteria or standard. Where compliance with a Policy, roadway design criteria or standard is impractical, an "Exception" must be obtained. Exceptions may be requested from criteria or standards. Exceptions are not to be interpreted as compromising safety or quality.

The **FDOT's** roadway design criteria and standards usually fall within the desirable ranges established by AASHTO and where they deviate they have been accepted by FHWA and govern the design process. When it becomes necessary to deviate from the **FDOT's** criteria, early documentation and approval is required. When **FDOT's** criteria are met, no Exception is required.

The **FDOT** has established a formal process for the documentation and approval of deviations from criteria and standards used within the **FDOT** R/W. This is to ensure cost effective and sound engineering principles are applied.

The Exception process is not solely to be applied to **FDOT** roadway projects. Any time a Utility cannot comply with **FDOT** policy, criteria, or standards contained within the **UAM**, an Exception is required before the request will be permitted. This applies to any new installation by a utility through the District Maintenance Office except as expressly excluded elsewhere in the **UAM**. One example (not all inclusive) of an exclusion is replacement of an existing pole where there is no accident history.

In instances where the **FDOT** enters into an agreement for joint use of pole facility for lighting or the location of the poles are established by lighting requirements contrary to clear zone or horizontal clearance requirements, the preparation of the required Exception shall be the responsibility of the **FDOT** and not the Utility.

In those cases where specific guidelines are not defined and the criteria cannot be complied with, the Utility must relocate or apply for an Exception through the District Design Engineer.

It is the responsibility of the Utility to initiate a request for an Exception when compliance with **FDOT** criteria, standard, or policy cannot be achieved. It is also the responsibility of the Utility who is requesting an Exception to develop the documentation and submit it to the District Design Engineer for processing and approval. If the utility design or relocation is being prepared by forces other than the Utility, the submittal must be signed and sealed by a qualified licensed Florida professional engineer. All Exception requests shall comply with the documentation and study requirements contained in Section 13.5 of the **UAM**.

This shall also include any services required to substantiate the request with the following exceptions:

- To the extent it is not prohibited by law, the **FDOT** will furnish to the Utility, upon request, a copy of any safety study accomplished for a project under consideration for improvement,
- To the extent it is not prohibited by law, the **FDOT** will furnish to the Utility, upon request, a copy of any information related to its Five Year Work Program.

To expedite the approval of Exceptions it is important that the correct approval process be used. The specific documentation and approval requirements for an Exception must be met. The Utility must clearly document the action taken and approval given. Non-**FDOT** Construction Project related Exception requests shall be processed by the District Maintenance Office. **FDOT** Construction Project related Exception requests shall be processed through the District Design Engineer's Office. To aid in the decision processes, identification and processing of Exceptions, flowcharts, and considerations have been provided as Exhibit B through I.

In the event an Exception request has been denied by an **FDOT** District Office and the Utility believes the denial to be unreasonable, a redress process has been developed. Prior to pursuing this process, the Utility must have supplied the appropriate support documentation in a timely manner and in accordance with the UAM. If this has been accomplished, the Utility, in its sole discretion, may provide the request for an Exception directly to the Office of the State Roadway Design Engineer for a determination. Such determination will be processed by the State Roadway Design Engineer within ten (10) **FDOT** working days.

13.2 Types of Exceptions:

Exceptions are required when any one of the following criteria or policies described in Sections 13.2.1 through 13.2.6 that are not complied with or by policy requires an Exception prior to access or use:

- 13.2.1 Vertical Clearance
- 13.2.2 Horizontal Clearance
- 13.2.3 Limited Access R/W Use (L/A R/W, Rails, Trails, Bikeways)
- 13.2.4 Control Zone Use
- 13.2.5 Clear Zone
- 13.2.6 MSE Walls

Note: Exception type 13.2.3 is referred to as a Policy Exception. All others are referred to as Criteria or Standards Exceptions. A Policy Exception for access may be approved in the District without Central Office involvement. However, if the Policy Exception contains non-compliance with any of the Criteria or Standards Type Exceptions, review, concurrence and approval as appropriate must be sought from the Central Office. If more

than one type of Exception is required, all will be processed as a single package with the appropriate boxes checked on Exhibit A, Utility Exception Form.

Exhibit A is provided as an example document for requesting an Exception. This Form must be completed and included as part of the file documentation regardless of whether it is to be submitted to the Central Office or not. The purpose is to have a concise submittal form and a means to readily perform Quality Assurance activities for evaluating any need for future criteria, standards and policy changes. To assist in determining criteria, the tables found in Chapter 5 and the Exhibits section of the ***UAM*** are provided with excerpts that relate to utilities as copied from the ***"AASHTO Publication, A Policy On Geometric Design Of Highways And Streets," 2001 Fourth Edition.***

13.3 Concurrence and Approval of Exceptions

Exceptions on projects having full federal oversight and involvement require a recommendation by the District Design Engineer and the Utility for approval by the FHWA Division Administrator. On non-full Federal oversight projects, Exceptions are recommended by the Utility or the responsible qualified licensed Florida professional engineer for approval by the District Design Engineer. A public or private utility may submit to the District Design Engineer a completed Exception package for work designed by the Utility's own forces. However, if the design is by others, the package must be submitted, signed, and sealed by a qualified licensed Florida professional engineer registered in the State of Florida.

