

BRIDGE ADMINISTRATION MANUAL

COMDTINST M16590.5C



**Homeland
Security**



Intermodal Mobility, Safety & Security



COMDTINST M16590.5C

COMMANDANT INSTRUCTION M16590.5C

MAR 26 2004

Subj: BRIDGE ADMINISTRATION MANUAL

1. PURPOSE. This Manual prescribes updated policy guidance on Bridge Administration, based on 33 U.S.C. 401, 491 through 535 and 33 CFR 114 through 118. All personnel involved in the administration of bridges should use this Manual.
2. ACTION. Area and district commanders shall ensure that all bridge actions are conducted in compliance with this Manual. This Manual shall not be posted on the Coast Guard Internet site.
3. DIRECTIVES AFFECTED. This Manual supersedes the previous Bridge Administration Manual, COMDTINST M15690.5B.
4. DISCUSSION. Amendments have been made to this Manual to reflect the change from the Department of Transportation to the Department of Homeland Security, provide policy guidance and clarification on program implementing procedures and numerous editorial and format changes.
5. ENVIRONMENTAL ASPECTS AND IMPACT CONSIDERATION. Environmental considerations were examined in the development of this Manual and have been determined to be not applicable.
6. FORMS/REPORTS. The Bridge Administration Program Quarterly Activities Report (RCN 16590-1) Chapter 1.I and the Bridges Over Navigable Waters of the United States Completion Report (RCN 16590-2) Chapter 4.I.



D.S. BELZ

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CHAPTER 1- GENERAL

A. Policy

1. Congress' intent, in enacting the bridge statutes, was to retain exclusive jurisdiction for all bridges over all navigable waters of the United States. These statutes are intended to maintain the freedom of navigation on the navigable waters of the United States and to prevent their impairment as navigable streams.
 - a. The Coast Guard's duty and responsibility, under the authorities delegated to the Commandant, is to preserve the public right of navigation.
 - b. Bridges across the navigable waters of the United States are considered obstructions to navigation, permitted only when they serve the needs of land transportation. While the public right of navigation is paramount to land transportation, it is not absolute. This right may be diminished to benefit land transportation, provided that the reasonable needs of navigation are not impaired.
2. Federal approval for the construction, maintenance, and operation of bridges under the applicable bridge statutes must consider the impact on the freedom of navigation, and the human environment, as required by various federal environmental statutes.
3. All interested federal, state, local agencies, and individuals shall have full opportunity to participate in the bridge administration functions. Coordination and consultation with parties interested in the construction, maintenance, and operation of bridges shall be established as early as possible.
4. This manual references all applicable statutes, regulations, and procedures. It provides guidance for applying this policy. It shall be followed for all Bridge Administration purposes.

B. Mission

1. In applying the above policy, the Bridge Administration Program (BAP) mission is to protect the freedom of navigation and the quality of the human environment by taking a balanced approach to total transportation systems, both land and water modes, in all program actions.
2. We must remember that the bridge statutes and the subsequent court interpretations require bridges provide for the **reasonable** needs of navigation, not for **all** the needs of navigation.
3. We must also remember that, as the nation's land (highway-rail) transportation system expands, its dependence on and importance to the national economy, defense, and recreation grows at least equal to that of the water-mode transportation system.

4. When considering bridge actions, we must work to promote the overall goals of the Department of Homeland Security (DHS). This must be done in a balanced manner to accommodate, to the greatest practical extent, the needs of all the surface transportation modes -- highway, rail, pipeline and marine.
5. To ensure that proposed bridge projects meet the **reasonable** needs of navigation, the Coast Guard must promote and expedite projects that facilitate national and international commerce and provide for the reasonable needs of present and prospective land and marine transportation.
6. Such balance is essential to further the DHS's strategic plan and its goals of linking America by improving and renovating our national transportation infrastructure.

C. General Considerations

1. Navigable Waters of the United States:

- a. **Definition:** For BAP purposes, "Navigable Waters of the United States" includes the following (*unless specifically declared otherwise by Congress*):
 - 1) The territorial sea;
 - 2) Internal waters subject to tidal influence; or
 - 3) Internal waters not subject to tidal influence,
 - (a) which are or have been used, or are or have been susceptible for use, by themselves or in connection with others, as highways for **substantial interstate or foreign commerce**, notwithstanding obstructions that require portages; or
 - (b) which a governmental or non-governmental body with expertise in waterway improvement determines, or has determined to be, capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with others, highways for substantial interstate or foreign commerce.
2. **Procedure:** Following an applicant's informal request, or when a formal bridge permit application is received, the District Commander shall consult with the district legal officer. The consultation is to verify that the waterway has been determined to be a "navigable water of the United States." This consultation will reveal:
 - a. That the waterway is navigable, in which case the permit will be processed normally; or
 - b. That the waterway is non-navigable, or is navigable only due to historic use, in which case the applicant will be told that a Coast Guard permit is not required;

or

- c. That the waterway has not previously been examined regarding navigability, in which case the District Commander (generally through the district legal officer) will be asked to provide a navigability determination.

3. **Navigability Determination:** If neither the Congress nor the federal courts has addressed the navigability of a particular waterway, then the District Commander may make a navigability determination, in accordance with 33 CFR 2.

- a. **Navigability Information:** When the District Commander is asked to give a navigability determination, the following information should be provided, in addition to other necessary information:
 - 1) Name, location, and description of waterway
 - 2) Specific point of interest (*mile*)
 - 3) Extent of tidal influence
 - 4) Tributary of or to another waterway
 - 5) Length, depth, and width at high and low water, as applicable
 - 6) Fall per mile
 - 7) Description of existing or proposed improvements to navigation
 - 8) List of known survey documents or reports describing the waterway
 - 9) Nature and location of obstructions to navigation
 - 10) Past interstate or foreign commerce activities
 - 11) Present interstate or foreign commerce activities
 - 12) Evidence of probable use of interstate or foreign commerce in its natural condition
 - 13) Evidence of probable use for interstate or foreign commerce with reasonable improvement
 - 14) Extent of jurisdiction exercised by other federal agencies
 - 15) Navigability determinations made by other federal agencies
 - 16) Recommendation regarding navigability

- b. **Recreational Use:** Use of a waterway by recreational craft, alone, does not constitute interstate or foreign commerce. Therefore, use by recreational craft shall not constitute evidence of susceptibility.
- c. **Commercial Use:** A finding of "substantial" commerce may be based upon a waterway's economic impact or its utilitarian impact (e.g., the only practical method of moving a commodity is along a particular waterway, or a waterway provides the only trade link for a community, even though the economic impact might be relatively minor). Examine each factual setting on its merits.
- d. **Boundaries:** A navigable waterway shall normally be considered to extend to its full width, bank-to-bank. The mean high water line (MHW) shall apply for this purpose. Harbor lines and bulkhead lines, where established, do not delimit the navigability of the waterway.
- e. **Tidal Nature:** Internal waters of the United States are considered navigable when they are subject to tides, whether they are fresh, brackish or saline. The salinity content of the water is not a determinative factor.
- f. **Legal:** Jurisdiction for BAP purposes is further addressed in Chapter 4.F.

4. **Bridges and Causeways:**

- a. **A bridge** is any structure over, on, or in the navigable waters of the United States that is used for transporting people, vehicles, commodities, or other physical matter and that allows the passage or flow of water through or under it. A bridge is that engineering entity composed of all integral elements of the bridge, approaches, and appurtenances, regardless of the materials used, whether natural or manufactured or the construction methods.
 - 1) This definition includes, but is not limited to: highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways, conveyors, pipelines, gauging cables, and similar structures of like function.
 - 2) This definition does **not** include: aerial power transmission lines, submerged pipelines, cable ferries, telephone or communication cables, dams, dikes, dredging and filling, wharves, piers, breakwaters, bulkheads, jetties or similar structures and works, unless:
 - (a) they are integral features of a bridge and are used in its construction, maintenance, operation, or removal, or
 - (b) they are affixed to the bridge and affect the clearances provided by the bridge.

- 3) The U.S. Army Corps of Engineers (USACE) has jurisdiction over these structures under Sections 9 and 10 of the Rivers and Harbors Improvement Act of March 3, 1899, as amended (33 U.S.C. 401 and 403).
- b. **A causeway** is a raised road of solid fill across water or marshland, constructed so that the water or marshland is on both sides of the road and water is unable to pass through. A raised road with any openings, which allow for the exchange of water from one side to the other, is a “bridge” with solid fill approaches, not a “causeway.” In addition, a causeway is constructed in navigable waters or affects navigation, navigable waters, and design flood flows. *(See paragraph 4.G.2.a.(1)) concerning legislative authority.)*
- c. **Multi-purpose Structure:** A structure serving multiple purposes and having characteristics of either a bridge or causeway, and possibly some other structure, shall be considered a bridge or a causeway when the entire structure, including its appurtenances and incidental features, has or retains the predominant characteristics and purpose of a bridge or a causeway.
- 1) A structure shall not be considered a bridge or a causeway when its primary and predominant characteristics and purpose are other than those stated herein, or when it meets these general definitions only in a narrow technical sense or as a result of incidental features.
 - 2) For example, a **dam's** main purpose is to block water, but one can often travel across it. A causeway's main purpose is to cross a waterway, but it also constrains water.
 - 3) These interpretations are intended to minimize the instances requiring an applicant for a single project to obtain a permit, or series of permits, from both the DHS and the USACE for each separate feature or detail of a project when that detail serves, incidental to its primary purpose, more than one purpose and has features of either a bridge, causeway, or of some other structure.
 - 4) However, if parts of a project are separable and can be fairly and reasonably characterized or classified in an engineering sense as separate structures, then each such structure shall be so treated and considered for approval by the agency having jurisdiction thereover. *[See Enclosure (3)].*
 - 5) In cases where proposed structures or modifications of structures do not clearly fall within one of the classifications described above, the application should be forwarded with recommendations of the reviewing officers to the Commandant (G-OPT) for determination.
 - 6) The term "bridge and its approaches," as used in 33 CFR 114.05, should

be defined in each case by applying proper engineering sense to the facts of the case. The term may be defined generally as including all work integral to the structure itself.

- (a) For example, if a bridge deck's grade is the same as the grade of the highway approach to it, then the point where the abutment or last pier meets the approach, inclusive of the abutment or last pier, would be considered the limit of the bridge.
 - (b) In cases where the bridge deck is at a higher elevation, the point where a change in grade in the approach highway occurs would be considered the limit of the bridge.
- d. **Navigation:** Navigation shall mean commerce upon the waterway, in the customary sense, as applied by the courts and law. For BAP purposes, recreational boating normally will be considered as falling within the term "commerce."
 - 1) No distinction shall be made between commercial and recreational vessels, nor shall the use or purpose of a vessel on the waterway be considered as a basis for making such a distinction.
 - 2) In this regard, it is understood that the use of a waterway by recreational craft will not by itself establish the Coast Guard's authority under the laws applicable to bridges crossing that waterway.
 - 3) However, once this authority has been established (*see paragraph C.3. above*), no distinction shall be made between commercial and recreational vessels in the administration and enforcement of those laws. Neither the use nor purpose of any vessel using a waterway provides a basis for making such distinctions.
- e. **Commencement of Construction:** Commencement of construction is normally considered to be the date on which work actually begins on the site of the proposed bridge, or its approaches or ancillary works. This includes work in the water, such as filling, dredging, or other work authorized by the USACE, which is related to the bridge project. However, in cases where construction will be performed under a construction contract, with performance guaranteed by bond or other surety, the contract date shall be considered the date of commencement.
- f. **Completion of Construction:** The completion date is normally considered to be one of the following: the date upon which the structure completely spans the waterway in conformance with the configuration shown on the plans and any required navigational lights have been installed, or the date it opens to traffic or is placed in operation and all temporary falsework has been removed from the waterway.

- g. **Artificial Waterways:** Artificial waterways, which are substantively manmade and are dedicated for public navigation, are navigable waters of the U. S., if they are actually used for substantial interstate or foreign commerce, or if they are subject to tidal influence. Such non-tidal waterways cease to be navigable when they are no longer used for navigation, when they revert to dry land uses, or when they are rededicated to non-navigation uses such as drainage canals, irrigation canals, water supply aqueducts, or water-oriented recreation uses.

D. Altering the Character of Bridges and Causeways

1. **Abandoned Bridges:** The jurisdiction of the Secretary of Homeland Security and the Coast Guard over bridges and causeways includes the authority to require that these structures are removed when the owners want to discontinue their approved use for transportation purposes.
 - a. Each individual case must be treated according to the particular set of facts and circumstances surrounding it.
 - b. The pertinent law, 33 U.S.C. 502(a) states, in part: "Whenever the Secretary of Homeland Security shall have good reason to believe that any railroad or other bridge over any of the navigable waters of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, ... it shall be the duty of the said Secretary, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy and unobstructed; and in giving such notice he shall specify the changes that are required to be made, and shall prescribe in each case a reasonable time in which to make them ..." "If the persons, corporation, or association ... willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of Homeland Security... shall be deemed guilty"
 - c. Case law further supports Coast Guard authority in requiring the removal of abandoned bridges:
 - 1) "A bridge across a navigable stream is an obstruction to navigation tolerated only because of necessity and the convenience of commerce on land . . ." [33 U.S.C. 401, Note 30 (*Clement v. Metropolitan West Side Elevated Ry. Co.*, Ill. 1903, 123 F. 271, 59 C.C.A. 289)].
 - 2) "Certain obstructions are under certain circumstances reasonable -- such as duly authorized bridges which serve the interests of land transportation. ...When the bridge became unusable and was abandoned, it became an unreasonable obstruction, for whose existence the railroad was responsible." (*U.S.A. v. N.Y. Central Railroad Co.*, et

al., No. 63-72, U. S. District Court, Mass., November 9, 1965).

- d. In view of the above, bridges that are not used for the convenience of land transportation are considered unreasonable obstructions to navigation and cannot be tolerated. Please note that each case should be treated on an individual basis, giving consideration to the particular facts and circumstances surrounding it, and the procedures given in Chapter 9 should be followed in every alleged violation proceeding. The approval of Commandant (G-OPT) is required prior to any district action involving the removal of abandoned bridges.

2. **Retention of Structures:** If the owner of a bridge or causeway discontinues its use and wishes to remove or alter any part thereof in a way that alters its character, then the Coast Guard will normally require removing the structure from the waterway in its entirety, or to an elevation deemed appropriate by the responsible Coast Guard District Commander.

- a. However, if the owner of a bridge or a causeway wishes to retain it in part for use other than for operation and maintenance as a bridge or causeway, then the structure remaining will be considered as coming within the jurisdiction of the USACE.
- b. In such cases, the Coast Guard will refer the applicant to the USACE for consideration. If the USACE approves the conversion of a bridge or causeway to another structure, then no residual jurisdiction over the structure will remain with the Coast Guard. However, if the USACE declines jurisdiction or does not approve the proposed conversion, then the structure remains a bridge subject to the jurisdiction of the Coast Guard.
- c. **Drawbridge Conversions to Fixed Bridges:** An occasion may arise where a bridge owner wishes to convert a drawbridge to a fixed bridge.
 - 1) If the drawbridge is to be permanently converted to a fixed bridge through constructive means, a permit action is required as this is considered a deviation from previously approved plans.
 - 2) If the owner wishes to keep the bridge closed, but not physically convert it to a fixed structure, a regulatory action is required. In this case the bridge would still be regularly inspected and would be able to open in the future, if necessary. This would not require a permit action.

E. Structural Integrity of Bridges and Their Appurtenant Fendering Systems

1. From time to time the issue of who's responsible for the structural integrity of bridges across U.S. navigable waters comes up, not infrequently following or during the investigation of marine casualties involving vessel - bridge hits. The information in this section constitutes long-established Commandant (G-OPT) policy on this

important issue and is included herein because of its importance to prudent stewardship of the several federal bridge statutes.

2. The Coast Guard has no statutory authority or responsibility for the structural integrity of bridges or their appurtenant pier protection fendering systems across navigable waters of the United States. That responsibility rests with the bridge owner, FHWA and/or the FRA.
 - a. All bridges, whether new or old, are vulnerable to collapse depending where they are hit, by what type of vessel or tow they are hit with and at what point of contact and angle. The FHWA and FRA have inspection programs to identify substandard highway and railroad bridges.
 - b. On waterways where there is commercial navigation warranting it, bridge piers in or adjacent to navigable channels are protected with fendering systems. However, it is not fiscally prudent to have pier protection fendering systems at every bridge pier/piling situated in a waterway. As for vessels staying in the channel to avoid marine casualties, the same principle exists with land traffic. Cars, trucks, trains, etc., are supposed to stay in designated lanes or on rail lines.
 - c. Structural standards for the design of bridge piers and their appurtenant fendering systems to protect against collapse due to vessel hits can be found in the publications of The American Association of State Highway Officials (AASHTO) for highway bridges and The American Railway Engineering and Maintenance Association (AREMA) for railroad bridges. It is the responsibility of the bridge owners, not the Coast Guard, to adhere to those standards.

F. Closure of Waterways and Restriction of Passage Through or Under Bridges

1. Under the applicable bridge acts, the Commandant has the authority to approve the clearances required for navigation through or under bridges. It is understood that this duty and authority extends to and may be exercised in connection with the construction, alteration, operation, maintenance, and removal of bridges, and includes the power to authorize the temporary restriction of passage through or under a bridge by the use of falsework, piling, floating equipment, closure of draws, or any works or activities which temporarily reduce the navigational clearances and design flood flows including closure of any or all spans of the bridge.
2. Furthermore, under the Ports and Waterways Safety Act of 1972, 33 U.S.C. 1221, the Commandant (Captain of the Port or Officer in Charge Marine Inspection) exercises broad powers in waterways to control vessel traffic in areas he determines are especially hazardous.
3. The Commandant (Captain of the Port or Officer in Charge Marine Inspection) may also establish safety/security zones or other measures for limited controls or conditional access and activity, when necessary, to prevent damage to, or the

destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States.

4. Accordingly, if work related to the construction, alteration, or repair of a bridge or causeway is of such a nature that, for the protection of life and property, navigation through or in the vicinity of the bridge or causeway must be temporarily prohibited, then the Coast Guard may close that part of the affected waterway while the work is being performed.
5. However, it is also clear that the Secretary of the Army and the Chief of Engineers have the authority, under Section 4 of the Act of August 18, 1894, as amended, 33 U.S.C. 1, to prescribe rules for the use, administration, and navigation of the navigable waters of the United States.
6. The Coast Guard recognizes that authority, and, pursuant to Section 102(c) of the Ports and Waterways Safety Act, 33 U.S.C. 1222(c), will consult with the USACE when anyone contemplates either significantly restricting a passage through or under a bridge or temporarily closing a waterway.

G. Interagency Coordination

1. District Commanders should establish liaison with local representatives of agencies having responsibilities ancillary to Coast Guard bridge responsibilities.
2. Specific field agencies, with which contact should be established or maintained, include: district and division components of the USACE, regional offices of the U. S. Fish and Wildlife Service (F&WS), the National Park Service (NPS), state highway and conservation offices, the U. S. Environmental Protection Agency (EPA), the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), international boundary commissions, equivalent state and local agencies, local business associations, and environmental interest groups, as appropriate.
3. The District Commanders should be prepared to participate with these agencies at the earliest possible time in planning any bridge projects involving the Coast Guard and the DHS.
4. Qualified Coast Guard Auxiliarists and their facilities are authorized assignment to duty to support and augment bridge surveys, investigate and provide information regarding waterways safety and navigation situations pertaining to the Bridge Program, and provide direct assistance and support to Bridge Program personnel. See Enclosure 4, Memorandum of Understanding & Joint Action Plan, for further information and guidance on using Auxiliary assistance.

H. Inspection of Bridges

1. **General:** Under the provisions of regulations pertaining to the lighting, construction, and operation of fixed and movable bridges across navigable waters -- 33 CFR 114,

115, 117 and 118 -- the owners, operators, or agencies controlling such bridges are required to maintain and operate these bridges properly.

- a. Failure of the owner to maintain and operate the structure according to the regulations and conditions of the bridge permit may violate the applicable laws and regulations. The Coast Guard is responsible for enforcing the laws and regulations regarding complaints, reports, or observations of a violation.
2. **Drawbridges:** Drawbridges should be periodically inspected to ensure that they are properly operated and maintained. These inspections should be conducted only when district personnel are near or at locations where drawbridges are situated.
 - a. Additionally, drawbridge owners should be periodically requested to verify the setting of the light controls and the setting of controls, which show bridge tenders that the bridges are actually in the fully open position. Records of such verifications should be analyzed and kept in appropriate district files, and immediate action should be taken to correct any violations.
 3. **Enforcement:** In responding to complaints, reports, or observations of a violation, the District Commander shall promptly conduct the investigation or inquiry deemed necessary and shall take appropriate action to correct the violation, if one is found.

I. Bridge Administration Program Quarterly Activities Report

1. Background:

- a. The Bridge Administration Program Quarterly Activities Report is a work measurement tool, which allows the program workload at the field level to be continually evaluated by the Program Manager.
 - 1) This report is needed to monitor the efficiency and effectiveness of program operations and to evaluate staffing and other resource needs.
 - 2) It is essential for developing program budget resource change proposals, supporting requests for personnel resource FTE positions and related Headquarters management of the program.
 - 3) Effective 30 June 2003, the quarterly report was simplified to a new format. This effort was made in order to decrease District Bridge Office (DBO) workload while at the same time providing essential work measurement data to Commandant (G-OPT). See Figure 1-1.
 - 4) For individual permit cases, use Figure 1-2.
- b. The report is done on a fiscal-year basis and is due to Commandant (G-OPT) by the 15th of the month following the end of the quarter (*i.e.*, 15 OCT, 15 JAN, 15 APR, and 15 JUL). The Data Capture Sheet (For Individual Permit Case), Figure 1-2, shall be forwarded to G-OPT-2 with each permit case

submitted for review and approval. Positive contributions, which each DBO believes it has made to the BAP or to the Commandant's or Secretary DHS's goals during the quarter, should also be recorded on Figure 1-2.

