

Construction

Appendix 11-23

U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
WASHINGTON, D.C. 20235

September 10, 1964

CIRCULAR MEMORANDUM TO: Regional and Division Engineers

FROM: G. M. Williams, Director of Engineering and Operations
32-34

SUBJECT: Federal participation on haul roads and detours

Enclosed is a copy of Mr. Whitton's letter of August 28 on the above subject. This letter provides general guidance for handling such matters.

Normally, approval of the plans, specifications, and estimate, including designated haul roads and provision for payment for the repair and maintenance thereof, would constitute the finding referred to in the last paragraph of Mr. Whitton's letter provided the justification for it is documented in the records.

Enclosure

U.S. DEPARTMENT OF COMMERCE
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WASHINGTON, D.C. 20235

August 28, 1964
IN REPLY REFER TO: 32-34,

Mr. G. Langsner
Secretary-Treasurer
Western Association of State Highway Officials
Box 1499
Sacramento, California 95801

Dear Mr. Langsner:

Your communication of July 29 requests an expression of favorable policy from the Bureau of Public Roads concerning participation of Federal funds in (1) the construction and maintenance of haul roads and temporary roads, and (2) the reconstruction, extra maintenance and rehabilitation of local roads and streets used as material haul routes and detours directly related to Federal-aid highway projects.

You referred to "... the March 21 resolution of the Mississippi Valley Conference of State Highway Officials ..." on this subject. I have had check made with Mr. George E. Goodwin, Executive Director, Indiana State Highway Commission, and current president of the Mississippi Valley Conference of State Highway Departments, as to the existence of such a resolution. I am advised that a resolution was submitted to the Resolutions Committee by two

States, but that after thorough discussion the resolution was not accepted by the committee and thus no further action was taken by the conference.

Because of the many variations in conditions affecting different construction projects, it is readily apparent that each individual project must be judged on the unique facts and circumstances attendant thereto.

Generally, the construction of haul roads, runarounds, detours, and the like, incident to the proper construction of a Federal-aid project, whether included as an obligation of the contract or as may be established by a State highway department for the particular contract, may be eligible for Federal participation. Federal funds cannot, however, participate in maintenance and repair of highways under ordinary conditions.

When the use of public streets and highways as haul roads for construction materials results in subjecting them to abnormal concentrations of unusually heavy loads and necessitates repair and maintenance work considerably in excess of what would normally be required, such repair and maintenance work may be classified as "incidental construction" and as such would be eligible for Federal participation in the cost under certain conditions. This would be true regardless of whether the haul roads were on or off the Federal-aid system.

The repair and maintenance work eligible for Federal participation would be limited to that which, under the particular facts and circumstances of the individual case, can most reasonably be classified as a necessary incident to the construction of a Federal-aid highway project, as distinguished from the regular repair and maintenance work that would be required on the highway or street to keep it in satisfactory condition for traffic use if it were not subjected to the abnormal concentration of unusually heavy loads occasioned by construction hauling or by detour traffic.

In order for the cost of maintaining and repairing a haul road to be eligible for participation with Federal funds, a positive finding must be made by the State with concurrence the Public Roads division engineer that the necessary repair and maintenance work qualifies as "incidental construction."

Sincerely yours,

Rex M. Whitton
Federal Administrator

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