Exceptions for locating on Limited Access Facilities such as Non-Operating Railroad Facilities, Trails, and Bikeways, must be approved by the District Secretary or designee and do not require concurrence from the State Roadway Design Engineer. Exceptions for locating on all other Limited Access Facilities including Operating Railroad Facilities must be approved by the ~~State Highway Chief~~ Engineer or designee.

Any exception for design speed on the FHHS system shall require concurrence from the ~~State Highway Chief~~ Engineer or designee.

Exceptions for MSE or PE Walls, or impacting the geometry, vertical clearance, or layout of structures, or superstructure cross-slope, require concurrence from the State Structures Engineer.

All other Exceptions require concurrence from the State Roadway Design Engineer.

Any reduction in vertical clearance over an interstate roadway to less than sixteen and one half (16.5) feet requires an **FDOT** Exception.

Any exception that reduces vertical clearance over an interstate roadway to less than sixteen (16) feet requires FHWA coordination with Military Traffic Management Command (MTMC) and approval before the District Design Engineer can approve the exception.

13.4 Coordination of Exceptions

In order to allow time to research alternatives and begin the analysis and documentation of activities, it is critical that Exceptions be identified as early in the process as practical. This is preferably done during the PD&E phase for major projects and during the scope development phase for minor projects.

When the need for an exception has been determined, the District Design Engineer or responsible qualified licensed Florida professional engineer must coordinate with the appropriate persons identified above to obtain conceptual concurrence and any required documentation requested. This coordination may be expedited by reviewing the exception with the District's **FDOT** Area Design Engineer.

For exceptions requiring full Federal oversight, the District Design Engineer must also coordinate with FHWA to obtain conceptual concurrence and any required documentation requested by FHWA. This is usually done by also reviewing the exception with the District's FHWA Area Engineer. It is good practice to review the exception with both area engineers at the same time. This will help expedite the approval and concurrence process.

Exception approval should be obtained no later than the initial engineering phase. The later in the design phase an Exception is sought, the less likely it can be accommodated without having adverse affects on the project.

13.5 Justification and Documentation of Exceptions

The objective of the Utility is to demonstrate to the **FDOT** that the cost of relocating is greater than the benefit. This is a benefit/cost assessment. A benefit/cost assessment is not always required if other determining factors are such that a decision can be made without this effort. When a benefit/cost assessment is necessary, the **AASHTO Roadside Design Guide** shall be used for flush pavement roadway sections. Either the Roadside Design Guide or empirical methods (at the Utility's option) must be used for curbed roadway sections. An assessment should include any added benefits of meeting the criteria. All exception requests shall include documentation sufficient to justify the request and independently evaluate the safety impacts.

To meet state and federal requirements, any Exception request must include documentation addressing all of the issues described in Sections 13.5.1 through 13.5.4:

- 13.5.1 Description
- 13.5.2 Safety Impacts
- 13.5.3 Benefit / Cost Assessment
- 13.5.4 Conclusion and Recommendation

The above information is to be attached in full and summarized if possible, on Form Exhibit A and submitted to the District as appropriate.

See "EXHIBITS B through I" for general guidelines on exception considerations and flowcharts for exceptions and utility location decisions.

See "Exhibit B" for General Exception Considerations.
See "Exhibit C" for Exception Considerations for the Designer.
See "Exhibit D" for Exception Considerations for the Utility.
See "Exhibit E" for Exception Scenarios on RRR Type Projects.
See "Exhibit F" for Utility Exception Flowchart.
See "Exhibit G" for Generalized Location Decision Flowchart.
See "Exhibit H" for Project Type Location and Relocation Decision Flowcharts.-
See "Exhibit I" for Control Zones.
See "Exhibit L" for Utility Liaison Process
See "Exhibit M" for Determining Minimum HDD Depth

13.6 Concurrence Review of Exceptions

After conceptual approval of the Exception (per Section 13.4) has been obtained from the District Design Engineer, District Maintenance Engineer, ~~State Highway Chief~~ Engineer or designee, State Roadway Design Engineer, FHWA, and the Structures Office, as appropriate and as required above, and the documentation justifying the exception is signed and forwarded in accordance with the sample request letter Exhibit A to the State Roadway Design Engineer, the exception will be reviewed for completeness and adherence to the requirements.

If the exception complies with all requirements, the concurrence will be signed by the appropriate persons. When necessary, the exception will be forwarded to FHWA for approval.

After all approval or concurrence signatures are obtained, the exception will be returned to the District Maintenance or Design Engineer, or responsible qualified licensed Florida professional engineer. A copy will be retained by the State Roadway Design Engineer.