- c. Actual measurement of the work activities being reported will likely be a continuing all-hands event under the direction of the senior district Bridge Program Manager.
- d. Although work measurement is time consuming, it is an important and congressionally mandated task. The data will help Commandant (G-OPT) and district Bridge Program Managers see where staff work is concentrated and will help focus on improving the production processes, particularly those taking longer.
- e. Past experience, collected data and the 1993 Quality Action Team (QAT) analysis of the BAP field workload, resulted in establishing the following cycle times and Coast Guard work times, per project (*event*) within these cycles, for the following three primary field program workload activities:

| Activity | Average Cycle Time | Staffing Per Event |
|--------------------|--------------------|--------------------|
| Permits | 10 mos. | 75 days |
| Permanent Regs. | 12 mos. | 41 days |
| T-H Investigations | 18 mos. | 68 days |

- f. These standards currently serve as benchmarks for the activities indicated and may be adjusted pending further analysis of measurement data provided in program quarterly reports.

2. Discussion:

- a. The directions for filling out the new quarterly report, Figure 1-1, are stated on the report form.
- b. The reverse side of Figure 1-1 provides an explanation of each of the 20 data elements on the quarterly report form.

3. Procedures:

- a. On or about the last workday of a fiscal year quarter, Commandant (G-OPT-2) will send the Figure 1-1 quarterly report form to each DBO manager via an e-mail attachment. Each DBO shall complete the report form and return it to Commandant (G-OPT-2) no later than the close of business on the 15th of the month following the last day of the quarter. If the 15th falls on a weekend or a holiday the form may be returned on the next workday.
- b. The Data Capture Sheet (For Individual Permit Case), Figure 1-2, shall be

submitted to Commandant (G-OPT) along with the permit case file for both district-issued permits and Headquarters-issued permits. The individual permit data capture sheet provides space to identify and list only one individual project.

- c. Districts should complete all appropriate blanks on Figure 1-2 (e.g., District, Quarter, and FY) and should identify bridge permit projects by name of bridge, or by waterway name and milepoint.
- d. The individual permit project name should be inserted on the line labeled "Waterway Name and Milepoint."
- e. Enter the permit number on the line labeled "Case ID or PNUM assigned." Only one identifier, such as "CG EIS," "OTH EIS," "FONSI," or "CE" should be checked to identify the type of case represented.
- f. Only one data capture sheet per case should be submitted to Commandant (G-OPT-2) with each individual permit case. For example, if a given district has completed five permit cases during a given quarter, then it should submit one copy of the permit data capture sheet, Figure 1-2 with each case. This means that five total permit data sheets would be submitted for the given quarter, for that district.
- g. A single numerical count relevant to a given data item is the only kind of information to be entered by the districts on the Figure 1-1 data sheet.
- h. It is a BAP policy that bridge field staffs shall not spend significant time at bridge sites monitoring construction activity. Management of construction activities should generally be by exception, i.e., as complaints are received from the mariner.
- i. Bridge field staffs shall not spend significant time at bridge sites assessing security or vulnerability issues related to Maritime Homeland Security. The BAP does not currently have sufficient resources to pursue these activities.
- j. The total number of bridge hits during the quarter will continue to be tracked by the Commandant (G-OPT). Enter the number, as appropriate, on the new report form per the included instructions.
- k. The line labeled "FTE (fractional)" is provided for recording other than the normal complement of employees working during the quarter. Enter a single number, such as 6.5, on the new data form per the included instructions.

Figure 1-1 BRIDGE ADMINISTRATION QUARTERLY ACTIVITIES REPORT
RCN-16590-1 (Rev. 6/03)

Directions: Enter the number of *cases still open* (active) at end of quarter for each item in the *left-hand* column. Enter the number of *cases completed* during the quarter for each item in the *right-hand* column. Enter zero (0) for items having no activity during the quarter. The last five items require only a single number, as should be obvious. Record (enter) this number in the “Active Cases” column. See the following page for a brief explanation of how each item is to be interpreted by all Districts. Perceived deviations from this interpretation will not be credited, and no verbal explanations should accompany your report. All reports are due in Commandant (G-OPT) by the 15th of the month following the FY quarter’s end.

| | | Active Cases | Completed Cases |
|-----|------------------------------------|--------------|-----------------|
| 1. | Permits: | | |
| 2. | Pre-Apps: | | |
| 3. | Lighting: | | |
| 4. | Adv. App: | | |
| 5. | Regulations: | | |
| 6. | Pre-Apps: | | |
| 7. | Deviations: | | |
| 8. | Pre-Apps: | | |
| 9. | PN/BNM/LNM: | | |
| 10. | Construction: | | |
| 11. | Pre-Apps: | | |
| 12. | Civil Penalties: | | |
| 13. | Jurisdiction: | | |
| 14. | Truman-Hobbs: | | |
| 15. | Bridge Discrepancies: | | |
| 16. | Bridge Hits: | | |
| 17. | Project Cost: | | |
| 18. | Meetings/Training (days spent): | | |
| 19. | Total Leave (days used): | | |
| 20. | FTE (fractional): | | |

Explanation of Each Data Item on Form RCN-16590-1 (Rev. 6/03)

1. Permits: The number of permits, either completed during quarter or still open at end of quarter. Enter a single number or zero.
2. Permit Pre-Apps: The number of pre-applications for bridge permit, either completed or still open. Enter a single number or zero.
3. Permit Lighting: The number of lighting cases either completed or still open. Enter a single number or zero.
4. Adv. App: The number of permit advance approval cases either completed or still open. Enter a single number or zero.
5. Regulations: The number of regulation cases either completed or still open. Enter a single number or zero.
6. Regulations Pre-Apps: The number of pre-applications for regulations either completed or still open. Enter a single number or zero.
7. Deviations: The number of requests for deviations either completed or still open. Enter a single number or zero.
8. Deviations Pre-Apps: The number of deviations pre-applications either completed or still open. Enter a single number or zero.
9. PN/BNM/LNM: The total number of all actions in any of these categories either completed or still in process. Enter a single number or zero.
10. Construction: The number of construction monitoring actions either completed or still in process. Enter a single number or zero.
11. Construction Pre-Apps: The number of construction pre-application actions either completed or still open. Enter a single number or zero.
12. Civil Penalties: The number of these actions either completed or still open. Enter a single number or zero.
13. Jurisdiction: The number of these actions either completed or still open. Enter a single number or zero.
14. Truman-Hobbs: The number of these cases either completed or still open. Enter a single number or zero.
15. Bridge Discrepancy follow-up: The number of unscheduled incidents that occur outside the normal operation of a bridge to include; bridge closures, electrical outages, lighting, etc.
16. Bridge Hits: Enter a single number for total hits occurring during quarter.
17. Project Cost: Enter the total estimated cost of all projects *active* during quarter. Do not count speculated costs of projects in pre-application stage.
18. Meetings/Training: Enter total staff days spent on these during quarter.
19. Total Leave: Enter the total annual plus sick leave taken during quarter.
20. FTE (fractional): Enter a number such as 6.5 only if a part-time or temporary employee was used (in this example, half-time) during quarter. Otherwise, leave blank. This is the only item to be left blank.

**Figure 1-2 BRIDGE ADMINISTRATION PROGRAM QUARTERLY ACTIVITIES REPORT
(FOR INDIVIDUAL PERMIT CASE)**

RCN-16590-1 (Rev. 6-03)

| PERMIT | | | | |
|--|--|------------------------------|----------|---------|
| Case ID or PNUM assigned: | | District: | | |
| | | Quarter: | | |
| | | FY: | Ext.Cyc. | Int.Cyc |
| | | Cyc.Time: | | |
| | | | | |
| | | | | |
| | | | | |
| | | CG EIS | OTH EIS | FONSI |
| | | | | CE |
| Element or Factor: | | | | |
| Total Estimated Project Cost: | | | | |
| | | | | |
| Comments on Support of Commandant's and/or SECDHS's National Goals and Objectives: | | | | |
| | | | | |
| Waterway Name and Milepoint: | | | | |
| | | | | |
| Date Pre-Application Starts: | | Date Case Work is Completed: | | |
| Date Pre-Application Ends: | | Date District Issued Permit: | | |
| Date Case Work Starts: | | Date Case File Mailed to HQ: | | |
| Date Interrupt #1 Occurs: | | Date HQ Received Case File: | | |
| Date Interrupt #1 Ends & Work Starts: | | Date HQ Issued Permit: | | |
| Date Interrupt #2 Occurs: | | | | |
| Date Interrupt #2 Ends & Work Starts: | | Additional Work Interrupts: | | |
| Date Interrupt #3 Occurs: | | | | |
| Date Interrupt #3 Ends & Work Starts: | | | | |
| Date Interrupt #4 Occurs: | | | | |
| Date Interrupt #4 Ends & Work Starts: | | | | |

J. Bridge Permit Conditions and Drawbridge Regulations for Improper Purposes

1. Conditions to a bridge permit proposed or requested by federal, state or local agencies, or by individuals as a means to enforce objectives otherwise unenforceable by law, will not be accepted and included in bridge permits. That is, the requirement for the future reconstruction of a bridge at the owner's expense in case the character of navigation in the waterway changes, and the requirements which interfere with property rights of the States or police powers of local jurisdictions.
 - a. Neither will conditions otherwise enforceable by law by other agencies be included in a bridge permit as a second means of enforcement. This includes conditions that are already part of another agency's permit or license or that are clearly enforceable under another agency's jurisdiction.
 - b. In other words, the bridge permit shall not be used to enforce otherwise unenforceable conditions or conditions that are already legally enforceable by other agencies.
2. In cases where permits are required from other federal, state, or local agencies, any conditions contained therein, which are conditions enforceable under the authority of the Coast Guard, are not binding on the Coast Guard or the permittee. When the District Commander notices such conditions, he or she should advise the agency and the permittee of the Coast Guard's paramount authority in the matter.
3. Drawbridge operation regulations will not be promulgated in cases where the primary intent or purpose is to achieve objectives otherwise unenforceable by law. Examples of such improper purposes include restriction of drawbridge operation to save costs of maintenance and operation, or restriction of drawbridge operation to inhibit navigation or navigation facility improvements.
4. Conversely, restrictive regulations will be amended when relaxing them will encourage navigation or the development of navigation facilities, despite objections to such encouragement.

K. International Bridge Act of 1972

1. The Department of State and the U. S. Coast Guard jointly work together on technical assistance matters regarding the preparation of environmental documents for international bridges. It is important to note that a permit is required for all bridges over waterways that form the U. S. boundaries with Mexico and Canada whether or not the waterway in fact carries navigation.
2. This joint cooperation ensures the respective responsibilities of each agency for preparing environmental documents related to the construction of international bridges, pursuant to the International Bridge Act of 1972, are fulfilled without unnecessary duplication of effort.

- a. The Commandant (G-OPT) provides the Department of State technical advice and monitoring assistance, as requested, over the development and preparation of appropriate environmental documentation.
 - b. This cooperation with the Department of State ensures that the environmental documentation for the Presidential Permit required under the International Bridge Act also satisfies environmental documentation requirements for the specific location and plans subject to the later (in time) U. S. Coast Guard bridge permit approval process.
 - c. Under the provisions of Section 4 of the International Bridge Act of 1972, the President shall secure the advice and recommendations of the head of such departments and agencies, as he deems appropriate.
3. The President has delegated his authority to the Secretary of State. In turn, the Secretary of State established an advisory work group from the several departments and agencies concerned. This group, known as the Binational Committee on Bridges and Border Crossings, functions as advisors under the Act and as support staff to the State Department during consultations with Mexico and Canada on border crossing matters.
 4. The Commandant (G-OPT) is the sole Coast Guard representative on the binational committee. Accordingly, Commandant (G-OPT) shall be directly informed of all contacts involving international bridges generally, and particularly during the early planning phases of construction, whether bridges are subject to the International Bridge Act, prior Acts, or to other authorities such as treaties, conventions, etc.

L. Violations of Law

1. Section 108 of the Coast Guard Authorization (CGA) Act of 1982, Public Law 97-322 enacted October 15, 1982, authorizes imposing civil penalties for bridge statute violations by amending the following laws:
 - a. Section 5 of the Rivers and Harbors Appropriations Act of 1894 (33 U.S.C. 499);
 - b. Section 18 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 502);
 - c. Section 5 of the Act of March 23, 1906 (33 U.S.C. 495); and
 - d. Section 5 of the General Bridge Act of 1946 (33 U.S.C. 533).
2. Before the CGA Act, the above laws only provided for enforcement by criminal penalty, which authority still remain. The civil penalty provided by the CGA Act is not more than \$1,100; however, each day a violation continues shall be considered a separate offense. (*See Chapters 8 and 9 for specific guidance.*)

M. Case Records

1. The issuance or denial of bridge permits, drawbridge operating regulations and Orders to Alter under the Truman-Hobbs Act are defined as orders (*licenses*) or regulations subject to the provisions of the Administrative Procedure Act of 1946. This act was later repealed, and its provisions were incorporated in Subchapter II, Administrative Procedure, of Title 5, U.S.C., Government Organization and Employees (5 U.S.C. 551-559).
2. The case records of these actions are public records and shall be available to the public, as prescribed in 5 U.S.C. 552.
3. Disposition of the case records shall conform to the provisions of Maintenance, Transfer and Destruction of Headquarters Records, HQINST M5212.6 (series) or the Paperwork Management Manual, M5212.12 (series).
 - a. Bridge permit case records are permanent records, as long as the bridge exists. They may be destroyed two years after the bridge is removed from the waterway.
 - b. Drawbridge operation case records are permanent, in a similar context. They may be destroyed two years after the bridge is made a fixed bridge, **or** it is removed from the waterway.
 - c. Obstructive bridge case records are permanent, as long as the bridge exists. They may be destroyed two years after the bridge is removed from the waterway.

N. Administrative Procedures

1. Coast Guard bridge permits and drawbridge operation regulations are instances of orders and rulemaking, defined by and subject to the Administrative Procedure Act provisions of 5 U.S.C. 551-559 and elsewhere under Title 5, U.S.C., as appropriate.
2. The letter and spirit of public notice and opportunity for participation in the proceedings shall be fully accorded in a meaningful, fair and objective manner.
3. The record of the proceedings is a public record and shall be available to the public, as prescribed in 5 U.S.C. 552.
4. No conditions precedent to accepting any application or petition for a bridge permit or drawbridge regulation, except as prescribed in this manual, shall be imposed.
5. No *ex parte* proceeding, agreement or prejudgment determining the outcome of the processing of any application for bridge permit or drawbridge regulation shall be entered into by any person charged with the responsibility of making a final recommendation or decision.

O. Assistance to Oversight BAP Field Operations

1. **General:** Due to the specialized and unique nature of the BAP, Headquarters is available to assist district upline management with Program oversight at the field level. This assistance is offered to ensure that the technical work of the program is properly and correctly performed, and agency final actions on bridge matters meet the reasonable needs of navigation and the requirements of applicable laws, regulations, policies and procedures.
2. **G-OPT Participation in Annual Performance Rating:** Effective with the EARS Performance Appraisal Process which begins on 01 April 2004, the national Program Manager (PM) at Headquarters, Commandant (G-OPT), is available to participate in the annual final performance rating of each district BAP field manager. Commandant (G-WPC-3) fully supports G-OPT's constructive use of the EARS appraisal process. At the close of the EARS rating period (31 March) Commandant (G-OPT) will provide, upon request, input to the first line supervisor of each district Bridge Administrator/Manager, who may then use this information for incorporation into the final summary rating of the district Bridge Administrator/Manager. Commandant (G-WPC-3) strongly encourages this use of the EARS appraisal process and G-OPT hereby is making this use available to District Commanders.
3. **Performance WorkPlan Considerations:** Accordingly, district first line supervisors who have district Bridge Administrators as direct reports may include in the EARS Performance Appraisal form, a page 4 WorkPlan entry, containing the requirements to timely advise, coordinate and support the national PM by involving him/her early on in sensitive cases as required by the Note following Chapter 4.C.1.h of this manual.
4. **Performance Measurement:** Headquarters ability to measure field manager's performance for appropriate input to the first line supervisor will be based upon actual review results of case work submitted on bridge program actions for adherence to Commandant Instructions, applicable laws, regulations, and other policies and procedures governing the operation of the BAP.

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CHAPTER 2- NAVIGATIONAL CONSIDERATIONS

A. Introduction

1. The several federal bridge statutes and the mission of the Bridge Administration Program (BAP) are intended to ensure that freedom of navigation is maintained on the navigable waters of the United States, and bridge construction or operation is not authorized that would create unreasonable obstructions to navigation.
 - a. As indicated in Chapter 1, it is the duty and responsibility of the Coast Guard, under the authorities delegated to the Commandant by the Secretary of Homeland Security, to ensure the public right of navigation is preserved while maintaining a reasonable balance between the competing needs of land and waterborne modes of transportation.
 - b. This chapter provides guidance in addressing the navigational issues, which must be considered during the bridge permitting and regulatory processes described in Title 33, Code of Federal Regulations, Parts 114-118.
2. The provisions of this chapter are to be considered in context with all other chapters of this manual, as applicable.

B. Legal Authorities

1. The laws relating generally to the protection, preservation and safety of the Nation's navigable waterways are found in Section 9 of the Act of March 3, 1899, as amended, 33 U.S.C. 401; the Act of March 23, 1906, as amended, 33 U.S.C. 491; the Act of June 21, 1940, as amended, (Truman-Hobbs Act) 33 U.S.C. 511-523; the General Bridge Act of 1946, as amended, 33 U.S.C. 525; the International Bridge Act of 1972, 33 U.S.C. 535; and the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978, 33 U.S.C. 1221-1225.

C. Background

1. The evident intention of Congress, under the various bridge statutes, is to take exclusive charge of navigational issues as they relate to the use and preservation of navigable waters of the United States and place them under the authority of the Secretary of Homeland Security. The Secretary has further delegated this authority and responsibility to the Commandant of the Coast Guard and the District Commanders.
 - a. It has long been recognized that the national interest in navigation and navigation safety is vested within the Coast Guard as the agency most prepared to ensure the reasonable needs of navigation are protected without unreasonably impacting other transportation modes or the human environment.

- b. This unique responsibility is further vested within the BAP which requires that every program action be handled professionally and with due care.
2. Personnel employed in the BAP are not expected to be navigational experts, but they must understand the basic navigational issues faced by a mariner using the navigable waters of the United States.
 - a. The guidelines contained in this chapter will assist in addressing the navigational issues surrounding the permitting of bridges, the authorization for specific drawbridge regulations, and the alteration of bridges under the Truman-Hobbs Act.
 - b. When they are coupled with the active participation of waterway users and other interested and affected parties, they will result in sound decisions for the future safety of our waterways. These decisions will also ensure the freedom of navigation, as intended by the various bridge statutes.

D. Definitions

1. **Bank Cushion:** The distance or amount of space between a channel bank and a vessel considered necessary to minimize risk of vessel grounding as a result of bank suction.
2. **Bank Suction:** The tendency to force a ship bodily in a transverse direction (sway force) when running close to a channel bank. Usually the ship will tend to move toward a channel bank; thus the force is called bank suction.
3. **Beam:** One of three principal dimensions of a ship; the width of a vessel in a transverse direction at its widest point, usually amidship.
4. **Bend:** A channel turn that is designed as a continuous curve with a given radius; usually provided for large channel changes (or turn angles) in direction.
5. **Bow:** The forward part of a ship or vessel; generally the forward 10 percent of the length of the ship hull where most of the hull curvature (flare) is located.
6. **Bow and stern thrusters:** Independent propulsion units integrated into the hull of a vessel or attached to barges being transported that help control the direction and alignment of a vessel or tow.
7. **Canalized Channel:** A channel consisting of one or more canals; an excavated watercourse, usually artificially cut through land area, without any existing channel, designed for navigation. Canal edges or borders usually extend above the water surface with visible banks and have important ship and bank interaction effects.
8. **Channel:** The deeper, navigable portion of a waterway, usually marked and designated on the appropriate navigation chart with known widths and depths.

9. **Channel Limit:** The location of the authorized channel as designated on project design documents and depicted on hydrographic survey sheets. Often provided as a channel width on navigation charts.
10. **Concave Bank:** The bank of a meandering stream curved like the inner surface of a ball.
11. **Controllability:** A subjective term used to describe the apparent adequacy of response to ship control by the mariner; the inherent quality of a ship to stay on track.
12. **Crosscurrent:** The magnitude of the tidal or river current component perpendicular to the channel centerline or intended ship track.
13. **Current:** A generic term referring to the horizontal movement of water caused by various forces such as river currents or tidal currents.
14. **Deep Draft Waterway:** Navigation channels (usually excavated as by dredging) provided for the movement of self-propelled vessels with drafts greater than 15 feet.
15. **Descending Bank:** A generic term referring to the banks along a river with a flowing current; often referred to as left or right descending banks as seen by an observer looking downstream.
16. **Design Vessel (Ship):** A hypothetical or real ship with dimensions of the largest vessels that a navigation project is designed to accommodate.
17. **Ebb Current:** The tidal current away from shore and toward the sea; usually downstream in a tidal stream and associated with a decrease in tide height.
18. **Flood Current:** The tidal current toward shore or up a tidal stream; usually associated with an increase in tide height.
19. **Maneuverability:** The ability of a ship to change course or to move off track while underway by the application of steering and engine controllers.
20. **Meandering Stream:** A stream that follows a turning and winding course.
21. **MOT Plan:** A Maintenance of Traffic (MOT) plan developed in support of a transportation project; may include highway, rail and waterway traffic alternatives to be employed while building a road or bridge project.
22. **Navigation:** The theory and practice of operating vessels, usually commercial vessels, in water bodies; charting the course for a ship movement.
23. **Navigation Traffic Pattern:** The use of established channels by vessels in one-way and two-way traffic patterns, including, but not limited to, the use of traffic separation schemes.

24. **Open-river navigation:** Vessel operations using natural streams without locks and dams.
25. **Pivot Point:** The point about which a ship actually turns. The pivot point varies as the ship is maneuvered and depends on all forces and movements acting on the ship.
26. **Shallow-draft Waterways:** Navigation channels provided for the movement of self-propelled vessels with drafts of 15 feet or less.
27. **Shallow Water:** A descriptive term to characterize navigation in waterways where the depth of water is shallow enough to cause significant ship hydrodynamic responses.
28. **Swept Path:** A single trace of the path of the extremities of the vessel platform as it makes its track while it transits the waterway. Account is taken of drift, drift angle and yaw.
29. **Tidal Currents:** The reversing horizontal movement of water associated with the rise and fall of the tide caused by astronomical tide-producing forces.
30. **Track:** A trace or trajectory of the path of a vessel as it makes its transit of a waterway. A vessel's line of travel or course made good.
31. **Trench Channel:** Dredged or open-type restricted channels, intermediate between canals and shallow water, with submerged banks on each side, usually provided with range markers and channel edge buoys or beacons.
32. **Vessel:** A general term referring to all types of self-propelled watercraft including ships, towboats, barges, tugs, yachts, and small boats.

E. Policy

1. It is the Commandant's policy, when considering bridge actions, to work toward promoting the overall goals of the Department of Homeland Security in a balanced manner in order to accommodate, to the greatest extent practicable, the needs of all transportation modes. However, the safety of navigation is a paramount consideration that cannot be compromised when addressing bridge program issues.
 - a. It is imperative, therefore, that every effort be made to involve members of the navigation community and other interested or affected parties early in our program deliberations.
 - b. This will ensure that all identified bridge-related issues are fully considered when the potential navigational impacts to the marine transportation system are addressed.

2. This manual and the Coast Guard Marine Safety Manual, Volumes I-X, COMDTINST M16000 series are primary sources of internal guidance for addressing navigational issues that may impact Bridge Program actions. Navigation involves the planning and movement of vessels on, across or through a water body. A bridge's location, design and operation should be planned to optimize the movement, or navigation, of each vessel that may use the navigable waterway.
 - a. A navigational evaluation is intended to address the impact of an existing or proposed bridge, or a proposed change in a drawbridge operation, on the ability of a vessel to transit through a bridge in a reasonably free, safe and unobstructed manner.
 - b. A Coast Guard bridge permit or a drawbridge regulation change should be issued only if the proposed design, location or operation will not unreasonably obstruct existing or prospective navigation.
3. The following sections will provide general guidelines for determining whether a proposed bridge or drawbridge regulation would meet the reasonable needs of navigation.

F. Navigational Concepts and Bridge Clearances

1. The U. S. Army Corps of Engineers (USACE) is responsible for designing, establishing, and maintaining federal project channels that have been authorized by Congress. Their manuals provide excellent guidance for the planning, layout, and design of deep-draft and shallow-draft waterways, and they may be useful when considering proposed bridge locations and clearances. (See USACE Engineer Manuals EM-1110-2-1611 and EM-1110-2-1603).
2. Open-river navigation is normally preferred by commercial towboat operators since it often eliminates delays encountered in passing through locks. However, restrictive bridge clearances and movable-span bridge opening schedules often discourage commercial navigation even on an open river system.
 - a. Maintenance of a river system can also be a major challenge due to constant changes in channel width and depth and in some cases channel alignment. These potential changes are particularly important when considering bridge locations and clearances.
 - b. Examples of open-river navigation include the Mississippi River below St. Louis, the Missouri River and the Columbia River below Bonneville Dam.
3. Canalized streams involve construction of locks and dams to maintain adequate depths for navigation during periods of medium or low water flows. These waterways normally have greater channel width and depth. Examples include the Ohio and Monongahela Rivers, the Mississippi River above St. Louis, Missouri, and the Arkansas River.

4. Land-cut canals normally connect two bodies of water, bypass rock outcrops and rapids and reduce the length or curvature of a navigable channel. Canals tend to be narrow and shallow in order to minimize costs. Examples include Chain of Rocks Canal near St. Louis, Missouri, the New York State Barge Canal, and the Intracoastal Waterways.
5. Intracoastal Waterways have been developed principally to assist commercial navigation by providing protected navigation along the East and Gulf Coasts of the United States. In recent years, these waterways have also become favorite routes for recreational vessel traffic.
 - a. As discussed in Chapter 1, for the purpose of the Bridge Administration, recreational boating falls within the term “commerce.” No distinction shall be made between commercial and recreational vessels, nor shall the use or purpose of a vessel on the waterway be considered as a basis for making any such distinction.
 - b. The recent increase in the number and size of recreational vessels is particularly significant regarding bridge clearances along the Intracoastal Waterways and the coastal river systems.
6. Most federally-authorized inland and coastal waterways have been designed to accommodate commercial barge tows consisting of a towboat pushing one or more barges. This is known as a “composite unit” when the barges are rigidly connected by wires or chains causing them to react to sea conditions as one unit.
 - a. The tow speed and direction are controlled by the towboat, which is normally positioned behind the barge(s) being pushed. The length of these tows may be one barge plus the towboat (150’-350’) or may be more than 1200’ with multiple barges.
 - b. The amount of control maintained by the towboats depends on their size, power, and maneuverability. Long tows often use some type of bow thruster or control units. These are independent power units located in the bow or stern of the towboat or attached to the lead barge. These units help control the direction of the bow or front ends of the tows. Most towboats are also equipped with twin propellers and large flanking rudders to assist in maneuvering through sharp bends and narrow bridge openings.
 - c. This ability to maneuver, however, varies greatly and must be carefully considered when evaluating proposed bridges along meandering river streams. The movement of a vessel is affected by the power of its propulsion unit, the size and location of its rudders, the underwater design of the vessel, and the direction and velocity of currents, wind, ice drift, and channel dimensions.

7. The pivot point of a vessel is normally about one-third of the distance from the bow to the stern. In other words, a vessel's stern maneuvers right and left while the bow remains fairly constant.
 - a. This characteristic makes vessel handling similar to that of pushing or maneuvering a wheelbarrow. However, a towboat does not normally follow the barge track when going around bends or negotiating turns.
 - b. This particular navigational characteristic, known as the swept path of a vessel, is recognized by the USACE when it designs bends in waterways. Such waterways are normally widened to compensate for the movement of large vessels, especially tugs with tows.
8. The effect of currents on vessels is a particularly important factor when considering bridge clearances. Tows and all other vessels are affected by the velocity and alignment of currents relative to the path of the vessel.
 - a. Currents moving at an angle to the path of the vessel are referred to as crosscurrents. These currents can be encountered in river crossings, in bends, near side or divided channels, in the entrance to canals and in approaches to locks and bridges.
 - b. Open-river navigation, in particular, recognizes and takes advantage of the current flows, which normally move from the concave bank of one bend across the descending stream to the concave bank of the next bend.
 - c. The straight reaches between alternate bends in a meandering stream are called crossings. Tows leaving one bend, usually from along the concave bank, must cross the stream toward the opposite bank to approach the concave bank of the next alternate bend. This series of bends in a meandering stream is nature's way of controlling the flow of water (much like the slalom movements of skiers coming down a steep mountain). Vessel operators normally follow this natural current flow as they descend a river.
 - d. If a bridge alignment is located close to or within a bend in a waterway, the crosscurrents may create significant difficulty in transiting through a bridge. This will necessitate increased horizontal clearances and bridge alignments that are perpendicular to the actual current flow to ensure the safety of navigation.
9. As a general rule, bridges should not be located in a bend or where crosscurrents can be expected. When more than one bridge is required in a given locality, the bridges should be close together with piers and fender systems in line or far enough apart to permit tows passing one bridge to become properly aligned for passage through the next bridge.

10. The required bridge horizontal and vertical clearances to accommodate a given design vessel (the largest vessel expected to use the waterway) should be determined based on the following factors in descending order of importance:
 - a. traffic pattern (one-way or two-way traffic);
 - b. design vessel beam, length and vertical height;
 - c. channel cross-section shape; current speed and direction;
 - d. quality and accuracy of aids to navigation; and
 - e. variability of channel direction and current flow.

G. Waterway Designs

1. Navigation channels can be classified into several types of cross sections. Understanding these types may help in understanding vessel navigational impacts. Figure 2-1 illustrates the three primary types of channels: shallow water, canal and trench, which are defined as follows:
 - a. **Shallow Water** - Wide, unrestricted waterways without channel banks, found near the ocean end of port entrance channels and in large bays, usually provided with range markers and channel edge buoys. Vessel movements are influenced by substantial bottom effects but negligible bank forces (cushion and suction). Strong ship yawing forces (sideways movement) are often encountered from crosscurrent effects and wave action.
 - b. **Canal** - Narrow, fully restricted channels with clear and visible banks, often with minimal or no aids to navigation. Vessels experience negligible yawing forces, since currents are aligned with the channel, except at turns. Strong bank effects (cushion and suction) result in vessels often being forced onto one side or another of the channel centerline.
 - c. **Trench** - Dredged or open-type restricted channels, intermediate between canals and shallow water, with submerged banks on each side, usually provided with range markers and channel edge buoys or beacons. Vessel yawing forces from crosscurrents and wave effects are often present. Waves and winds are often a factor in navigation.

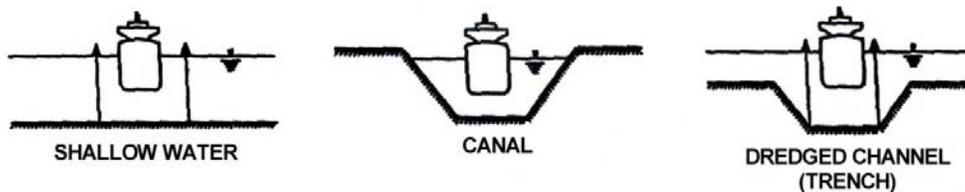


Figure 2-1
Three Primary Types of Channels

H. Determining Horizontal Clearance Requirements

1. If a federal channel has been established, the authorized clearances for a new or modified bridge should completely span the authorized channel within practical engineering limits. The horizontal clearances for bridges over other waterways should be based on the following data and calculations:
 - a. Determine whether one-way or two-way vessel traffic is anticipated through the bridge site.
 - b. Ascertain the length and width (maximum beam) of the largest vessels or composite barge tows plying the waterway. This is known as a design vessel or design ship.
 - c. Determine the maximum currents for the waterway at the bridge site. Tidal currents are normally available from the National Oceanographic and Atmospheric Agency (NOAA). Tidal Current Tables and river discharge current data are published by the U. S. Geological Survey (USGS).
 - d. Determine the type of channel cross section at the bridge site (canal, trench or shallow water).
 - e. Determine whether there are extensive or little or no aids to navigation near the bridge site. Note that with a waterway designed for two-way traffic, there are always extensive aids to navigation.

2. Using the above information, enter Table 2-1 (Straight Reaches of a Waterway, Without Crosscurrents, Having One-Way Vessel Traffic) or Table 2-2 (Straight Reaches of a Waterway, Without Crosscurrents, Having Two-Way Vessel Traffic). Determine the beam multiplier. Multiply the beam multiplier times the maximum beam of the design vessel. This will provide the minimum horizontal clearance needed for a proposed bridge across one-way and two-way, straight waterways.

TABLE 2-1

STRAIGHT REACHES OF A WATERWAY, WITHOUT CROSSCURRENTS, HAVING ONE-WAY VESSEL TRAFFIC

| Maximum Current (knots) | Beam Multipliers (Extensive aids to navigation seen near the bridge site) | | | Beam Multipliers (Little or no aids to navigation seen near the bridge site) | | |
|-------------------------|---|--------|---------------|--|--------|---------------|
| | Canal | Trench | Shallow Water | Canal | Trench | Shallow Water |
| 0.0 to 0.59 | 2.5 | 2.75 | 3.0 | 3.0 | 3.5 | 3.5 |
| 0.6 to 1.59 | 3.0 | 3.25 | 4.0 | 3.5 | 4.0 | 4.5 |
| 1.6 to 3.0 | 3.5 | 4.0 | 5.0 | 4.0 | 5.0 | 5.5 |

For example, for one-way vessel traffic with a standard barge width of 35 feet in a one way, straight canal channel with tidal currents of 1.5 knots and little or no aids to navigation, multiply 35 feet (beam) x 3.5 (beam multiplier) = 122.5 feet (horizontal clearance). This would be similar to the Intracoastal Waterway along the East Coast of Florida, which has a channel width and a Guide Clearance of 125 feet.

TABLE 2-2

STRAIGHT REACHES OF A WATERWAY, WITHOUT CROSSCURRENTS, HAVING TWO-WAY VESSEL TRAFFIC

| Maximum Current (knots) | Beam Multipliers (normally two way traffic requires extensive aids to navigation) | | |
|-------------------------|---|--------|---------------|
| | Canal | Trench | Shallow Water |
| 0.0 to 0.59 | 4.0 | 4.5 | 5.0 |
| 0.6 to 1.59 | 4.5 | 5.5 | 6.0 |
| 1.6 to 3.0 | 8.0 | 6.5 | 8.0 |

For example, for two-way vessel traffic with a standard 35-foot wide barge tow meeting a similar tow in a trench channel with tidal currents of 3.0 knots, multiply 35 feet (beam) x 6.5 (beam multiplier) = 227.5 feet (horizontal clearance).

3. The above calculations can be used to determine the minimum horizontal clearance requirements for waterways used by commercial and/or recreational vessels.
4. The horizontal clearance requirements for bridge projects involving large deep-draft waterways with maximum currents greater than 3.0 knots can be developed using computer models and Ship Simulator Design studies. Computer modeling and ship simulator studies are available through the USACE Waterway Experiment Station (WES), at Vicksburg, Mississippi, or other commercial facilities such as the Seamen’s Church Institute, Center for Maritime Education, at Paducah, Kentucky. Modeling and ship simulator studies funded by the Coast Guard require the prior approval of Commandant (G-OPT). Bridge permit applicants should be encouraged to fund such studies as part of their project development process if the horizontal clearance proposed is questionable.
5. Bridge crossings should be designed to be a minimum distance from bends in a waterway equal to five times the design vessel length for the waterway. Experiments conducted by the USACE have determined that this distance is needed to allow a tow or large vessel to align itself with the designated channel for safe passage through a bridge opening.
6. Proposed bridges should be designed to fully span waterways, if they are in a bend. If a full span is not feasible and a federal channel is involved, then consult with the

USACE to determine the exact channel width, including wideners, at the proposed crossing location and any anticipated increases in channel width.

- a. Since the swept path of a vessel making a turn in a bend of the waterway is wider than the path in a straight channel reach, a greater horizontal clearance is required in turns and bends.
 - b. A bridge permit applicant may need to consider arranging for a modeling or ship simulator design study to determine the necessary horizontal clearance requirements if the proposed bridge would be in a bend and cannot fully span the waterway.
7. In some instances, proposed horizontal clearances can be tested by placing temporary markers in the waterway to delineate the pier or fender locations at the bridge site and by arranging for a commercial tow or a Coast Guard vessel to transit the waterway. Comments from other waterway users can also be solicited through Broadcasts and the Local Notice to Mariners.

I. Determining Vertical Clearance Requirements

1. The Coast Guard encourages construction of high-level fixed bridges, whenever practicable, to minimize potential conflict between land and waterborne modes of transportation. As discussed in Chapter 1, a balance between transportation modes is essential to further the strategic goals of tying America together through improvement and renovation of our national transportation infrastructure.
 - a. The vertical clearance requirement for fixed bridges is often a critical issue, which must be fully investigated and determined during project development and the bridge permitting process. The concept of a design vessel helps to establish vertical as well as horizontal clearance requirements.
 - b. Permit applicants should be encouraged to conduct waterway surveys as part of the application process to help determine vertical clearance requirements. These surveys will help identify existing and prospective vessels using the waterways that exceed established vertical guide clearances, and possibly require an increased clearance for a planned bridge.
2. The navigational evaluation should include a review of all bridges between the proposed site and other fixed bridges, both upstream and downstream, to determine the minimum vertical clearances available on the waterway. If a proposed fixed bridge will replace an existing drawbridge which has unlimited vertical clearance, it is necessary to determine whether the proposed bridge will accommodate existing and prospective navigation.
 - a. Discussions with vessel operators on the waterway, local marinas, and shipping companies will help in defining the mast heights of vessels using the waterway.

- b. State and local environmental permitting agencies and the USACE can provide information about planned marine facilities on the waterway that may attract larger vessels in the future.
 - c. Safety factors for variable wave heights created by wakes from passing vessels and wind directed currents for exposed bridges, as well as potential sea level rise, should be considered during these evaluations.
3. In many cases, major ports will strive to provide bridge clearances over entrance channels that are greater than those of other ports. This makes them competitive within the global market place. In other cases, especially for shallow-draft waterways, the established Guide Clearances may influence the type and size of vessels using a particular waterway. This is especially true with large recreational craft such as sailboats for which mast heights are often designed to allow passage under fixed bridges in a certain market area.
4. The Coast Guard does not attempt to establish the exact number of vessels that must be able to pass beneath a proposed fixed bridge. Under the bridge statutes we must ensure that bridge proposals meet the reasonable needs of navigation, not all of the needs. However, every effort should be made to reasonably accommodate existing and prospective navigation that may use the waterway in the future.
 - a. In some cases, alternate waterway routes may be available which will have minimum impact on navigational transit times.
 - b. In other cases, applicants may wish to mitigate the navigational impacts by relocating vessels or offering alternative moorings for impacted mariners.
 - c. These vessel restrictions and the proposed mitigation should be fully described in the Navigational Evaluation section of the Findings of Fact described in Chapter 4.

J. Special Considerations When Determining Bridge Clearances for Inland River Systems

1. Open rivers allow towboats to push as large a tow as the towboats can handle. For example, tows using the Mississippi River above St. Louis are restricted in size by the lock dimensions, however, extra barges are often carried alongside the towboat itself, “on the hip.” Further downstream, below St. Louis, tows may exceed 24 barges depending on the power of the towboat.
 - a. Some towboat companies will also combine tows between locks to conserve fuel, and then separate the tows when they approach a lock. These large tow sizes greatly increase the horizontal clearance requirements and may restrict the available waterway when uncoupling barges near a lock.

- b. Understanding these local towboat operations is an essential ingredient in determining proposed bridge clearance requirements and where bridge piers can be safely positioned within a waterway.
2. The swept path of a tow, or the width of the corridor a tow must occupy when transiting a particular reach of the river, is especially important when considering the placement of bridge piers. Unlike smaller canalized streams, open river navigation can extend from bank to bank well beyond the authorized channel limits. This is especially important when evaluating bridge clearances and pier locations for two-way traffic conditions.
3. Pooled rivers with locks and dams tend to have channels that are more stable in both depth and location. However, not all locks and dams are alike. Some structures are designed to allow tows to pass over the dam and bypass the lock when the river reaches high water stages. This seasonal variation may result in two navigable channels, one for high water and one for low water stages, normally on opposite sides of the river. Understanding these conditions, including where tows wait for lockages, is important when considering the proposed location of navigational spans and bridge piers.
4. In establishing the proper horizontal clearances for bridges over fast flowing rivers, the most important item is often proper pier placement based on the actual channel location and dimensions used by tows transiting the waterway.
 - a. As previously discussed, tows use the natural current flow of a descending river to navigate. This requires the location of the navigational openings to be over the actual usable channel.
 - b. These effective horizontal clearances must be wide enough to accommodate the full width of the corridor that vessels require when transiting a particular reach of a waterway, and should be measured normal to the axis of the channel. This will help compensate for channel skew.
5. Whenever there are multiple bridges along a waterway, the concept of “running the bridges” must be considered. Tows do not run through bridges one at a time. Instead, they navigate a reach of the river and often are unable to stop quickly if the channel is obstructed.
 - a. Therefore, if several bridges are in close proximity, it is important to understand how the river pilots approach the bridge openings, what navigational “marks” are used to transit several bridges, and whether a proposed new bridge will be compatible with these navigational concepts or may compromise safe bridge transits.
 - b. River pilots and the commercial towboat industry are the primary source of navigational information for river systems and should be consulted whenever new bridge construction and major modifications to existing bridge structures are being considered.

K. Guide Clearances

1. Guide Clearances are described in Chapter 4. They are not intended to be regulatory in nature or form a legal basis for approving or denying a bridge permit application. However, they do provide guidance to potential bridge permit applicants regarding minimal clearances that would normally receive favorable consideration during the bridge permitting process.
 - a. Districts should periodically review the established Guide Clearances within their districts to ensure that changes in channel design and types and sizes of vessels using the waterways are reflected in the published clearances.
 - b. New waterways should be added when the level of navigation becomes significant. Normally, the horizontal clearances between bridge piers, including bridge fendering systems, should be equal to or greater than the local channel width.
 - c. In the absence of a designated federal channel, the above horizontal clearance calculations can be used to establish Guide Clearances for various waterways within the district boundaries.
2. Proposed bridges over deep-draft waterways should provide for the location of bridge piers well outside of the deep channel, the placement of which would cause a ship to run aground before colliding with the bridge piers or superstructure, thus causing potential loss of life. Use of fendering cells or “islands” can help deflect errant vessels and thereby avoid contact with the bridge structure. Bridges within shallow-draft waterways are normally required to have fendering systems installed to protect the bridge as well as navigation.
3. In some instances, bridge piers and other vertical members in shallow-draft waterways may be designed, if constructed to AASHTO standards, to withstand potential impact from the largest vessels known to use the waterway. It is the bridge owner’s responsibility to ensure that the proposed bridge can reasonably withstand potential vessel impacts, and in such case the bridge owner may request an exemption from the need for a fender system.
 - a. However, before authorization, the District Commander must determine whether the attachment of rub rails or other non-abrasive, non-sparking materials to piers or pilings adjacent to the navigational openings is needed to protect navigation.
 - b. In addition, possible future changes to the type, size and level of navigation may require a prospective fendering condition be included in the bridge permit (See example 5.61, Chapter 5).
 - c. In any event, the Findings of Fact should clearly document the fendering status of proposed bridge projects, particularly noting if pier design will withstand vessel hits.

L. Bridge Repairs

1. An on-site navigational evaluation should be conducted prior to authorizing bridge repairs that may impact waterway activity. Movable-span bridge repair often requires restricting the number of bridge openings in order to facilitate the repair work. These short-term deviations should only be authorized and published in the Federal Register as prescribed in Chapter 6 after a careful review of the potential impacts to the mobility and safety of navigation.
 - a. Whenever possible, periodic bridge openings should be scheduled to allow accumulated navigation to pass through the bridge. When strong tidal currents would impact safe transit of a bridge by a commercial tow, these periodic openings can be scheduled to allow transits during slack water.
 - b. In some instances, waterway currents, wind effects, channel limitations and traffic density may preclude vessels from safely holding for an extended period in the navigable channel near a closed bridge. Under these circumstances, every effort should be made to place a movable-span bridge in the open-to-navigation position during the repairs.
 - c. If repair schedules are not met, the bridge owner should be encouraged to minimize further impacts on navigation by working around-the-clock to expedite repairs.
2. Comments should be solicited from vessel operators using the waterway, either by Local Notice to Mariners (LNM) or through direct consultation, prior to authorizing any restrictions to navigation. In addition, consultation with the local Marine Safety Office (MSO) and their port safety committees would be appropriate to determine whether a safety zone may be needed to ensure the safety of the bridge and navigation.

M. Navigation Considerations When Evaluating Proposed Changes to Drawbridge Regulations

1. The guidelines and procedures for evaluating requests for the establishment, change, or revocation of regulations governing the operation of drawbridges across navigable waters of the United States are prescribed in Chapter 6.
 - a. The impact that any change from “on signal” operation of a drawbridge would have on the safety of navigation is a primary concern in the evaluation process. A delay in the opening of a drawbridge can only be authorized if vessels can safely wait for the opening.
 - b. Early notification of the proposed opening restrictions by LNM or marine broadcasts and publication in the FEDERAL REGISTER with a solicitation for comments is especially important.

2. The on-site evaluation should consider the holding conditions near the bridge, including the impact of wind and current on waiting vessels, crosscurrents, and cross-winds near the bridge, the width and depth of approach channels, the type and size of waiting vessels and their control/maneuverability, and the potential safety impact of vessels transiting the waterway that are not required to wait for a bridge opening.
 - a. Congestion near the bridge should be evaluated, especially that due to waterway traffic using nearby fueling docks, marinas, boat launch facilities and waterside restaurants. All of these entities may impact the safety of waiting vessels.
 - b. This may be further complicated by the lack of maneuverability of underpowered vessels that must turn around in the channel to avoid being carried by currents and winds into the closed bridge.
3. Whenever the on-site evaluation or responses to public notification indicates holding conditions or vessel accumulation near a bridge may jeopardize the safety of navigation, one should consider testing the proposed deviation (33 CFR 117.43) before authorizing a change in drawbridge operations. Restrictive regulations previously placed on a drawbridge may also have created unreasonable impacts on navigation, which should be tested to determine whether a change or regulation removal is warranted.
4. In some instances, drawbridge repairs such as painting, or replacement of superstructure materials or operating equipment, may require delays in bridge openings. A short delay to allow equipment to be removed from the leaves before openings would normally have minimal impact on navigation.
 - a. However, extensive delays or required advance notification for openings should only be authorized if bridge safety, or the protection of the marine environment, are considered critical issues.
 - b. As a part of the navigational evaluation, the procedures to be followed by the repair contractor should be reviewed to ensure that a reasonable balance is maintained between the needs of land and water transportation, and that navigation is not unreasonably impacted by delayed openings.
 - c. The volume and type of navigation using the waterway will often determine the amount of bridge opening flexibility that is necessary to maintain waterway safety.
5. As part of the navigational evaluation, a review of any recent Waterways Analysis and Management System (WAMS) studies and the USACE Waterborne Commerce of the United States publications may provide information regarding waterborne commerce near the bridge site.

- a. In addition, the waterway accident history near the bridge may be available through the Coast Guard Incident Investigation data contained in the Marine Information for Safety and Law Enforcement (MISLE) data maintained by the local Coast Guard Sector.
 - b. District bridge staffs are encouraged to consult with towboat operators and to take the opportunity to ride with commercial vessels through the bridge sites, whenever possible, to better understand the potential navigational impacts of any proposed changes in drawbridge operating regulations.
6. Commercial tows and other deep-draft vessels must normally remain within the dredged channel to await a bridge opening in order to avoid groundings and the resultant vessel or environmental damage.
- a. If a review of bridge tender logs and other waterway data indicate a large number of vessels, including tugs with tows, will be required to wait near the bridge for openings during short-term closures, it may be appropriate to consult with the local Coast Guard Sector regarding possible establishment of a safety zone or regulated navigation area, as appropriate, to minimize risk of vessel collisions or groundings.
 - b. Whenever feasible, repair work should be conducted with the draw in the open position to minimize impacts on navigation.
7. Applicants for bridge repair or construction permits and regulation change proposals should also be required to submit a Maintenance of Traffic (MOT) plan which describes how highway and waterway traffic will be handled during the project. Advance planning will reduce unexpected delays for both modes of transportation.
- a. Temporary drawbridge opening deviations, channel relocations, removal of fender systems and removal of replaced bridges must be carefully planned to minimize impacts to navigation. In many instances, temporary channels will be established, or existing channels will be relocated, as part of the bridge construction.
 - b. Temporary bridges must meet the minimum clearances provided by the permanent bridge and the needs of all modes of transportation must be considered equally during the repair/construction efforts.
 - c. Temporary aids to navigation and bridge lighting may also be required to ensure the safety of navigation. The placement of these aids must be coordinated with the bridge contractor and the District Aids to Navigation Branch.

N. Navigational Considerations When Developing Environmental Documents in Support of Bridge Permitting Actions

1. Navigation and bridge permitting jurisdiction determinations are based upon criteria described in 33 CFR 2.05-25 and Chapter 1 of this manual. If a waterway has been determined to be navigable waters of the United States, but does not qualify as an Advance Approval Waterway and is not exempted by the Federal Highway Administration under Title 23, U. S. Code, then a permit will be required to construct a bridge over that waterway.
 - a. Several navigational issues must be addressed during the permitting process. The proposed design and location of a bridge can be evaluated on site using the navigational evaluation criteria previously described in this chapter.
 - b. Each alternative described in the environmental document should summarize the navigational impacts. This should include a description of the bridge alignment in relation to the current flow, the vertical and horizontal clearances, the design vessel length, the beam and draft, the navigation traffic pattern (one-way or two-way vessel traffic), the wind and wave effect, the current speed and the direction, visibility, quality and spacing of aids to navigation near the bridge.
2. The Memorandums of Agreement in Enclosures (1) through (3) obligate the Coast Guard and other agencies to cooperate in ensuring the navigational issues are fully described in the environmental documents. Such description may include:
 - a. A description of the alternative alignments and their relationship to the navigable channels and current flows.
 - b. The vertical and horizontal clearances.
 - c. The location and visibility of bridge tender houses, and the location and designs of protective fender systems and clearance gauges, as appropriate.
 - d. The proposed disposition or retention of historic bridges and their relationship to the safety of navigation.
 - e. The construction-related impacts of a bridge project on navigation, and how land and waterborne traffic will be maintained during and after construction.

O. Navigational Considerations When Evaluating Potentially Unreasonably Obstructive Bridges

1. Chapter 7 provides guidance in conducting the Preliminary and Detailed Investigations of a potentially unreasonably obstructive bridge, as described in 33 CFR Part 116.

- a. In particular, the navigation benefits and benefit-to-cost ratio computations address the tangible annual savings related to navigation that would be realized by removing the obstructive features of the bridge.
 - b. These include: elimination of commercial and recreational vessel delays caused by the bridge, elimination of vessel accidents caused by the limited clearances of the bridge, and other savings such as eliminating a need for extra pilots, crew and tugs, eliminating environmental delays (bad weather, tides, cross-currents, wind, etc.), and eliminating multiple trips due to size limitations of barge configurations, plus other savings.
 - c. Once a bridge has been identified as a potentially unreasonable obstruction to navigation, it is apparent that the impact of a bridge on navigation is the principal focus of all investigations under the Truman-Hobbs Act.
2. The criteria described in the navigational evaluation within this chapter can also be used during a Truman-Hobbs investigation to further describe impacts of existing bridge locations and designs on our national security, the safety and mobility of intermodal transportation, and the potential for economic development within the waterway system. In particular, the Preliminary Investigation includes an analysis of the existing bridge design and location to determine whether the navigational clearances are unreasonably restrictive and what navigational problems are created by the restrictive clearances.
 - a. The history of accidents at the bridge site and the costs associated with the accident history are integral parts of the navigational evaluation required as part of this investigation.
 - b. Potential delays to military deployments and commercial vessel movements due to restrictive clearances are significant national security and mobility issues.
 - c. The inability of waterways to sustain modern vessel designs also greatly limits the potential for economic development within the waterway systems and impedes expansion of the marine transportation system.
 3. In some instances, restrictive navigational clearances caused by the age of an existing bridge, combined with strong crosscurrents, may force tows to await slack water before transiting through a bridge.
 - a. The use of lay-up dolphins or other mooring arrangements upstream and downstream of a bridge by vessels waiting for safe passage are considered temporary measures which should be corrected as soon as possible by increasing the bridge clearances. This is accomplished whenever possible by the bridge owner through planned replacement or alteration of the restrictive bridge.

- b. It is important to note that such delays can seriously impact the competitiveness of waterborne transportation, which ultimately will cause a reduction in the amount of commerce using the restricted waterway.

P. Coordination With Other Coast Guard Activities

1. All aspects of the bridge permitting, regulatory, and law enforcement requirements of the BAP should be coordinated with Coast Guard field commands, as appropriate.
 - a. The Coast Guard Sectors, Captain of the Ports, Coast Guard Stations and Coast Guard Cutters offer a wealth of professional experience in navigational issues which can be used during navigational evaluations.
 - b. These commands can assist the district bridge staff by providing navigational information for use in the jurisdictional determinations, site-specific information about design vessels that use a particular waterway, and by describing the potential impacts of current flow, shoaling, and wind effects on proposed bridge alignments.
2. These commands should also be consulted regarding proposed closures or restricted openings of drawbridges and asked to review all public notices describing proposed bridge construction across navigable waterways within their areas of responsibility. Such early consultation and partnering sessions may help identify serious navigational issues that can be more fully investigated and mitigated during the bridge permitting and regulatory processes. They can also help with testing proposed pier locations and horizontal clearances at bridge sites within their area of responsibility.

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CHAPTER 3- ENVIRONMENTAL IMPACT CONSIDERATIONS

A. Introduction

1. This chapter contains detailed guidance on the environmental requirements with which the Coast Guard Bridge Administration Program (BAP) must comply. Guidance contained herein should be used in conjunction with National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series), the Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508), other Commandant and DHS Directives, and other federal laws and regulations applicable to the BAP.
2. Those directives, orders, acts, laws or regulations specifically applicable to the BAP are discussed in sections C. through U. of this chapter. The term **bridge actions**, as used throughout this chapter, refers to bridge permit actions, permit amendment actions, after-the-fact permit actions, Truman-Hobbs Orders to Alter, and promulgation of drawbridge regulations.

B. Policy It is the policy of the Commandant in the implementation of the BAP that a systematic interdisciplinary approach be used to assess social, economic, environmental and other effects, that efforts be made in the BAP to improve the relationship between people and the environment and to preserve the natural beauty of the countryside, coastal areas, and natural and cultural resources, that Coast Guard investigations include consultations with local, state, and federal agencies and the public, and that recommendations and decisions be based on the reasonable needs of navigation and on consideration of social, economic and environmental goals.

C. NEPA Environmental Documentation

1. **Compliance:** All BAP actions must comply with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321), as amended; the CEQ Regulations (40 CFR 1500-1508) which implement NEPA; Executive Order 11514, as amended, Protection and Enhancement of Environmental Quality; Procedures for Considering Environmental Impacts, and National Environmental Policy Act Implementing Procedures for Considering Environmental Impacts, COMDTINST. M16475.1 (series).
2. **Extent of Coast Guard NEPA Jurisdiction:**
 - a. NEPA jurisdiction is not limited to the narrow agency issues, such as the bridge and its approaches as part of a highway project.
 - b. The Coast Guard must also address other impacts. Our environmental considerations extend beyond the bridge and approaches and include the causally related primary and secondary environmental impacts of the proposed bridge project. See Enclosure (7) for a current list of the pertinent

environmental control laws and regulations cited throughout this manual. In addition, cumulative impacts must be considered. A cumulative impact is defined in 40 CFR 1508.7 as the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. See the CEQ's guide "Considering Cumulative Impacts Under the National Environmental Policy Act" at <http://ceq.eh.doe.gov/nepa/ccenepa/ccenepa.htm>.

- c. ***When the Coast Guard is the lead federal agency*** on a bridge project, our NEPA jurisdiction extends to the logical termini (see section d. below) on both sides of the bridge or to the bridge and road sections having independent utility. When a bridge has "Independent utility" from the roadway, the roadway can be accessed, maintained or modified from either side of the waterway without the need of the bridge. Therefore, the only impacts to be considered are those of the bridge.
 - 1) For bridge projects where the roadway is the subject of another federal agency's environmental document and the Coast Guard is a cooperating agency, the limits of our NEPA jurisdiction are the bridge and its approaches.
 - 2) However, as a cooperating agency, the Coast Guard maintains responsibility and should not hesitate to comment to the lead agency on any issues or environmental concerns, which are beyond the scope of our mandatory consideration.
 - 3) The lead agency is then responsible for addressing the matter in its assessment and decision-making process.

- d. ***When the Federal Highway Administration (FHWA) is the lead federal agency***, comments and resolution of any differences concerning the adequacy of an environmental document or the appropriate class of action shall be consonant with the Coast Guard/FHWA Memorandum of Understanding, Enclosure (1).
 - 1) Logical Termini: The question of logical termini (that is, the most reasonable start and stop points) for highway projects can become complex. Space limitations in this document prevent an extended discussion. However, the following information will help in many of the standard cases in which logical termini must be considered.
 - 2) Basically, three inter-related criteria must be evaluated simultaneously during the scoping of highway projects, while determining the logical

termini. These criteria are given in 23 CFR 771.111(f), and their intent is to ensure meaningful evaluation of alternatives rather than committing to transportation improvements which are not fully evaluated.

- 3) The criteria are that the proposed action shall: (1) connect logical termini and be sufficiently long to include a broad scope of environmental possibilities; (2) have independent utility or significance; that is, it must be both useable and a reasonable expenditure -- even though additional transportation improvements may not be made in the area, and (3) not restrict consideration of alternatives for future, reasonably foreseeable transportation improvements.
- 4) Actually, points 2) and 3) complement 1), and they provide the conditions under which 1) has historically been expected to stand under legal analysis.

3. **Adoption**

- a. Many bridge actions requiring Coast Guard processing are based on environmental documentation that has been prepared by another federal agency. The Council on Environmental Quality (CEQ) Regulations (40 CFR 1506.3) encourages agencies to adopt the environmental documentation of other federal agencies, whenever possible, to reduce the cost and processing time of federal actions.
- b. Adoption can become complex because substantial differences often exist in internal agency NEPA implementing procedures.
- c. What one agency considers a Categorical Exclusion (CE), another may define as a major federal action.
- d. Specific Coast Guard policy in adopting another agency's environmental document is given in subsequent paragraphs of this chapter. However, in brief, Findings of No Significant Impact (FONSI's) and CE's cannot be adopted, whereas the Coast Guard can adopt Environmental Assessments (EA's) and Environmental Impact Statements (EIS's).
- e. In dealing with another agency's environmental document, BAP policy is to ensure agreement with the lead agency, wherever possible. Therefore, the Coast Guard's choice of an environmental document must be at least at the same level or higher than the lead agency's document.
 - 1) For example, if the lead agency's document is a FONSI, then the Coast Guard can either agree that a FONSI is appropriate or it can prepare an EIS. The Coast Guard cannot prepare a CE Determination when the lead agency has prepared a FONSI.

- f. The level of environmental document used for the initial Coast Guard action cannot be downgraded to a lesser level document for subsequent amendment actions involving the same project. For example, a FONSI cannot replace an EIS -- nor can a CE replace a FONSI. An adequate environmental document should be used as originally approved. An inadequate document should be supplemented, as appropriate, to include any new impacts that may have arisen since the most recent Coast Guard action was issued.
- g. The Coast Guard should only adopt those portions of the environmental documentation applicable to the bridge(s). For example: an EA or EIS may be prepared for a highway project that extends for several miles. The Coast Guard should only adopt the bridge-related portions of the documentation and those impacts that are the result of the bridge.

4. **Categorical Exclusion (CE):**

- a. Figure 2-1(32) of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series) lists those bridge actions that are categorically excluded. If a bridge action is categorically excluded, then preparing an EA or an EIS is not required, unless it is subject to the restrictions of Chapter 2.B.2.b. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
- b. In bridge actions where a federal agency other than the Coast Guard assumes the responsibility of lead agency, the case file must contain a document signed by an official of the lead agency, stating both that the proposed action is categorically excluded from NEPA and the basis for that determination.
 - 1) When the FHWA is the lead agency, Section IV, paragraph B.5. of the USCG/FHWA MOU [Enclosure (1)] requires them to give the Coast Guard information documenting its categorical exclusion finding.
- c. Although categorically excluded actions do not require formal NEPA documentation, other than a CE Determination, they must still be investigated to ensure that impacts under other environmental laws do not elevate the action to an EA or EIS level. The results of this investigation shall be documented in the Findings of Fact (FOF) accompanying all case files, including those where the FHWA or any other agency is the lead agency.
- d. When the Coast Guard, as lead federal agency, determines that a bridge action meets our definition of a CE, then the responsible Coast Guard official (District Commander or designee -- see following note) shall prepare a CE Determination (Example 3.1) to support that decision.

NOTE: To prevent needless repetition throughout this document, the expression "responsible Coast Guard official," in the previous and all

future paragraphs, shall always imply either the District Commander or designee.

- e. When another federal agency, as lead agency, classifies a project as categorically excluded, and the Coast Guard agrees, the responsible Coast Guard official must still prepare a Coast Guard CE Determination to support the Coast Guard bridge action.
 - 1) Categorical Exclusion Determinations of another federal agency *cannot be adopted*; however, they should be attached to the back of the Coast Guard CE Determination.
 - 2) The Coast Guard determination documents that the project meets Coast Guard CE criteria, as stated in Figure 2-1(32) of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). The lead agency's CE supports the fact that the overall project does not significantly impact the human environment.
- f. When the Coast Guard disagrees with the lead federal agency's CE Determination, the responsible Coast Guard official may ask the lead agency to prepare an environmental assessment. Alternatively, such official shall prepare an environmental assessment to document project impacts on the human environment and to determine if a FONSI or an EIS shall be prepared.

5. **Environmental Assessment (EA):**

- a. The responsible Coast Guard official shall ensure that an EA is prepared for all Coast Guard bridge actions not qualifying as CE's or requiring an EIS.
- b. ***When the Coast Guard is the lead federal agency***, the EA shall be prepared either by the responsible Coast Guard official or by the applicant. ***When another agency is the lead federal agency***, that agency is responsible for insuring that an EA is prepared.
- c. ***When the Coast Guard is lead federal agency***, the Coast Guard EA must be prepared according to the requirements of Section 2.B.3. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). The EA shall be approved by the District Commander or by the designee, preferably the District Bridge Administrator, for district prepared EA's.
- d. For EA's prepared by Headquarters, the EA shall be approved by the Chief, Office of Bridge Administration, or the appropriate Division Chief. Approval shall be accomplished by preparing the equivalent of Example 3.2. The approval cover sheet shall be attached to the front of the EA prepared by the Coast Guard.

- e. **When another federal agency is the lead agency**, the responsible Coast Guard official must ensure that, from their standpoint, the EA prepared by or for that agency is adequate. If the EA is adequate from a NEPA standpoint and meets Coast Guard procedural requirements then the Coast Guard may adopt the EA.
 - 1) In so doing, the Coast Guard accepts the EA and takes responsibility for its scope and content - as though the Coast Guard prepared the EA. Paragraph 3.C.3 describes adopting another agency's EA.
 - 2) When the responsible Coast Guard official determines that the agency's EA is inadequate for Coast Guard purposes, the EA must be supplemented or rewritten. The lead agency may do this, at Coast Guard's request.
 - 3) If the lead agency cannot or refuses to do so, then the responsible Coast Guard official shall ensure that the EA is supplemented or rewritten, as appropriate.
 - 4) In this case, the Coast Guard does not adopt the lead agency's document. The lead agency's EA becomes the basis for the Coast Guard's EA, and it is incorporated into the Coast Guard's EA, insofar as it is adequate.

6. **Finding of No Significant Impact (FONSI):**

- a. When an EA has been prepared for a Coast Guard bridge action, and - based on that EA - the responsible Coast Guard official has determined that there will be no significant impacts on the environment, a FONSI shall be prepared, which fulfills the requirements of Section 2.B.4. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
- b. Coast Guard FONSI's shall be approved by the same Coast Guard official who approved the EA cover sheet, or by a higher-level official. If significant impacts are expected, then the EA shall be the basis for preparing an EIS.
- c. **When the Coast Guard, as lead federal agency**, has prepared an EA for a bridge action, the responsible Coast Guard official shall prepare a FONSI using the format given in Example 3.3.
- d. **When the Coast Guard, as lead federal agency**, uses an adequate EA prepared by the applicant, the responsible Coast Guard official shall prepare a FONSI using the format given in Example 3.4. When this FONSI is attached to the front of the EA, the EA becomes a Coast Guard environmental document.

- e. ***When a lead federal agency other than the Coast Guard*** prepares an EA and a FONSI, the Coast Guard may adopt the EA prepared by that agency if the EA adequately addresses the impacts of the project within the Coast Guard's area of jurisdiction.
- f. In cases where the EA was prepared **five or more years** before the Coast Guard action, the District Commander should **obtain confirmation** from the lead federal agency whether the EA remains valid for the proposed bridge action.
- g. Confirmation can be obtained either in writing or by telephoning the lead agency. A record of the telephone conversation shall be documented for the case file. The Coast Guard may either adopt the entire EA or just the portion pertaining to the Coast Guard action.
- h. Adoption is accomplished by preparing a Coast Guard FONSI (Example 3.4). Using Example 3.4 serves both as a statement adopting the lead agency's EA and as a "Finding of No Significant Impact" for the Coast Guard.
- i. A separate adoption statement is not needed. The lead agency's EA and FONSI should be attached to the back of the Coast Guard prepared FONSI.
- j. If another agency's FONSI is based on an inadequate EA, then the responsible Coast Guard official may supplement or rewrite the EA, as required, to make it adequate for the Coast Guard. The Coast Guard must then prepare the appropriate FONSI (i.e., Example 3.3 or 3.4). See National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series), Section 2.B.3. for further information.
- k. The responsible Coast Guard official shall indicate in the Coast Guard Public Notice that a FONSI is the NEPA document for the proposed bridge action and that copies are available upon request.

7. **Environmental Impact Statement (EIS):**

- a. Certain actions normally require preparing an EIS **without** preparing an EA. Those actions are discussed in Section 2.B.5. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Other actions may first require preparing an EA. If, after preparing an EA, it is determined that a proposed action will have significant impacts on the quality of the human environment, then an EIS shall be prepared.
- b. When it is determined that an EIS is required, the District Commander shall submit to the Commandant (G-OPT) a draft Notice of Intent to Prepare an EIS, in accordance with 40 CFR 1501.7 and 1508.22. The Commandant

(G-OPT) will publish the Notice in the Federal Register. A sample Notice of Intent is given in Example 3.5.

- 1) Once it is determined that an EIS is required, the District Commander shall contact the Chief, Office of Bridge Administration (G-OPT), who will assure that appropriate guidance is provided to the District Commander during EIS preparation.
 - 2) The Bridge Management Specialists assigned to the Office of Bridge Administration are available to provide advice and assistance during all stages of the EIS development.
 - 3) The District Commander shall ensure that the content of an EIS is determined through the scoping process. The format shall include, at minimum, the sections described in 40 CFR 1502.10.
- c. The District Commander may send three copies of the **proposed** draft EIS (DEIS) to Commandant (G-OPT) for review and comment before submitting the DEIS to Commandant (G-OPT) for filing with the Environmental Protection Agency (EPA).
- 1) The District Commander shall provide eight printed copies of all DEIS's to Commandant (G-OPT), who will file the DEIS with the EPA (five copies) and distribute it within Headquarters.
 - 2) The district shall distribute copies of all DEIS's to the public and to appropriate agencies prior to filing with the EPA. An inadequate DEIS will not be filed with the EPA.
- d. The Commandant (G-OPT) will comment on the DEIS. The comments, as appropriate, shall be included in the **Final** EIS (FEIS), but the actual letter to the EPA will not usually become part of the EIS.
- e. **Legal Review:** District legal officers shall provide legal sufficiency review of FEIS's for bridge actions originating within their district.
- f. **Approval:** The District Commander has been delegated the authority to approve FEIS's for bridge actions, **with two exceptions:** those cases in which the Secretary or the Commandant has expressed an interest, **or** those cases which are considered highly controversial by either federal, state, or local government agencies, or by a substantial number of persons affected by the proposed action, when such opposition to a proposed bridge action is on environmental grounds.
- 1) For EIS's requiring approval by the District Commander, in accordance with Chapter 2.C.2. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series), Implementing Procedures and Policy

- for Considering Environmental Impacts, the Commandant (G-OPT) will, upon request, provide a review of the proposed FEIS prior to signing by the District Commander.
- 2) This review will provide the Program Manager's input, and it will help maintain a uniform EIS process. Eight printed copies of the FEIS are required by Commandant (G-OPT) for filing with the EPA and for distribution within Headquarters. An inadequate FEIS will not be filed.
- g. For EIS's requiring Commandant approval, the District Commander shall submit three copies of the proposed FEIS to the Commandant (G-OPT) for review.
- 1) The proposed FEIS must be complete, including typing, editing, graphics, etc. If changes are required prior to processing, written guidance showing the required changes will be given to the District Commander.
 - 2) The Commandant (G-OPT) will coordinate the EIS review with the Chief Counsel and with the DHS, as appropriate. When the EIS has been approved by the Commandant, the Commandant (G-OPT) will notify the District Commander that the EIS may be printed.
 - 3) Eight printed copies will be required for filing with the EPA and for distribution within Headquarters.
- h. The district shall distribute copies of all draft and final EIS's to the public and to appropriate agencies before the Commandant files the FEIS with the EPA. The District Commander shall print enough copies of the FEIS so that it is available to all who commented on the draft and/or requested a copy.
- i. When substantial changes are made in a proposed action, or where significant new information regarding its environmental impacts emerge, a DEIS or FEIS may be supplemented. The District Commander shall coordinate with Commandant (G-OPT) to determine whether or not a supplemental statement shall be prepared.
- j. ***When an agency other than the Coast Guard is the lead federal agency,*** the Coast Guard as a cooperating agency may adopt the EIS of that agency (without recirculating it as a final), if the EIS adequately addresses the impacts of the project within the Coast Guard's area of jurisdiction and concern [(40 CFR 1506.3(c)).
- 1) The Coast Guard may either adopt the entire EIS or just a portion of it, according to the procedures described in 40 CFR 1506.3.
 - 2) When adopting the EIS of another federal agency, the responsible Coast Guard official shall prepare an *adoption statement* that must be signed by the individual having authority to approve EIS's.

- k. The District Commander usually has this authority, *except for those bridge projects listed in paragraph 3.C.7.f.* A suggested format for the adoption statements is:

"After an independent review of (*specify lead agency*) Environmental Impact Statement, I have determined that the document adequately identifies and assesses the impacts of the (*specify bridge or project*). Therefore, I hereby adopt the (*specify entire EIS or bridge related portions*)."

- l. In those cases where the responsible Coast Guard official determines that a lead federal agency's EIS is inadequate for the Coast Guard, the official shall contact the Commandant (G-OPT) for specific guidance concerning revising, rewriting and supplementing the lead agency's document. Guidance will be issued on a case-by-case basis, due to the complexity of these situations.
- m. A Record of Decision (ROD) shall be prepared for all EIS cases.
 - 1) **When the Coast Guard is the lead agency**, the District Commander shall include a draft ROD in the case file when it is submitted to the Commandant (G-OPT) for final agency action.
 - 2) **When another federal agency is the lead agency**, the case file must contain a copy of that agency's ROD and a Coast Guard draft ROD.
- n. The Coast Guard draft ROD *shall be limited specifically to the bridge and approaches*, and it shall discuss all impacts for which the Coast Guard is responsible. When the ROD is completed by the Headquarters bridge staff, it will be signed by the Chief, Office of Bridge Administration. The format for the ROD is discussed in 40 CFR 1505.2. Sample ROD's are given in Examples 3.6 and 3.7. District draft ROD's shall be submitted in both hard copy and electronic formats to facilitate completion.
- o. Preparation of ROD's and supplemental EIS's is not normally required for EIS's filed on or before July 30, 1979 (40 CFR 1506.12). Please contact Commandant (G-OPT) for specific guidance on a case-by-case basis.

8. **[RESERVED]**

9. **Reevaluation of Environmental Documents:**

- a. **Time in Effect and Reevaluation Requirements:** Normally, a written reevaluation shall be provided on the adequacy, accuracy, and validity of an approved final environmental analysis over three years old. A DEIS is assumed valid for three years. If the proposed FEIS is not submitted to the approving official within three years from the date of DEIS circulation, a written

reevaluation of the DEIS shall be prepared by the responsible federal official. The reevaluation documents whether significant changes have occurred in either the proposed action, the affected environment, the alternatives, the anticipated impacts, or in the proposed mitigation measures. If significant changes have occurred, a new or supplemental EIS shall be prepared and circulated. A written reevaluation shall be provided for an FEIS if:

- 1) Major steps toward starting a proposed project (i.e., start of construction or substantial acquisition of right-of-way and relocation of residents or businesses) have not occurred within five years from the date of FEIS approval - unless tiering is used, or
 - 2) Major steps toward starting a proposed project have not occurred within five years from the date of FEIS approval or within the time frame stated in the FEIS, or
 - 3) The proposed project is to be started in **phases** or requires successive federal approvals, i.e., amendment of permits, etc., and shall be made before federal approvals for each major stage that occurs more than three years after the date of FEIS approval.
- b. **Environmental Assessment:** If the EA was prepared five years before the Coast Guard action, then the District Commander should **confirm** with the lead federal agency that the EA remains valid for the proposed bridge action.
- 1) Confirmation can be obtained either in writing or by telephoning the lead agency. The case file shall be documented by a record of the telephone conversation.

10. **Navigational Impacts in the Environmental Document**

- a. The USCG-FHWA MOU specifies that navigational issues must be included in the EA or EIS **when the FHWA is the lead agency**.
 - 1) When commenting on FHWA draft EA's and EIS's involving a bridge action, the responsible Coast Guard official should guarantee that each alternative includes adequate discussion of the navigational impacts.
 - 2) The navigational information should be sufficiently complete so that the Coast Guard can take final action without supplementing the FHWA document. (*See the Navigational Evaluation in Example 4.2*).
- b. **When the Coast Guard is the lead agency**, the responsible Coast Guard official shall ensure that the Coast Guard prepared EA or EIS contains sufficient navigational information to provide the basis for a decision.
 - 1) The level of discussion to be used in the environmental document is determined on a case-by-case basis.

- 2) An in-depth analysis should only be used in projects where navigational clearances are a major concern or controversy.
- 3) If the level of documentation is questionable, the responsible Coast Guard official should contact the Commandant (G-OPT) for guidance.

D. Agency and Public Involvement

1. Public Notice:

- a. When investigating bridge actions, the District Commander shall promote formal and informal contact with expertise agencies and the public as early as possible.
- b. The public notice shall identify the lead federal agency and whether the project is a major action or is a CE.
 - 1) If the action is major, then it should be stated whether a FONSI or an EIS is required.
 - 2) If the project is categorically excluded, then the basis of that determination should be stated.
- c. The public notice shall include information or a statement, as appropriate, according to parts C. through T. of this chapter.
- d. The public notice shall also describe the amount of dredge and fill material that may be needed for constructing the bridge and approaches, as well as any other appropriate environmental information useful to the reviewing parties. (See Chapter 4.G.3. for further details).
- e. The public notice shall be sent to all interested federal, state, and local agencies, property owners adjacent to the proposed project and any other interested parties.
- f. When the District Commander sends the case record to the Commandant (G-OPT), he shall include the public notice **and a list of adjacent property owners**. A standard mailing list should be maintained by the district. It should be provided to the Commandant (G-OPT) **only when requested**.

2. Public Hearings:

- a. Public hearings can help to resolve environmental conflicts. The District Commander, when anticipating a public hearing, shall consider the magnitude of the project, the degree of interest in the project and the benefits of having a hearing. Public hearings require prior approval by Commandant (G-OPT).

- b. Notification of the hearing shall be made by public notice in the Federal Register and shall announce the availability of detailed information concerning environmental/navigational impacts of the project. The district may also issue a district public notice of the hearing.
- c. For actions involving public hearings, the environmental document shall be made available to the public at least 30 days prior to the hearing. The notice of the hearing shall indicate the availability of the environmental document and the contact person from whom it can be obtained. (See Chapter 4.G.4. for further details).

E. Migratory Bird Treaty Act

1. **Compliance:** The Migratory Bird Treaty Act (MBTA) of 1918 is a domestic law that protects species or families of birds that live, reproduce or migrate within or across international borders at some point in their annual life cycle.

Executive Order 13186, dated 17 January 2001, requires that federal agencies avoid or minimize the negative impacts of their actions on migratory birds and take active steps to protect birds and their habitat. It requires federal agencies to have regulatory authorization from the U. S. Fish and Wildlife Service before “taking” any migratory birds. A “take” is any action that has or is likely to have a measurable negative effect on migratory bird populations. This also includes actions that merely disturb or startle a migratory bird.

2. **Responsibilities:** While the Coast Guard, as a federal agency, must adhere to the MBTA and the Executive Order, activities of the BAP are not likely to result in a measurable negative impact on migratory birds. Therefore, the BAP is not an agency program that is required to be addressed in the Coast Guard’s agency MOU with the Fish and Wildlife Service. However, the BAP, in the context of its NEPA analysis responsibilities, will address MBTA implications of a proposed bridge project, as applicable. Coast Guard public notices of proposed bridge permit actions shall be sent to the Fish and Wildlife Service who can advise of the likelihood the bridge proposal may have on migratory birds. As appropriate, the bridge owner would then be obliged to obtain an incidental “take” permit.

Examples of bridge-related mitigative measures to protect migratory birds are to: install white strobe lights at the highest point of a bridge structure taller than 199 feet or install protective coverings on ledges to prevent birds from nesting on them.

F. Historic Properties

1. **Compliance:** All bridge actions must comply with the following: Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), as amended; Executive Order 11593, Protection and Enhancement of the Cultural Environment; the Archaeological and Historic Preservation Act of 1974, 40 CFR 1502.25(a), Revised; 36 CFR 800 (Protection of Historic and Cultural Properties) published in Federal

Register, Volume 64, Number 95, pp. 27043-27087, May 18, 1999, which implements Section 106 of the National Historic Preservation Act, as amended; 36 CFR 60 and 63, and any other appropriate implementing regulations.

2. **Responsibility:**

- a. The Coast Guard has final responsibility, consonant with 36 CFR 800.4(a) and (b), for identifying historic and cultural resources that are near a proposed bridge project. Historic and cultural resources include historic districts, objects, and archaeological remains and historic structures, including bridges.
- b. To comply with the above, the *responsible Coast Guard official* shall review the National Register of Historic Places (NRHP), and its supplements, to determine whether any properties listed or proposed for listing are within one-half mile of the project boundaries.
- c. In addition, the Coast Guard official is responsible for investigating the project area to determine whether any resources meet the evaluation criteria given in 36 CFR 60.6.
- d. If the resources appear to meet the criteria, then the responsible official shall coordinate with the State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) and other consulting parties, as appropriate, to determine eligibility for inclusion in the NRHP.
- e. The responsible Coast Guard official shall document all investigations concerning historic and cultural properties. If properties of this kind are not found, or if they are found near the project area but are determined not to be affected by the bridge project, then the responsible Coast Guard official shall notify and provide the SHPO/THPO and consulting parties, if any, with the finding of no adverse effect. The finding of no adverse effect should also be documented and supported in the case file.
- f. In accordance with 36 CFR 800.4(d)(1), if the SHPO/THPO or the Advisory Council on Historic Preservation (ACHP) has entered the Section 106 process and does not object within 30 days of receipt of an adequately documented finding of no adverse effect, the responsible Coast Guard official's responsibilities under section 106 are fulfilled.
- g. When a bridge project is on or will affect historic properties on tribal lands, the responsible Coast Guard official shall determine what tribe is involved and whether the tribe has assumed the SHPO's responsibilities for Section 106 under Section 101(d)(2) of the Act. The responsible Coast Guard official shall consult with the THPO if he has formally assumed the SHPO's responsibilities; otherwise, he consults with both the Indian tribe and the SHPO.
- h. For bridge actions involving a documented adverse effect on the protected property, the responsible Coast Guard official shall prepare the documentation

specified in 36 CFR 800.11(e) and shall submit it to the SHPO/THPO, ACHP, and to other consulting parties, if any.

- i. When the Memorandum of Agreement (MOA) is prepared under [36 CFR 800.6(c)], a responsible Coast Guard official shall sign it if the Coast Guard is the lead federal agency on the project. Otherwise, only the lead federal agency need sign it, and the Coast Guard signature is optional.
3. **Determining the Proper Environmental Document for Historic Bridges:** Ordinarily, if a proposed action is determined to have a "significant effect" on an historic property, then the proper NEPA document is an EIS.
 - a. See Enclosure (5), "Guidance for Determining the Proper Environmental Document When Assessing the Impacts on Historic Bridges," to determine whether removing or modifying a historic bridge will cause a significant effect and will require preparing an EIS. Conversely, if the requirements in paragraphs 2.a. or 2.b. of Enclosure (5) are *met and documented*, then an EIS *is not required*.
 4. **Agency and Public Involvement:** The District Commander shall send a copy of the public notice to the SHPO, the National Park Service, and to other agencies known to have expertise in historic resources. Additionally, copies of the public notices should be sent to persons, or groups, having additional special interest or expertise, such as county or city historical preservation groups.

Note: On 1 March 2003, the Coast Guard was transferred from the Department of Transportation (DOT) to the Department of Homeland Security (DHS). As such, with the exception of bridge permit applications received before 1 March 2003, the Coast Guard no longer has responsibility under the provisions of the DOT Act of 1966 [49 U.S.C. 303 (c)], section 4(f), to protect and preserve public recreational areas, wildlife and waterfowl preserves, parklands and any historical sites. However, all bridge projects that involve section 4(f) properties shall continue to be treated as headquarters actions.

G. Coastal Zone Management (CZM)

1. **Compliance:** All bridge actions must comply with: Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451), as amended, 15 CFR 930, which implements the CZM Act, the Coastal Barrier Resources Act of 1982, as amended (16 U.S.C. 3501) and Coastal Zone Management, Federal Consistency Procedures, COMDTINST 16004.2 (series), dated 26 November 2002.

2. **Responsibilities:** The responsible Coast Guard official shall document the case record on the need for consistency certification for those states with a federally approved CZM plan.
 - a. When consistency certification is required, the responsible Coast Guard official shall include a copy of the applicant's consistency certificate, and a copy of the state's concurrence in that certification, in the case file.
 - b. Final agency action cannot be taken on bridge projects unless the state concurs in that certification, or fails to object, within the time limits stated below.
 - c. **When the applicant is a federal agency** and certifies that the project is consistent with the approved CZM plan, the state has **60 days** to agree or disagree, after which agreement is assumed.
 - 1) Final federal action shall not occur less than **90 days** from the issuance of the consistency determination to the state (15 CFR 930.41).
 - d. **When the applicant is not a federal agency** and certifies that the project is consistent with the approved CZM plan, the state has **six months** to concur or to object, after which concurrence is assumed (15 CFR 930.63).
3. **Agency and Public Involvement:** The appropriate State Coastal Zone Management Program office shall be included on the public notice mailing list for all state bridge projects. The public notice shall include a statement indicating whether the proposed project is or is not within the state's coastal zone.

H. Wetlands

1. **Compliance:** All bridge actions must comply with the provisions of Executive Order 11990, Protection of Wetlands.
2. **Responsibilities:**
 - a. The responsible Coast Guard official, by coordination with the *applicant* and the *lead federal agency*, when applicable, will insure the protection, preservation and enhancement of wetlands through adequate bridge project planning, construction, and operation, to the extent practical.
 - b. The responsible Coast Guard official shall document the effects of each bridge project on wetlands.
 - c. This information, and the "Wetlands Finding," shall be included in the environmental document for major actions, or in the FOF for CE's.
3. **Agency and Public Involvement:** The public notice shall state the acreage of wetland taken or impacted, when applicable.

I. Floodplains

1. **Compliance:** All bridge actions must comply with the provisions of Executive Order 11988, Floodplain Management.
2. **Responsibilities:**
 - a. The responsible Coast Guard official shall determine whether a bridge project is located in the base floodplain. This determination should be made using either Federal Insurance Administration (FIA) maps, or the best maps available, if no FIA maps exist.
 - b. The base floodplain is that area which is inundated by a *base flood* (commonly known as the 100-year flood). A base flood is defined as having a one-percent chance of being exceeded in any given year. The Corps of Engineers will usually be able to provide the 100-year flood elevation.
 - c. An *encroachment* exists when **any part** of the bridge structure or approach roadway is in the floodplain. An encroachment does not exist in replacement bridge projects when only the piers, pilings or pile bents are located in the floodplain. The waterway itself is considered part of the floodplain, for purposes of these Orders.
 - d. The responsible Coast Guard official shall document the effects of each bridge project on floodplains. This information shall be included in the environmental document for major federal actions, or in the Findings of Fact for CE's.
 - e. A preferred alternative involving a significant encroachment shall not be approved unless the responsible Coast Guard official determines, in writing, that there is no practicable alternative. Such finding shall be documented in the case file.
3. **Agency and Public Involvement:** If a bridge project involves an encroachment or a significant encroachment, then the District Commander shall advertise this encroachment in the public notice. The 100-year flood elevation should be cited in the text of the notice and indicated on the attached drawings. A copy of the public notice shall be sent to the appropriate Federal Emergency Management Agency (FEMA), Regional Office, Insurance and Hazard Mitigation Division.

J. Water Quality Certification (WQC)

1. **Compliance:** All bridge actions must comply with the water quality certification provisions of the Clean Water Act (33 U.S.C. 1251), Section 401, and its implementing regulations in 40 CFR 121.
2. **Responsibilities:**

- a. The applicant must apply for and obtain a Water Quality Certification (WQC). The applicant must also send a copy of the application letter, and WQC or waiver, to the District Commander.
- b. *A WQC or a waiver is required for all bridge permit or bridge permit amendment actions.* The decision to issue, deny, waive or determine the necessity for a WQC **can be made only** by the appropriate state water quality certifying agency, interstate agency or the U. S. Environmental Protection Agency, not the applicant, the Coast Guard or any other federal agency.
- c. A new WQC is required, or the existing WQC must be confirmed, in writing, as valid by *the appropriate certifying agency*, before any bridge permit or permit amendment action. If the WQC agency fails to timely act, then the responsible Coast Guard official may follow the procedure stated below.
- d. The WQC requirements for bridge permits may be waived under 33 CFR 115.60(a) **only** if a state agency, interstate agency, or the EPA, as appropriate, fails to act on the applicant's request for certification within **30 days** after receiving the Coast Guard Public Notice.
- e. Note that **one or more documented efforts** shall be made to contact the state water quality certifying agency, before the 30-day period expires to assure their awareness of the proposed project, that they have received the applicant's request for certification, and that they are advised of the impending Coast Guard action.
- f. It shall be understood that **the Coast Guard is not directly waiving the WQC**. Only the cognizant water quality certifying agency, or the EPA, may waive the WQC. The Coast Guard is merely exercising its prerogative **to assume** that the responsible agency or the EPA, *having been duly notified, as explained above, and having made no response within the proper time limit*, is implying that the WQC requirements are waived.
- g. This is an acceptable procedure, under 33 CFR 115.60(a), having been previously discussed and ratified through a joint decision by both Commandant (G-OPT) and the U.S. Environmental Protection Agency.
- h. The responsible Coast Guard official shall, upon request, grant additional time for a state agency, interstate agency, or the EPA to review the WQC application.
- i. The responsible Coast Guard official shall insure that the case file contains documentation concerning the certification, including, as appropriate, either:
 - 1) The actual WQC, or

- 2) A statement by the appropriate water quality certifying agency that the WQC is waived or not required, or
 - 3) Documentation from the appropriate water quality certification agency that the existing WQC or waiver is valid for the permit or permit amendment action, or
 - 4) Documentation showing that the applicant has applied for a WQC (*letter from applicant to the state*), that the appropriate water quality certifying agency has not acted within 30 days after receiving the Coast Guard public notice, and that the Coast Guard has notified the EPA, **in writing**, consonant with 40 CFR 121.16.
- j. Documentation of EPA notification in the case file shall include a copy of the letter sent to EPA or a copy of the telephone record.
 - k. The responsible Coast Guard official shall **document** that the WQC cites Section 401 of the Clean Water Act or the applicable state water quality standards.
 - l. If an application for WQC is denied by - and only by - the appropriate water quality certification agency, then a bridge permit cannot be issued. Only said agency can deny WQC.

3. **Agency and Public Involvement:**

- a. If the certifying agency or another federal agency has given the EPA a copy of the WQC, then it shall be considered as notification for purposes of Coast Guard compliance with Section 401(a)(2).
- b. When the responsible Coast Guard official receives a copy of the WQC for a project **before** the public notice is issued, the official shall notify the EPA via a statement in the public notice.
- c. When the WQC is received **after** the public notice is issued, the responsible official shall immediately notify the EPA of the WQC issuance, if it was not already done by the certifying agency or by the applicant. The notification may be either by letter or by telephone, and it **must be documented** in the case file.

K. **Fish and Wildlife**

1. **Compliance:** All bridge actions must comply with the following: the Fish and Wildlife Coordination Act (16 U.S.C. 661), as amended, the Endangered Species Act of 1973 (16 U.S.C. 1531), as amended and their implementing instructions.
2. **Fish and Wildlife Coordination Act:** To achieve the intent of Section 2 of the Fish and Wildlife Coordination Act, the District Commander shall send the public notice

for all bridge projects to the appropriate field and regional offices of the Fish and Wildlife Service (F&WS) and to the appropriate state fish and wildlife agencies.

- a. The District Commander shall work with the commenting agencies and the applicant to ensure that efforts are made to comply with the received comments.
- b. The environmental document shall contain an analysis of the impact of the bridge project on fish and wildlife resources. It should also include any mitigative measures that were used or considered.

3. **Endangered Species:**

- a. The District Commander shall consult with the appropriate Regional Directors of the F&WS, the National Marine Fisheries Service (NMFS), and the F&WS listings of endangered and threatened species. The District Commander shall also determine whether any listed species or critical habitat may be present or affected by the proposed bridge project or action.
- b. If such species may be present or affected, then the lead federal agency for the proposed project shall begin consultation with the F&WS and the NMFS, consonant with Section 7 of the Endangered Species Act, as amended.
- c. If no federally listed species appear to be within the proposed project area, then no further action is required. See 50 CFR 402, the implementing instructions for consultations under Section 7 of the Endangered Species Act.
- d. The District Commander shall ensure that the environmental documentation in the case file includes, when applicable, the biological assessment, the results of the consultation process, the analysis of any procedures taken to avoid impacts on the species and other pertinent information needed to document compliance with this law.
- e. For each bridge action, a copy of the public notice shall be sent to the Endangered Species Specialist of the appropriate F&WS and NMFS field and regional offices. The public notice should request that all interested agencies and persons comment on whether any listed species, or potentially listed species, are present in the proposed project area.

L. **Wild and Scenic Rivers**

1. **Compliance:** All bridge actions must comply with the provisions of the Wild and Scenic Rivers Act (W&SRA) of 1968 (16 U.S.C. 1271), as amended, and with the intent of the CEQ Memorandum, dated August 10, 1980, concerning interagency consultation.

2. **Responsibilities:**

- a. Section 7 of the W&SRA prevents issuing a permit for a bridge over a wild and scenic river, a study river, or a river proposed for such designation that would directly and adversely affect the values for which the river was designated.
- b. The Secretary of the Department (Interior or Agriculture) responsible for its administration makes the determination of the effect.
- c. The District Commander shall review the W&SRA and its subsequent amendments to determine whether a proposed bridge project will affect any portion of an established or designated wild and/or scenic river.
- d. Under Section 7 of the W&SRA, the Secretary of Agriculture is responsible for determining whether the proposed project would directly and adversely affect the values for which the river was established or designated (16 U.S.C. 1278; 36 CFR 297).
- e. Some states administer State Wild and Scenic Rivers Systems. The District Commander shall contact the appropriate state park and recreation agencies to obtain current lists of the designated state rivers.
- f. Bridge projects potentially affecting listed state rivers should be coordinated with the appropriate state agencies. The environmental document shall address any potential impacts a bridge project may have on state or federally designated wild and scenic rivers.
- g. If a listed or designated river may be affected, the District Commander shall notify the Chief, Forest Service, U.S. Department of Agriculture, P. O. Box 96090, Washington, D.C. 20090-6090.
- h. The District Commander must provide notification as soon as practical, but no less than **60 days** before the date of the proposed bridge permit action. Advance notice must be given the Secretary of Agriculture before construction begins.

M. **Prime and Unique Farmlands**

1. **Compliance:** All bridge actions must comply with the CEQ memorandum dated August 11, 1980, and the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201), as amended.
 - a. These documents help insure that efforts are made to guarantee that such farmlands are not irreversibly converted to other uses which would erode their productivity, scenic value, wildlife habitat value, and their benefits as open space.

- b. Criteria for evaluating the relative value of farmland are given in 7 CFR 658 and in the Federal Register of July 5, 1984, Part III. The Federal Government ruling does not restrict the use of private farm property for non-agricultural conversion.
2. **Responsibilities:** The District Commander shall investigate, consonant with Section 2.D.7. of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series), the possibility of impacting state or local prime and unique farmlands.
 - a. If prime and unique farmlands are identified, then the District Commander shall consult the State Land Use Committee of the U. S. Department of Agriculture, which will assist in analyzing the impacts to such lands.
 - b. An analysis of the impacts of a bridge project on any prime and unique farmland shall be included in the environmental document.
3. **Agency and Public Involvement:** The appropriate State Soil Conservation Service (SCS) Office shall be notified in writing, or by public notice, for all bridge projects. The SCS maintains an inventory of prime and unique farmlands.
4. **Exemptions:** Bridge permits, i.e., the issuance of permits or licensing for activities on private or non-federal lands, are exempt from the Farmland Policy Protection Act requirements.

N. Air Quality

1. **Compliance:** All bridge actions must comply with the provisions of the Clean Air Act [42 U.S.C. 7506(c)], as amended. Section 309 of the Clean Air Act (CAA) requires the EPA Administrator to review, and comment in writing on, the environmental impact of any newly authorized federal construction project, or on any major federal action regarding the duties and responsibilities granted by the Act.
 - a. Section 176(c) of the CAA, as amended (42 U.S.C. 7401), prevents the Secretary of Homeland Security from approving any project or from issuing any permit for actions not conforming to the provisions of an approved Federal Implementation Plan (FIP) or to a State Implementation Plan (SIP).
 - b. Any new activity engaged in or approved by a federal agency must conform to an applicable federal or state approved air quality implementation plan.
2. **Applicability:**
 - a. The General Conformity Rule (40 CFR 93.150) applies to general federal actions in areas designated "non-attainment" or "maintenance."

- 1) Consonant with the CAA, Section 107(d), a "non-attainment" area means any area not meeting the national primary or secondary ambient air quality standards for one or more criteria pollutants (or that causes or contributes to a new violation of ambient air quality in a nearby area).
 - 2) A "maintenance" area means an area with a maintenance plan approved under Section 175A of the CAA.
- b. A conformity determination is required for each of the criteria pollutants identified in 40 CFR 93.153.
 - c. Federal projects in areas designated attainment areas are not subject to the General Conformity Rule.
 - d. The Transportation Conformity Rule (40 CFR 51 and 93) applies to projects requiring funding or approval from the FHWA or the FTA.
 - e. This rule also applies to transportation plans, programs and projects funded or approved under Title 23 U.S.C. of the Federal Transit Act [40 CFR 51 and 93, Subpart T (51.390, 93.100)].
 - f. Federal actions in areas designated non-attainment or maintenance areas are subject to the Transportation Conformity Rule. Criteria pollutants and the varying time periods are established in 40 CFR 93.102.
3. **Determining Conformity:** The criteria and procedures for determining whether federal actions conform to state and federal implementation plans for air quality are addressed in 40 CFR 6, 51, and 93.
 4. **Agency and Public Involvement:** A federal agency must make both the draft and final conformity determinations available for review. Documentation supporting the determinations must include the analyses or the methodologies and conclusions used in making the applicability analysis and determinations.
 5. **Responsibilities:**
 - a. The District Commander shall document the case record to show that the proposed bridge project is consistent with the approved SIP. If the project is determined to pose a potential adverse air pollution impact, then the applicant should contact the state or local air quality board and prepare an air quality analysis.
 - b. The District Commander shall then submit the air quality analysis to the EPA and to the FHWA regional offices for review and comment. The District Commander shall work with the applicant and the expertise agencies to try to resolve any disagreement.

- c. The air quality analysis need not be included in the environmental document, but it should be in the case file. The District Commander shall describe the methodology, basic assumptions and average daily traffic count (ADT) projections in the environmental document. Any comments received from expertise agencies should also be included in the environmental document.

O. Noise

1. **Compliance:** All bridge actions shall comply with the provisions of the Noise Control Act of 1972 (42 U.S.C. 4901), as amended, and with 23 CFR 772.
2. **Responsibilities:**
 - a. The District Commander shall identify all existing activities or land use, which may be adversely affected by noise from the bridge and its related highway sections which are under the scope of the Coast Guard action.
 - b. When a project is anticipated to exceed the noise levels for the activity categories (e.g., FHWA 7-7-3), the District Commander shall work with the applicant to explore alternatives that may reduce noise impact.
 - c. If there appear to be no alternatives that reduce noise impacts, then the District Commander shall help the applicant determine what mitigation measures may be used to reduce the noise impacts.
 - d. The District Commander shall investigate whether any activity categories will be impacted by construction noise. He or she shall give special attention to the location of noise-sensitive sites, such as hospitals, schools and nursing homes.
 - e. If construction noise is a problem, then the District Commander and the applicant can include noise-reducing procedures in the construction contract.

P. Relocation Assistance

1. **Applicability:** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), as amended, applies to projects involving federal funds. These include, but are not limited to, projects funded partially or wholly by the FHWA, the Federal Transit Administration (FTA), the USACE and, where the Coast Guard has issued an Order to Alter (OTA), under the Truman-Hobbs Act.
 - a. The act **does not apply** in cases involving new bridge permits or amendments to existing permits where federal funds are not used for construction.
 - b. [RESERVED]

2. **Responsibilities:** When applicable, the environmental document for both Order to Alter and bridge permit actions shall contain information on displaced residences and businesses and the measures taken to relocate them and provide compensation under applicable law.
 - a. Each Truman-Hobbs project involving the relocation of houses or businesses, or the taking of real property, shall be reviewed on a case-by-case basis.
 - b. [RESERVED]

Q. Environmental Justice – E.O. 12898

1. **Applicability:** Executive Order 12898, signed on February 11, 1994, requires all federal agencies to ensure that environmental justice consideration is part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations in the United States and its territories and possessions.
2. **Compliance:** The impacts of proposed bridge projects on minority and low-income populations shall be identified and documented in case records before final agency action on such projects. Determining environmental justice impacts caused by bridge projects, including disproportionately high adverse health concerns, divisiveness, and disruption to established minority communities and similar concerns should be identified and assessed during the environmental review of proposed projects. Case records shall clearly document compliance with this Executive Order in the form of appropriate environmental documentation (Coast Guard FOF, EA, FONSI, or EIS and Record of Decision, as appropriate) for all Bridge Program actions affecting minority or low-income populations.
3. **Responsibilities:** To assist in the identification and assessment of environmental justice implications of proposed bridge projects, districts shall include explicit solicitation of views on this issue in all public notices issued on bridge proposals, including bridge modification or replacement projects for existing bridges.
 - a. Public notice solicitation of views on environmental justice shall include the following (or suitable variation) boiler plate language, as appropriate:
 - 1) Based upon environmental documentation (EA, FEIS, etc.) submitted for this project, it appears that the proposed bridge project will have no adverse environmental justice impacts upon minority and low-income populations. Factual information and data contrary to this no-adverse-impact position should be submitted in response to this notice.
 - 2) Based upon applicant provided environmental documentation (EA, FEIS, etc.) available for this project, it appears that the proposed bridge project may divide and disrupt (affect, impact, have adverse health effects, etc.) a

minority and/or low-income population/community. Comments that specifically address this concern are welcome.

- b. Every reasonable effort shall be made to ensure that project applicants responsibly identify and address all environmental justice concerns and mitigations, as appropriate, which may be associated with bridge projects.

R. Essential Fish Habitat

1. **Compliance:** The Magnuson-Stevens Fishery Conservation and Management Act provisions, in 16 U.S.C. 1855 and 50 CFR Sections 600.805-930, require federal agencies which fund, permit, or carry out activities that may adversely impact Essential Fish Habitats (EFH) to consult with the National Marine Fisheries Service (NMFS) regarding potential adverse effects of actions on EFH. Bridge permit case records must, as applicable, clearly document compliance with all relevant EFH requirements.
2. **Responsibilities:**
 - a. If the Coast Guard is not the lead agency for a bridge project, the lead agency's environmental documentation must be checked to ensure project compliance with the EFH requirements. Essential Fish Habitat compliance should be documented in the FOF.
 - b. If the Coast Guard is the lead agency, the Fishery Management Plans in the project region should be reviewed to determine whether a bridge action might affect EFH. If EFH compliance is required, then:
 - 1) The District Commander shall provide NMFS at least 60 days notice concerning the impacts of a proposed action on EFH prior to a final decision on the permit action, or at least 90 days notice if the action would result in substantial adverse impacts. Notification of proposed bridge project impacts on EFH are required in an EFH Assessment which must include:
 - (a) a description of the proposed action;
 - (b) an analysis of the effects, including cumulative effects, of the action on EFH, the managed species, and associated species by life-history stage;
 - (c) agency views regarding the effects on EFH; and
 - (d) proposed applicable mitigation. The EFH Assessment will be included in the public notice or a coordination letter.
 - 2) Following notification, NMFS will provide EFH conservation recommendations, as appropriate, within specified time frames. District

Commanders must respond to NMFS/EFH conservation recommendations. A final response is to be provided to the NMFS within 30 days, or an interim response may be transmitted if final action on the project cannot be completed within that time frame. A final response must be provided to the NMFS at least 10 days prior to final action/approval (e.g., signing of a FONSI or ROD). If NMFS recommendations are not accepted, the district response must include a detailed explanation of why NMFS recommendations are not being followed and a scientific justification for any disagreements over anticipated EFH impacts.

S. Memorandums of Understanding/Agreement

1. **Federal Highway Administration/U. S. Coast Guard:** To avoid unnecessary duplication of effort, the U.S. Coast Guard and the FHWA endorsed an agreement, via a Memorandum of Understanding (MOU) and other coordination procedures, regarding the preparation of environmental documents. Enclosures (1) and (2) are copies of this MOU and coordinating procedures, respectively.
2. **Chief of Engineers/U. S. Coast Guard:** This agreement outlines the respective responsibilities of the USACE and the Coast Guard regarding: the alteration of bridges under the Truman-Hobbs Act, the construction, operation and maintenance of bridges and causeways, the closure of waterways, and the selection of appropriate design flood flows. It also provides for coordination and cooperation between the two agencies on projects and activities affecting the navigable waters of the United States. Enclosure (3) is a copy of this MOA.

T. Section 1205 of the Transportation Equity Act for the 21st Century (TEA-21)

1. Section 1205 of TEA-21 provides, in part, that “(a) state may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required for a project ... as well as subsequent engineering and design work ...” This provision allows the FHWA to use environmental impact analyses prepared by a state’s contractor who may also be employed to perform engineering and design work on the same project.
2. There is no legal impediment to adopting the resulting EIS or EA, provided the Coast Guard has served as a cooperating agency and independently evaluated the analysis to ensure the accuracy and objectivity of the NEPA work and that a range of reasonable alternatives have been considered. Additionally, Section 1205 of TEA-21 requires the state to assess the objectivity of the environmental document before submitting it to the FHWA.
3. In all cases, the guidance found in this chapter, including the procedures in Enclosures (1) and (2), should be followed. In politically sensitive or unique cases, Commandant (G-OPT) should be consulted.

U. Other

1. This chapter does not cover all environmental, cultural, and historical mandates applicable to BAP actions that may fall under the umbrella of the NEPA environmental planning and coordination process. Enclosure (7) is a currently complete listing, in one place, of the most commonly applicable environmental control laws, Executive Orders, regulations, and policy directives, which must be complied with, as appropriate. Each BAP employee is responsible for obtaining and keeping current personal copies of the references listed in this enclosure. A thorough knowledge, understanding, and skillful application of these references and associated procedures is essential to successful accomplishment of BAP functional workload activities.

Example 3.1: Categorical Exclusion

**U. S. COAST GUARD
CATEGORICAL EXCLUSION DETERMINATION
FOR
(Title of proposed action)**

[Brief, yet concise description of location and the proposed action (1 or 2 paragraphs).]

This action has been thoroughly reviewed by the Coast Guard, and it has been determined, by the undersigned, to be categorically excluded from further environmental documentation, in accordance with 2.B.2.b. and Figure 2-1(32) (indicate subsection) of the NEPA Implementing Procedures, COMDTINST M16475.1 (series), since implementation of this action will not result in any:

1. Significant cumulative impacts on the human environment;
2. Substantial controversy or substantial change to existing environmental conditions;
3. Impacts which are more than minimal on properties protected under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), as amended; or
4. Inconsistencies with any federal, state, or local laws or administrative determinations relating to the environment.

| | | |
|------|----------|----------------|
| Date | Preparer | Title/Position |
|------|----------|----------------|

| | | |
|------|-------------------------------------|----------------|
| Date | Environmental Reviewer ¹ | Title/Position |
|------|-------------------------------------|----------------|

| | | |
|------|----------------------|----------------|
| Date | Responsible Official | Title/Position |
|------|----------------------|----------------|

¹ Signature of the Environmental Reviewer for the Bridge Administration Program may be that of the Preparer.

Example 3.2: Environmental Assessment

U. S. COAST GUARD
ENVIRONMENTAL ASSESSMENT
FOR
(Title of proposed action)

This Coast Guard Environmental Assessment was prepared in accordance with Commandant's Manual Instruction M16475.1 (series) and is in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and the Council on Environmental Quality Regulations dated November 29, 1978 (40 CFR 1500-1508).

This Environmental Assessment serves as a concise public document to briefly provide sufficient evidence and analysis for determining the need to prepare an Environmental Impact Statement or a Finding of No Significant Impact.

This Environmental Assessment concisely describes the proposed action, the need for the proposal, the alternatives, the environmental impacts of the proposal and alternatives, a comparative analysis of the action and alternatives, a statement of environmental significance, and lists the agencies and persons consulted during its preparation.

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| _____ | _____ | _____ |
| Date | Preparer | Title/Position |

| | | |
|-------|-------------------------------------|----------------|
| _____ | _____ | _____ |
| Date | Environmental Reviewer ¹ | Title/Position |

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| _____ | _____ | _____ |
| Date | Responsible Official | Title/Position |

¹ Signature of the Environmental Reviewer for the Bridge Administration Program may be that of the Preparer

Example 3.1: Finding Of No Significant Impact (U. S. Coast Guard)

U. S. COAST GUARD
FINDING OF NO SIGNIFICANT IMPACT
FOR
(Title of Proposed action)

This action has been thoroughly reviewed by the Coast Guard, and it has been determined, by the undersigned, that this project will have no significant effect on the human environment.

This Finding of No Significant Impact is based on the attached U. S. Coast Guard prepared Environmental Assessment (reference other environmental documents as appropriate), which has been determined to adequately and accurately discuss the environmental issues and impacts of the proposed action and provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

| | | |
|------|-------------------------------------|----------------|
| Date | Environmental Reviewer ¹ | Title/Position |
|------|-------------------------------------|----------------|

| | | |
|------|-----------------------------------|----------------|
| Date | Responsible Official ² | Title/Position |
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¹ Signature of the Environmental Reviewer for the Bridge Administration Program may be that of the Preparer

² Responsible Official = The District Commander or designee

Example 3.4: Finding Of No Significant Impact (Other Agency)

**U. S. COAST GUARD
FINDING OF NO SIGNIFICANT IMPACT
FOR
(Title of proposed action)**

This project has been thoroughly reviewed by the Coast Guard, and it has been determined, by the undersigned, that this project will have no significant effect on the human environment.

This Finding of No Significant Impact is based on the attached applicant prepared Environmental Assessment (reference other environmental documents as appropriate), which has been independently evaluated by the Coast Guard and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The Coast Guard takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment.

| | | |
|-------|-------------------------------------|----------------|
| _____ | _____ | _____ |
| Date | Environmental Reviewer ¹ | Title/Position |

| | | |
|-------|-----------------------------------|----------------|
| _____ | _____ | _____ |
| Date | Responsible Official ² | Title/Position |

¹ Signature of the Environmental Reviewer for the Bridge Administration Program may be that of the Preparer.

² Responsible Official = The District Commander or designee

Example 3.2: Notice of Intent to Prepare an Environmental Impact Statement**DEPARTMENT OF HOMELAND SECURITY****COAST GUARD****[CGD 93-018]**

Draft Environmental Impact Statement; Niagara Falls

AGENCY: Coast Guard, DHS.**ACTION:** Notice of Intent.

SUMMARY: The U. S. Coast Guard, as the lead federal agency, and in cooperation with the Niagara Falls Bridge Commission (NFBC), intends to prepare and circulate a Draft Environmental Impact Statement (DEIS) for a proposed international bridge project crossing the Niagara River Gorge within the Whirlpool Rapids Corridor between the United States and Canada. A Coast Guard bridge permit is required for approval of the location and plans for the bridge project before construction can begin. The U. S. Army Corps of Engineers and the U. S. Department of State will be cooperating agencies and also will have federal permitting requirements for various aspects of the project.

DATES: Comments must be received on or before [Insert date 30 days after date of publication in the Federal Register].

ADDRESSES: Comments may be mailed to Commander (obr), Ninth Coast Guard District, 1240 East Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Bloom, Jr., Chief, Bridge Branch, Telephone: (216) 902-6085.

SUPPLEMENTARY INFORMATION: This notice of intent is published as required by regulations of the Council on Environmental Quality at 40 CFR 1501.7.

The proposed project would modify the existing bridge across the Niagara River Gorge, mile 11.6. Other planned improvements include a new four-lane international bridge, new and expanded terminal facilities, upgrading approaches at the Rainbow and Lewiston-Queenston Bridges, and approximately 6.5 miles of new roadway.

The subject of this EIS is the improvements proposed on the United States side of the border.

A similar study is being prepared to evaluate environmental impacts on the Canadian side. The primary reason for this project is to improve traffic safety and accommodate future highway traffic volumes between the United States and Canada up to year 2020, the end of the planning period.

As a result of earlier scoping meetings with federal, state and local agencies, the Coast Guard has determined that an EIS would be the appropriate document for assessing impacts of the proposed project under Section 102(2)(C) of the National Environmental Policy Act of 1969.

A no-build alternative (no action), alternative alignments within the existing bridge corridor, and various designs will be addressed. Other alternatives identified by the public will be considered.

Significant issues to be evaluated include relocation of residential, commercial, industrial, and non-profit displacements; relocation of hazardous wastes located within the proposed project right-of-way; existing and future land use and traffic patterns; prime and unique farmland; threatened and endangered species, and critical habitat; and impacts on air quality, cultural resources, and navigation.

A public hearing may be scheduled after the Draft EIS is issued for public and agency review and comments.

No public scoping meeting is anticipated now. Written comments are invited from all interested parties to assure that all significant issues are identified and that the full range of alternatives and impacts of the proposed project are addressed.

Dated:

Example 3.3: Record of Decision (other than Coast Guard lead):**RECORD OF DECISION**

**PROPOSED REPLACEMENT OF NORTHBOUND ROOSEVELT BRIDGE
(U. S. HIGHWAY 1)
ACROSS THE ST. LUCIE RIVER (OKEECHOBEE WATERWAY),
MILE 7.2 AT STUART, MARTIN COUNTY, FLORIDA
P(14-92-7)**

I. DESCRIPTION OF THE PROPOSED PROJECT:

The Florida Department of Transportation proposes to construct a six-lane, high-level fixed bridge across the St. Lucie River, (Okeechobee Waterway), mile 7.2, on U. S. Highway 1, at Stuart, Martin County, Florida. The existing two-lane, northbound drawbridge will be replaced, while the existing two-lane southbound drawbridge will be retained for two-way local traffic.

The 1.6 mile project extends from north of West Ocean Boulevard at the southern end to north of Wright Boulevard. The overall proposed improvements include replacing the existing four-lane bascule bridge with a six-lane, high-level, fixed bridge that would be located east of the existing alignment and retaining the southbound span of the existing bridge to connect Old Dixie Highway on the south with State Road 707 on the north to provide a two-lane, local collector highway for the City of Stuart. Several intersections will also be modified to facilitate acceptable future intersection operation.

The Federal Highway Administration (FHWA) is the lead federal agency for satisfying requirements of the National Environmental Policy Act (NEPA). A Draft Environmental Impact Statement (DEIS) for the proposed project was approved by the FHWA on August 7, 1988; the Final EIS was approved by FHWA on August 26, 1991 and was filed with the U. S. Environmental Protection Agency (USEPA) on September 20, 1991. No changes have occurred since the Final EIS (FEIS) was approved by FHWA.

The Coast Guard was a cooperating agency in preparing the environmental document. Action by the Coast Guard consists of issuance or denial of a bridge permit for the proposed bridge replacement. Coast Guard NEPA responsibility is to assess the navigational and environmental impacts of construction, maintenance, and operation of the proposed bridge, and demolition of the existing northbound bridge.

II. DECISION

The Commander, Seventh Coast Guard District, has recommended, and the Commandant, U. S. Coast Guard, has decided to approve, the location and plans for the proposed bridge. This decision is considered to be in the best public interest for satisfying project objectives with the least impacts on navigation and on the environment.

III. ALTERNATIVES CONSIDERED

Alternatives initially considered were the no-build, six different high-level fixed structures, and a tunnel. There were several design alternatives within these basic alignment alternatives. Both six and eight-lane alternatives were based on 2010 design year traffic projections. The eight-lane alternatives were eliminated after Martin County objected due to anticipated adverse social and economic impacts associated with these alternatives.

Subsequently, eight other alternatives were considered: no-build, six high-level fixed bridges with different touchdown points, and a tunnel. The no-build alternative would have the least adverse impact on the environment, but it would seriously impact future traffic volumes.

The preferred Alternative 5 (modified), with western alignment shift, avoids impacts to the Youth Center Park while meeting the established needs of the project. It would provide sufficient capacity for future traffic volume, with minimal adverse environmental impacts.

An expanded description of the various alternatives and recommended (preferred) alternative, including the basis for the decision, is included in the summary of the FEIS. After considering responses to the Coast Guard Public Notice, the impacts associated with each alternative and the present and future transportation needs, I have determined that the proposed project's impacts of the selected (preferred) alternative cannot be avoided, and all planning and mitigation to minimize these impacts have been accomplished.

PREFERRED ALTERNATIVE

The proposed replacement bridge would be a six-lane, high-level, fixed highway bridge. The preferred alternative, including retention of the existing southbound bridge, is designed to provide a highway capacity level of service D in the peak hour for the year 2010.

Two alternate designs are being considered for the proposed bridge. Alternate AA features a steel girder superstructure; alternate AB features a segmental concrete superstructure. Both alternate designs would provide the same clearances in the navigation span:

| | |
|---|-----------------|
| Horizontal as measured between fenders normal to axis of channel | 90.0' (27.43m) |
| Minimum vertical clearance above mean high water elevation 0.91' (0.28m) [1929 NGVD] | 65.0' (19.81m) |
| Minimum vertical clearance above mean low water elevation 0.03' (0.01m) [1929 NGVD] | 65.88' (20.08m) |

IV. BASIS FOR DECISION

After an independent review of the FEIS (FHWA-FL-EIS-88-UI-F), approved on August 26, 1991, by the FHWA, I have determined that the environmental document adequately assesses the impacts of the proposed replacement bridge across the St. Lucie River, mile 7.2, at Stuart,

Martin County, Florida, including the business relocations. The Commander, Seventh Coast Guard District, adopted the FEIS on November 9, 1992.

The FEIS contains an adequate detailed statement of the following: project description and purpose, probable impacts of the project, alternatives, unavoidable adverse environmental effects, short-term impacts versus long-term benefits, irreversible and irretrievable commitment of resources and measures to minimize environmental harm. The proposal conforms with the State of Florida's air quality implementation plan and with the national ambient air quality standards.

The existing to-be-replaced, four-lane Roosevelt Bridge (northbound) St. Lucie River, mile 7.4, is actually two separate structures. The East Bridge, built in 1934, carries northbound traffic; the West Bridge, built in 1964, carries southbound traffic.

The East Bridge does not open fully when the bascule leaves are raised; in the open position the East Bridge provides unlimited vertical clearance between tips of the bascule leaves (58.6 feet of the channel span). The bascule leaves overhang the fenders (10.3 feet at the north fender and 11.4 feet at the south fender). The estimated remaining life of the existing to-be-replaced bridge is six years.

The existing to-be-retained West Bridge, carrying southbound traffic, has a double-leaf bascule span. It provides 80 feet horizontal clearance between fenders. The vertical clearance is 14.3' above mean high water (closed position). Unlimited vertical clearance is provided (open position) for the full width of the channel span.

The West Bridge will be restriped for two-way traffic, thus providing local access to downtown Stuart and additional capacity for the corridor to meet the 2010 design year level of service.

Special operating regulations for the drawbridge will be revoked, and the draw will be required to open on signal.

V. MITIGATION

The St. Lucie River (Okeechobee Waterway) is within the designated critical habitat of the West Indian Manatee, an endangered species.

Procedures, as outlined in the State (Florida Department of Environmental Regulation) permit, will be followed during construction of the proposed bridge.

Therefore, the bridge project, as proposed, will not adversely affect fish and wildlife resources.

The proposed alignment would impact one residence, 17 businesses, 8 vacant lots and 5 vacant buildings.

Eligible displacees will receive relocation assistance, consonant with Florida Statutes, Chapter 339.09 and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646).

The Florida Department of Transportation Right-of-Way and Relocation Program follows federal guidelines to provide relocation advisory services and funding assistance for appropriate replacements within the project corridor.

Procedures are detailed for real property acquisition, including criteria for appraisals, general relocation requirements, replacement housing payments for owners and tenants, mobile homes and business relocations.

Minimization, avoidance or elimination of adverse impacts was a primary consideration throughout the project planning. All efforts have been made to minimize impacts on the environment and on navigation.

VI. CONCLUSION

Based on an independent Coast Guard review of all pertinent factors, including navigation and the human environment, I conclude that the proposed bridge replacement across the St. Lucie River (Okeechobee Waterway) will meet the reasonable needs of navigation with no unmitigated, significant adverse impacts on the quality of the human environment.

Date: _____

N. E. MPRAS
Chief, Office of Bridge Administration
U. S. Coast Guard
By direction of the Commandant

Example 3.4: Record of Decision (Coast Guard lead):**RECORD OF DECISION**

**PROPOSED HARBOR ISLAND
BRIDGES ACROSS GARRISON AND
SEDDON CHANNELS, MILE 0.0, TAMPA, FLORIDA
PERMITS: (8-83-7); (9-83-7)**

I. DESCRIPTION OF THE PROPOSED PROJECT:

American Centennial Insurance Company and its affiliates propose to undertake a major redevelopment of Harbor Island in Tampa, Florida. Harbor Island (formerly known as Seddon Island) is located immediately south of Tampa's Central Business District (CBD) near the mouth of the Hillsborough River.

Garrison Channel, connecting Seddon and Sparkman Channels, passes between Harbor Island and Tampa's downtown area. Davis Islands are located to the west across Seddon Channel, and the Port of Tampa lies to the east and southeast across Sparkman Channel.

The 178-acre island will be developed in phases over a 10-year period and will include residential, office and commercial elements. The proposed project will include construction of two fixed bridges and guideway for a people-mover across Garrison Channel and removal of the existing Scherzer Rolling Leaf Bascule Bridge.

The U. S. Coast Guard is the lead federal agency, since the two fixed-highway bridges across Garrison channel will require bridge permits -- in accordance with the General Bridge Act of 1946.

The Coast Guard's primary National Environmental Policy Act (NEPA) responsibility is, generally, to assess only the environmental impacts of the construction and the operation of the bridges themselves.

For this project, the scope of NEPA responsibility has been broadened to include the island development, since the Coast Guard permitted bridges will provide access for development of the island.

II. DECISION:

The Commander, Seventh Coast Guard District, has recommended, and the Commandant, U. S. Coast Guard, has decided to approve, the locations and plans for two fixed bridges across Garrison Channel at the proposed Harbor Island development in Tampa, Hillsborough County, Florida.

The selected alternatives are designated the Franklin Street Bridge and the East Access Bridge.

III. ALTERNATIVES CONSIDERED:

Access Alternatives: Seventeen total combinations of bridge alignments were considered initially. Five of these were considered in detail in the FEIS, as follows: (1) no project, (2) extension of Franklin Street across Garrison Channel (selected, Franklin Street Bridge), (3) twin bridges which would extend Jefferson and Morgan Streets to the island (Jefferson/Morgan pair), (4) use of existing railroad right-of-way on the eastern side of the island (selected, East Access Bridge), and (5) a bridge spanning Seddon Channel from the intersection of Ashley/Water and Platt Streets to the northwest corner of the island.

Development Alternatives: Four basic development alternatives were considered: (1) no project, (2) the development as proposed, (3) alternative land uses, and (4) alternative intensities of land use. Detailed descriptions of these options are discussed in the Alternatives Section of the FEIS.

IV. BASIS FOR DECISION:

The FEIS contains a comparative summary and detailed analysis of the navigational and environmental factors forming the basis for the selection of the proposed action.

Access Alternatives: The no-project alternative was discarded, basically because failure to select some form of access to the island would have a serious detrimental economic impact on both the property owner and the City of Tampa.

Since all the construction alternatives would generally meet the needs of navigation, with similar ecosystem impacts, the decision on selecting the access alternatives was based primarily on the needs of vehicular traffic entering and leaving the proposed development.

The Jefferson/Morgan pair alternative provides the best interface with the traffic system in the CBD, but since selecting this alternative would divide the property owned by Major Realty on the mainland -- thereby reducing or eliminating this property value for development -- this alternative was eliminated.

The Seddon Channel alternative would require a much more complex bridge structure than the selected alternative. Besides the increased cost resulting from this alternative, increased possibilities exist for conflicts with commercial navigation at this location.

The selected access alternative includes constructing a new bridge extending Franklin Street and replacing the existing Scherzer Rolling-Leaf Bascule Bridge with a new fixed bridge on approximately the same alignment.

Selecting this alternative will meet the access needs of the proposed development and will only minimally impact the present and prospective navigation and the human environment.

Development Alternatives: The no-project alternative would have no significant ecosystem impacts, but it would have serious economic impacts on both the current landowner and on the City of Tampa.

The alternative land use alternatives (Green Space or Theme Amusement Park) were rejected as impractical. Neither of these possibilities met the objectives of the property owner or the City of Tampa regarding downtown redevelopment.

The Green Space alternative would have some environmental benefit over the selected alternative, but it would not satisfy the requirements of the parties involved.

Selecting the higher intensity of development would have some economic benefit, but it would stress the infrastructure regarding essential services.

The lower intensity of development would have little or no ecosystem benefit, and it would provide insufficient economic justification to continue with the proposed project.

The development level discussed in the FEIS has been carefully studied to insure that the economic interests of the landowner can be met within the limits of the carrying capacity of both the ecosystem and the essential service infrastructure.

V. MITIGATION MONITORING:

Access Alternatives: The only mitigation recommended for the Franklin Street Bridge is that included in the Florida Department of Environmental Regulation (FDER), Permit #290674093, dated August 2, 1983. Construction of the East Access Bridge (including removal of the existing bridge) is subject to the stipulations of the Memorandum of Agreement, dated February 2, 1983, between the ACHP, the Florida State Historic Preservation Officer (SHPO), the U. S. Coast Guard and the applicant.

Development Alternatives: The size and complexity of the proposed development dictated submitting an application for development approval, under Section 380.06(6), Florida Statutes, was submitted to the Florida Department of Administration. The application was submitted on July 10, 1981. On February 18, 1982, the City Council of the City of Tampa issued a Development Order, which constituted final approval of this application. The Development Order (City Ordinance No. 7887-A), including stipulations "A" through "DD," is incorporated by reference to this document.

Authority for enforcing the provisions included in the Development Order is understood to be strictly under the purview of the City of Tampa, Hillsborough County, and the Florida Department of Administration.

VI. CONCLUSION:

Having reviewed all pertinent factors, including navigation and the human environment, I conclude that the proposed bridge projects will meet the reasonable needs of navigation with no significant, unmitigated adverse impact on environmental quality.

Date: _____

N. E. MPRAS
Chief, Office of Bridge Administration
U. S. Coast Guard
By direction of the Commandant

Example 3.5: Adoption of Final Environmental Impact Statement

**U. S. COAST GUARD
ADMINISTRATIVE ACTION
ADOPTION OF
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR
PROPOSED PUTNAM STREET BRIDGE REPLACEMENT ACROSS
THE MUSKINGUM RIVER, MILE 0.32, AT MARIETTA, OHIO**

After an independent review of the Final Environmental Impact Statement for the Putnam Street Bridge Replacement Project (FHWA-OH -EIS-96-01-F) approved by the Federal Highway Administration on August 26, 1996, I have determined that the document adequately assesses the impacts of the proposed Putnam Street Bridge project for replacing the bridge across Muskingum River, mile 0.32, at Marietta, Ohio.

Therefore, I hereby adopt the portions of the Final Environmental Impact Statement related to the replacement Putnam Street Bridge across the Muskingum River and its approaches.

Date _____

(Responsible Agency Official or Designee)

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CHAPTER 4 - BRIDGE PERMITS

A. Introduction

1. This chapter prescribes the procedural guidelines to be followed by District Commanders in processing applications for approval of the location and plans for the construction of new bridges or modification of existing bridges across the navigable waters as required by the statutes enumerated in Part B.
2. The criteria for approval depends substantially upon whether the openings for passage of water are reasonable or adequate for the water flow of the waterway and provide for the reasonable needs of navigation, if any, routinely and customarily using, or expected to use, the waterway. The provisions of this chapter are to be taken in context with Chapters 1, 2 and 3, as applicable, and 33 CFR, Parts 114 and 115. Of particular note are the environmental impact considerations discussed in Chapter 3, which are only dealt with in this chapter in a general way.

B. Legal Authorities

1. Authority to approve the plans and locations of bridges and causeways across the navigable waters of the United States was transferred to the Secretary of Homeland Security by 1512(d) of the Homeland Security Act of 2002. This authority was subsequently delegated to the Commandant by the Secretary. The laws relating generally to the location and clearances of bridges and causeways in the navigable waters of the United States are found in:
 - a. Section 9 of the Rivers and Harbors Appropriations Act of March 3, 1899, as amended, 33 U.S.C. 401;
 - b. The Act of March 23, 1906, as amended, (an Act to regulate the construction of bridges over navigable waters) 33 U.S.C. 491;
 - c. The General Bridge Act of 1946, as amended, 33 U.S.C. 525;
 - d. The International Bridge Act of 1972, 33 U.S.C. 535;
 - e. Section 124a of the Surface Transportation Assistance Act of 1978, as amended, 23 U.S.C. 144(h);
 - f. Sections 107 and 108 of the Coast Guard Authorization (CGA) Act of 1982; Bridges included and excluded, 33 U.S.C. 530; and
 - g. Various special acts of Congress authorizing individual bridge crossings.

C. Delegation of Authority to District Commanders

1. **Permit Actions:** The Commandant has delegated to District Commanders (33 CFR 1.01-60) the authority to issue all bridge permits and permit amendments except those which:
 - a. Require an environmental assessment, an environmental impact statement or a Section 4(f) Statement. When amending a bridge permit, the environmental document used for the original permit action may still be valid for the amendment action.
 - b. [RESERVED]
 - c. Present substantial unresolved controversy involving the public, or which are objected to by federal, state, or local government agencies.
 - d. Involve amendment to an existing permit issued by the U. S. Army Corps of Engineers (USACE). Once Commandant (G-OPT) has amended a USACE permit or permit amendment, the District Commander is authorized to issue subsequent amendments.
 - e. See also Chapter 5.E.1.b. concerning modified vs. replaced USACE permitted bridges. The District Commander is authorized to issue a Coast Guard permit to construct a bridge (project) which replaces a USACE permitted bridge, provided the other delegation criteria are met.
 - f. Pertain to bridges across international boundaries, which require approval under the International Bridge Act of 1972, or prior Acts of Congress. Commandant (G-OPT) takes final agency action on permits and permit amendments for all international bridge projects.
 - g. Pertain to bridge alterations subject to the Truman-Hobbs Act. Commandant (G-OPT) takes final agency action on permit amendments for bridges constructed or modified under an Order to Alter (Truman-Hobbs Act).
 - h. The Commandant has requested to be submitted to Headquarters for final agency action.

Note: Any Bridge Program issues or actions that are, or have the potential of becoming controversial, or involve or may involve litigation, shall be forwarded to the Commandant (G-OPT) for information and decision regarding action to be taken on such issues or actions. Such projects/issues may involve controversy between federal, state and local agencies, disagreements with the bridge owners or applicants, controversy with environmental and navigational entities, political interest, precedent setting, environmental impact statements, etc.

2. **Lighting:** Under 33 CFR, Part 118, the District Commander may:
 - a. Exempt the requirement for bridge lighting over waterways with no significant nighttime navigation.
 - b. Require modified or special lighting in cases where present lighting is inadequate for the safe passage of nighttime navigation.

D. Bridge Permits

1. Bridge permits and permit amendments are the Coast Guard documents approving the location and plans of bridges as required under the statutes listed in section 3.B. of this chapter.
2. Bridge permits are formal documents to be numbered consecutively by District Commanders in the format of Consecutive Number - Calendar Year - District, e.g., (2-82-7), the second permit action taken in 1982 for a bridge project located within the Seventh Coast Guard District.
3. Amendments to permits are also formal permit documents showing consecutive lower case letters after the permit number reflecting the number of actions taken on each permit, e.g., (2a-82-7). Amendments to those permits issued prior to the delegation, e.g., (8-81), shall also bear the district number when final action is taken, e.g., (8a-81-7). Permit numbers for permit actions shall be assigned by the District Commanders when preparing the permit document for district actions and when preparing the transmittal letter for Headquarters actions. District Commanders shall maintain a record of the permit actions taken within their district boundaries.
4. Permit application files must be complete and contain, as a minimum, the permit document, any decision memoranda and the information and documentation specified in section 4.G.5.g. of this chapter. District staffs are reminded to limit their reviews to the requirements of this manual and the Bridge Permit Application Guide, COMDTPUB P16591.3 (series), in order to eliminate requests for unnecessary information. Further, data gathering and evaluations of bridge projects should minimize duplicated information of other lead agencies. Only one copy of the approved plans need be attached to the permit document. The attached plans must bear the approval stamp of the District Commander for district actions submitted to Headquarters for review. The District Commander shall retain the originals of all documents in the district permit files. Copies of documents for district actions shall be submitted to Commandant (G-OPT) to enable a prompt response to inquiries received in Headquarters, and provide for effective program review.
5. As outlined in 33 CFR 115.05, care will be taken that federal approval is not granted when there is doubt of the right of the builder to construct and utilize a bridge. Bridge permit applications shall not be accepted for processing if upon receipt it is evident that the bridge project is under an existing injunction or any other legal obstruction, or if there are any doubts concerning the applicant's property rights. In

such case the applicant shall be informed that the Coast Guard will process a permit application once any such impediments have been resolved or removed.

E. Limiting Date in Permits

1. Specific time limitations are stated in all permits for the commencement and completion of construction. See Chapter 5. Normally three years for start of construction and two additional years for completion may be allowed.
2. District staffs should notify permittees in writing of impending expiration dates and the procedure to request an extension of time limits. This notification should be early enough to allow the permittee to submit the request at least 30 days prior to the expiration of the permit. A file of incomplete bridge projects with their respective expiration dates should be maintained for this purpose.
3. Specific time limitations are inserted in all permits for the removal of temporary structures and bridges being replaced in whole or in part by the newly permitted bridges where removal thereof is required as a condition of the permit. A specific date or time for removal of a temporary structure is determined on an individual case basis commensurate with the need of the project. Normally a period of 90 days after completion of the new bridge may be allowed for removal of such temporary structures and bridges being replaced. Removals shall be completed within the time constraints so stated in the removal condition; however, removals are not a function of permit expiration. The commencement/completion condition is the only indicator for permit expiration.
4. If a court having proper jurisdiction issues an injunction or other order to halt construction on a particular bridge (after the permit has been issued), the running of time limitations in the permit or properly issued extension shall be suspended. The time limitations will resume running as of the date the injunction or other order has been lifted by the court.
5. Generally, if a permittee requests an extension of time at least 30 days before the permit expires, the permit continues in force pending final agency action by the Coast Guard on that request. Should the permittee make the request for an extension of time less than 30 days before the permit expires, the permit may be reinstated and the time limit extended in a permit amendment, but the original permit does not continue in force pending final agency action by the Coast Guard. Should the permittee request an extension of time after the permit expires, the original permit cannot be reinstated or extended, and does not continue in force. After a permit has expired, new construction or modification work must be approved by the Coast Guard as if new work, by a new permit.
6. Requests for 90-day extensions of time to complete construction of a new bridge or removal of an existing bridge usually do not result in a Coast Guard bridge permit amendment. As long as the permittee made the request for an extension of time at least 30 days before the permit expires, the permit continues in force and the work

is usually completed before an amendment is processed. Issuance of a public notice is highly recommended.

F. Bridge Permit Exemptions

1. Repair or Replacement of Bridge Parts:

- a. A bridge or causeway permit is required for the construction of any bridge or causeway across the navigable waters of the U. S. An Act of Congress is required as a prerequisite to a permit for a causeway unless the waterway is wholly contained within a state. Any deviation of the location, plans and conditions approved by the permit requires a new or amended permit. This applies to both before and after the bridge or causeway is constructed. However, repair or replacement of parts in kind whether or not by substitute of type or material, i.e., steel for wood, concrete for steel, etc., does not require a permit.
- b. Repairs or replacement of parts, which affect the approved navigation clearances or the approved configuration are not considered replacement in kind and require a permit or permit amendment. Likewise, replacing wood with steel on fenderworks, which may affect the safety of navigation, should not be considered replacement in kind and will require prior Coast Guard approval.
- c. Minor deviations such as replacing pipe guardrails with solid material; change in kind of pavement; addition, replacement, or removal of pipelines within the structures underneath, on the side, or top; which do not significantly or materially alter the effect on navigation or the approved general configuration are not considered deviations requiring a bridge permit. However, the replacing of wood with steel on fenderworks, which may affect safety of navigation should not be considered replacement in kind and will need Coast Guard approval.

2. Temporary Repair or Replacement of Bridges:

- a. Temporary repair or replacement of severely deteriorated or damaged bridges to meet emergency land transportation requirements essential to the public health, interest and safety may be authorized without formal permit action.
- b. The following information must be considered prior to approval of the subject bridgework.
 - 1) Type of bridge (i.e., highway, railroad, bascule, vertical lift).
 - 2) Clearances of existing structure.
 - 3) Type of bridgework proposed.

- 4) Clearances to be provided by temporary bridge repairs or structures.
 - 5) Anticipated effects on navigation.
 - 6) Anticipated effects on the environment.
 - 7) Probable (apparent) cause of the bridge failure.
 - 8) Anticipated period of time that the bridge will be retained.
 - 9) Intention of the bridge owner to retain or repair a bridge permanently.
 - 10) Deterioration of bridges due to the failure of the bridge owner to plan for the maintenance of their bridge does not constitute an emergency for the purposes of complying with applicable legal and regulatory requirements.
- c. The authorization is limited to the minimum period of time required for the bridge to return to normal operation.
 - d. Any temporary bridge repair or structure constructed under such an approval, which is later determined to have a significant effect on navigation or the environment will be subject to removal or alteration by and at the expense of the owner of the bridge to provide for the reasonable needs of navigation and to mitigate adverse impacts on the quality of the human environment.
 - e. Continued existence of temporary bridge repair or structure pending permanent repair or reconstruction of the structure is subject to Coast Guard review and is contingent on demonstration of reasonable efforts by the bridge owner to permanently repair or reconstruct the structure.
 - f. Permanent retention of any temporary bridge repairs or structures will be subject to formal Coast Guard bridge permit action.

3. Temporary Construction of Bridges:

- a. In case of natural disasters or other catastrophic circumstances requiring extraordinary measures, or for military exercises, the construction of temporary bridges and causeways is authorized without formal approval of the location and plans. Such authorization is limited to the minimum period required for return to normalcy.
- b. Any temporary structure built under this authorization is a categorical exclusion federal action for purposes of the considerations required otherwise under the National Environmental Policy Act (NEPA) for the duration of the emergency period until return to normalcy.
- c. Any temporary structure built under this authorization, which adversely affects the reasonable needs of navigation or the human environment will be subject

to removal or alteration by the owner to provide for the reasonable needs of navigation and maintenance of the quality of the human environment.

- d. Retention of temporary structures as permanent structures will be subject to a formal permit for a proposed structure or after-the-fact approval under 33 CFR 114.25. For the purposes of the consideration required under NEPA, the provisions of Figure 2-1(32)(d) of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series) will apply.

4. **Coast Guard Authorization (CGA) Act of 1982:**

- a. Section 107 of the CGA Act of 1982, 33 U.S.C. 530, exempts bridge projects from Coast Guard bridge permits when the bridge project crosses nontidal waters which are not:
 - 1) Used;
 - 2) Susceptible to use in their natural condition; or
 - 3) Susceptible to use by reasonable improvement as a means to transport interstate or foreign commerce.
- b. The District Commander will determine as to whether a proposed bridge project is exempted from Coast Guard bridge permit procedures. To properly apply the criteria, the following questions must be asked:
 - 1) Is the waterway crossed by the bridge subject to the ebb and flow of the tide? "Waters subject to tidal influence" and "waters subject to ebb and flow of the tide" are interpreted as waters below mean high water. "Mean high water" is the average of the height of the diurnal high water at a particular location measured over a lunar cycle period of 19 years. These terms do not include waters above mean high water caused by flood flows, storms, high winds, seismic waves, or other non-lunar phenomena. Waterways behind dams, dikes, levees, tidal boxes or otherwise, which would be tidal in their natural state but are not tidal in fact, are not tidal waters for purposes of the CGA Act.
 - 2) Is the waterway crossed, or to be crossed, by the bridge presently used as a highway for the water transportation of substantial interstate or foreign commerce? Recreational craft use by itself does not constitute commerce. Substantial commerce is commerce that is particularly important in an economic sense to the area served by the waterway.
 - 3) Is the waterway crossed, or to be crossed, by the bridge susceptible in their natural condition to use as a highway for the water transportation of substantial interstate or foreign commerce? Susceptibility to use may be

demonstrated in several ways. However, the commerce, which is probable, must be substantial in the sense referred to above.

- 4) Is the waterway crossed, or to be crossed, by the bridge susceptible with reasonable improvement to use as a highway for water transportation of substantial interstate or foreign commerce? Reasonable improvement in the sense used here is that improvement whose benefits outweigh its costs as determined by a responsible entity having expertise in waterway improvement, most often the USACE. In other words, a demonstrated prospective need for such a project must be established. Waterways which are under study authorized by federal, state or local government entities for port development, navigational improvement, regional economic development and for similar purposes which involve the waterway as an element for future use by foreign or interstate commerce in conjunction therewith, shall ordinarily be considered susceptible for future use pending conclusion of the study. It is assumed that the justification for authorization study includes a presumption of reasonable expectancy that the study will result in a favorable conclusion.
 - 5) A positive answer to any one of the above questions means that Coast Guard permit action is required. Negative answers to all of the questions will establish that no permit action is required.
 - 6) Apart from the documentation required to record a determination under the CGA Act and the application of 33 CFR 118, no records or documentation of bridges that fall into this excluded category will be maintained. Commandant (G-OPT) should be consulted on controversial cases when the applicant is expected to object to the determination, or when sufficient doubt exists in interpreting criteria for a given situation.
- c. The CGA Act, however, does not exclude such bridges from Coast Guard jurisdiction for purposes other than approval of location and plans of bridges. The requirements under 14 U.S.C. 85 for lights and signals on structures including bridges and other Coast Guard responsibilities under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978, are still applied.

5. **Surface Transportation Assistance (STA) Act of 1978:**

- a. Section 144(h) of Title 23, U. S. Code, as amended, was enacted to reduce paperwork and related costs in the execution of the Coast Guard's bridge permit programs. The bridges which fall into this excluded category are those that:
 - 1) Cross waterways which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

- 2) Cross waterways which are non-tidal; or if tidal, used only by vessels less than 21 feet in length.
- b. Since the Federal Highway Administration (FHWA) has the responsibility for the STA Act, the Coast Guard will accept a determination by the FHWA Administrator that a bridge project receiving federal assistance under Title 23, U. S. Code, meets the stated criteria and is exempted for Coast Guard Bridge Administration purposes. However, before such FHWA determinations are made, FHWA will consult with the Coast Guard to obtain concurrence with such determination. Upon consultation by the FHWA, the Coast Guard will timely concur or not concur so as to not delay project advancement [see Enclosure (2)].
- c. It must be noted that the subject Act, which amended Title 23, U. S. Code, to include 23 U.S.C. 144(h), did not exclude that category of bridges from the application of 14 U.S.C. 85. The latter statute requires the establishment, maintenance, and operation of Coast Guard required lights and signals on fixed structures, including bridges. Approval of lights and other signals required under the provisions of 33 CFR 118 should be obtained, prior to commencement of construction, from the District Commander.

6. **Advance Approval Waterways:**

- a. Advance Approval Waterways are those waterways that are not actually navigated other than by logs, log rafts, rowboats, canoes, and small motorboats pursuant to 33 CFR 115.70. In such cases, the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.
- b. The Advance Approval regulation was, in part, overtaken by the enactment of the STA Act of 1978 and the CGA Act of 1982. The regulation is applicable to arms, embayments, or tributaries of water bodies or impoundments used for commerce, which are considered part of the water body or impoundment by lateral extension.
- c. Bridge permit applications or information requests shall be reviewed to see if the use criterion of the regulation applies. If the use criterion is met, the waterway is an Advance Approval Waterway and a permit is not required.
- d. Identification of a waterway as an Advance Approval Waterway is not a major federal action for purposes of the NEPA. Such action is a categorical exclusion as stated in Figure 2-1, 32(f) of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
- e. Projects that generate controversy on navigational or environmental grounds or that are found to have significant impact should be processed under the individual permit procedure.

- f. A list of waterways identified as Advance Approval shall be maintained and published periodically, as appropriate.
- g. When addressing Advance Approval matters, the following should be adhered to, as appropriate:
 - 1) Be clear in letters granting Advance Approval that construction must begin promptly, that Coast Guard should be notified of construction commencement for Notice to Mariners purposes, as necessary, that lighting requirements may or may not apply, that clearances shall be provided for high water stages and Advance Approval may be revoked if navigation changes from criteria in 33 CFR 115.70.
 - 2) Following Advance Approval actions, periodically monitor the situation to ensure construction is promptly commenced, lights installed as appropriate, changes in type of navigation/use of waterway, etc.
 - 3) Promptly withdraw Advance Approval designations on those waterways where the character of navigation changes and no longer meets the Advance Approval criteria in 33 CFR 115.70, so notifying bridge owners and other interested parties along the affected waterway.

G. Procedures

1. Preliminary Discussions:

- a. Informal initial contact should be made with the prospective applicant at the earliest practicable time after construction of a bridge is first proposed, or such intent becomes known. This contact is to acquaint the prospective applicant with the guide clearances for that waterway, if established (see section 4.K. of this chapter), environmental considerations and other factors affecting the design and location of the proposed bridge as may be appropriate.
- b. These recommendations may be incorporated in preliminary planning with less difficulty than at a later stage in the development of the project. Contacts should also be maintained, and meetings should be arranged with waterway users and other interested parties early in the planning stages to identify and resolve differences of opinion. This will minimize adverse public reaction to obviously inappropriate or unreasonable applications.
- c. It is **not** Coast Guard policy that the applicant for a bridge permit and every objector to any aspect of the proposed bridge be **required to resolve** their differences before action is taken on the application. Neither is the District Commander expected to resolve all such differences. It is sufficient that the parties concerned be made aware of the differences which exist and be encouraged and afforded the opportunity **through** the District Commander to resolve them at the earliest practicable date. It **is** the responsibility of the District Commander to evaluate the significance of any objections to the bridge

project and to base his/her decisions or recommendations for action by the Commandant on the information available. Objections made by state and local authorities, by themselves, shall not be cause for denial of a bridge permit. These objections, if based upon the effects of the proposed bridge on navigation and the environment, will receive full consideration on equal standing as accorded comments received from any member of the general public.

- d. The appropriate USACE District Engineer should be consulted as to the effect of the proposed bridge on hydraulics and on river and harbor or flood control projects and whether they recommend a specific extent of removal of an existing bridge. It is appropriate, in certain cases, to contact the regional offices of the other federal agencies having expertise in environmentally affected matters involved in the course of these preliminary discussions.
- e. The procedures for processing approval of deviations from previously issued bridge permits, including extensions of time for commencement and completion, are similar to the procedures applicable for processing an original bridge permit. Normally, the Supplemental Findings of Fact (FOF) need only address changes occurring subsequent to the original Coast Guard FOF. In cases where no changes have occurred, a specific statement to that effect should be made. In cases where there is a deviation of a condition of the bridge permit with no change in the location or plans, new drawings are not required. If a significant amount of time (greater than five years) has elapsed since the original FOF was written, a new, complete FOF should be completed. In cases when a supplemental FOF is used, a copy of the original FOF shall be submitted in the case file for review by Commandant (G-OPT).

2. **Application for Permit:**

- a. The Commandant (G-OPT) or the District Commander, as appropriate, prior to the start of construction, must approve the location and plans of bridges across navigable waters of the United States. Applications for permits are to be made by letter to the District Commander having jurisdiction over the area in which the proposed bridge will be located. Appendix D to the Bridge Permit Application Guide contains a sample permit application letter. The letter should contain:
 - 1) Legislative authority for the bridge. Except for causeways and international bridges, the General Bridge Act of 1946 may be cited as the legislative authority. If a proposed bridge will cross an international waterway, the International Bridge Act of 1972 may be cited as the legislative authority. However, for international bridges constructed prior to 1972, which are being replaced, modified, or relocated, the special Act of Congress, which authorized its construction may be cited. A copy of the Act must be included with the application. A causeway will also require authorization by a special Act of Congress, unless the waterway

lies wholly within the state in which case authorization by the state is sufficient.

- 2) If a bridge will cross a navigable waterway entirely within one state, a copy of the state law under which it will be built should be included.
- b. An original and three copies of a map of the vicinity showing the location of the bridge site.
 - c. An original and three copies of the plans of the bridge (including the approaches) and alternate designs, if applicable, from grade to grade showing both plan and elevation views (*see Chapter 1.C.4.c.6 concerning approaches and grades*).
 - d. The minimum clear height, with respect to the appropriate recognized datum at the site of the lowest part of the superstructure ("*low steel*") of the navigation spans shall be clearly indicated. All navigational clearances shall be shown in U. S. linear feet and in the metric equivalent unit of measurement in parenthesis. (*The existence and positioning of navigational lights will be considered to have no effect on the vertical clearances provided by the bridge and should not be shown.*)
 - e. The minimum clear horizontal distance beneath the navigation span measured normal to the axis of the navigation channel and the overall length and width of the bridge, shall be clearly shown.
 - f. Movable span bridge clearances should be shown in two positions: in the closed and in the open positions.
 - g. Any existing bridge, or portions thereof, should be shown only if it will not be removed.
 - h. Certain types of bridges, such as haunched deck girders and trusses and partial through trusses, provide greater vertical clearances throughout the center portion of the span than is available near the piers. Clearances of these bridges expressed in rectangular terms such as "provides a vertical clearance of 5 feet and a horizontal clearance of 500 feet" do not adequately describe the navigational clearances that may be available. In these cases, navigational clearances may be described as follows:
 - 1) The maximum horizontal clearance, normal to the axis of the navigational channel being provided between the faces of the piers or inside any required pier protection system.
 - 2) The maximum horizontal clearance available at the highest point of the navigation spans.

- 3) The vertical clearance available throughout the relatively flat mid-portion of the span (*usually extending over about 50% to 60% of the span length*), expressed as, "provides a vertical clearance of _____ feet throughout the mid _____ feet of the span."
- i. The vertical clearance available to within a given distance of the piers, the distance being approximately one-half the beam of the largest towboats or other vessels which require the greatest vertical clearances. While such vessels vary in beam widths, that of the larger towboats now in use is about 50 feet. This clearance may be expressed as, "provides a vertical clearance of _____ feet to within 25 feet of the piers." The vertical clearance actually available at the face of the pier may also be indicated.
 - j. Only those structural details necessary to illustrate the effect of the proposed structure on navigation and the environment need be shown. Drawings shall be on letter size sheets and each sheet will have a simple dated title block in the lower right hand corner. **As few sheets as needed will be used to show clearly what is proposed.** Title Block data will include:
 - 1) Name of bridge, applicant, nearest city, town, waterway, and mile point. (U.S. and Metric.)
 - 2) Date of plans, including revision dates. When possible, only one date should appear on each sheet. If two different dates appear on one sheet (the date of the plans and an engineer stamp date, for example), the latter will be considered the date/revised date of that sheet.
 - k. Other related data shall be shown as appropriate, including:
 - 1) Banks of the waterway with dimensions of the navigation channel.
 - 2) Soundings and elevations, in feet, with respect to the established government datum planes for the locality.
 - 3) The elevation of the 100-year flood on the elevation view and, if practicable, the 100-year flood plain contour on the plan view.
 - 4) The direction of the current (*indicated by an arrow*).
 - 5) Type of fendering material and location of dolphins.
 - 6) The direction of true north will be indicated by an arrow on each sheet of plans.
 - 7) Bar Scales for horizontal and vertical distances on each sheet of plans, where appropriate.

- I. Fendering: The bridge permit application process should include a full consideration of the possible need for fendering systems that would promote safer navigation for vessels passing through the bridge. The public notice on a proposed bridge should ask for public comments on the need for a fendering system.
 - 1) If a fendering system is needed, the permit will be conditioned to require installation and submission of detailed plans for the District Commander's approval prior to construction. The plans should include a full description of the proposed system, including the type of system and materials for construction. Proper denotation of the dimensions and the minimum clear horizontal distance normal to the axis of the channel measured between the most restrictive parts of the system must be clearly shown.
 - 2) If a need for a fendering system is not established during the application process but the possibility, no matter how small, exists that future changes in the character of navigation on the waterway may require such a system for the safety of navigation, then the permit will contain a prospective fendering condition (*example 5.61*). The only exception (usually) would be where the navigation span clear spans the waterway with no piers in the waterway.
- m. A Water Quality Certificate issued by a certifying state agency, or any other agency authorized to issue this certification as required under Section 401 of the Clean Water Act or waiver (*see Chapter 3.J*).
- n. The applicant's certification that the proposed project is consistent with the State's Coastal Zone Management Program, and the State's concurrence in that certification (*see Chapter 3.G*).
- o. An Environmental Impact Statement, Finding of No Significant Impact, Categorical Exclusion, or Environmental Assessment, as appropriate, for purposes of compliance with the several environmental laws (*see Chapter 3.C*).
- p. If the applicant is other than the owner of an existing bridge, which is to be modified, replaced, removed or affected so as to require a permit action, the applicant shall obtain a statement of agreement or authorization from the owner.
- q. Clearance Gauges. The processing of bridge permit applications should include a full consideration of the possible need for clearance gauges which will promote safer navigation through the bridge as well as provide for safety of the bridge structure. Clearance gauge requirements are contained in 33 CFR 118.160. If a need for clearance gauges is not established during the application process but the possibility, no matter how small, exists that future

changes in the character of navigation on the waterway may require such a system for the safety of navigation, then the permit will contain a prospective clearance gauge condition. As with bridge lighting, clearance gauges shall not be shown on plan sheets to avoid permit amendment actions on account of deviation caused by needing gauges in the future.

- r. Digital Electronic Clearance Gauges. The use of digital readout clearance gauges is an innovative additional method of apprising mariners and boaters of the vertical clearances available at particular bridge locations. The use of digital LED clearance gauges as an addition to the standard clearance gauge requirements is optional. Section 118.160 of 33 CFR does not exclude the use of digital electronic clearance gauges as an alternative to the customary gauges presently in use provided such gauges provide the mariner with the information required and meets the intent of the appropriate size and visibility requirements and are installed on the appropriate location of the bridge.

3. **Public Notices:**

- a. A public notice (*see examples 4.1 and 4.1a for format*) describing the proposed bridge project shall be issued. It should advise known navigation and other interested parties, news media, adjacent property owners, public officials (especially the local officials in whose jurisdiction the proposed project is located) and agencies, that an application has been received. The Commandant (G-OPT) shall be included in all public notice mailing lists.
- b. A public notice shall be issued within 30 days of receipt of the application if the application is fully responsive. Otherwise, the applicant shall be informed of deficiencies within 30 days of receipt of the application. Normally, 30 days after issuance will be allowed for written public response. If the last day falls on a Friday, a holiday, or on a weekend, the next working day shall be the limiting date. Less time, but not less than 15 days, or a time greater than 30 days may be allowed under special circumstances.
- c. A statement of the reasons for the shortened (lengthened) comment period must be stated in the public notice. Notice and public procedure may be omitted for good cause if determined impractical or contrary to the public interest. All written comments received during the comment period will be fully considered and made part of the case record. Information contained in the public notice may also be included in a Local Notice to Mariners to obtain wider dissemination among waterway users.
- d. The environmental analysis/document should be routed as required by Chapter 3 at this time. Early notification and consultation under appropriate directives and laws are essential to meeting requirements for environmental review as discussed in Chapter 3.

- e. Plans of the proposed bridge and a map or chart section showing the location are to be attached to or incorporated on the back of the public notice. These plan sheets must be complete in accordance with the requirements in section 4.G.2.b.-f. of this chapter. When public notice or procedure is omitted for good cause a brief statement of the cause signed by a responsible official shall be included in the case record. Generally, public procedure may be omitted in cases where deviations of plans are insignificant and the public has no real interest therein. Other causes may include emergencies where public health, safety and welfare is concerned or result from a court order or other legal mandate.
- f. Public notice or procedure may ordinarily be omitted as impractical in cases involving extensions of time for completion of construction. Public procedure may not be omitted on economic grounds, for relief of an improvident applicant or to avoid controversy. Commandant (G-OPT) shall be consulted on each case.
- g. The public notice should, to the extent practicable, serve as early notification for purposes of the several environmental control laws as discussed in Chapter 3. It must be sent to any known adjacent property owners and to other individuals in the project vicinity who may be affected by the proposed bridge project. It should be sent to known interested federal, state and local agencies, and environmental groups. The Commandant (G-OPT) shall be included in all public notice mailing lists.
- h. The public notice must state and address a number of fact items in order to meet Coast Guard statutory responsibilities. The main points of information that must be stated and addressed are listed below and two examples are provided illustrating the Coast Guard as lead federal agency on a Categorical Exclusion (*example 3.1*) and the FHWA as lead federal agency on a FONSI (*examples 3.3 and 3.4*).
 - 1) **Notify** the public that a bridge project has been proposed for Coast Guard approval.
 - 2) **Identify** the proposed bridge project, including the type of work (*construction, modification, extension of time*); the type of bridge (*highway, railroad, pedestrian, pipeline, etc.*), the purpose of the proposed project, the waterway name, the point along the waterway, located at, near or between a city or town, the county, the state, and whether location and plans are attached. Include the extent of removal for an existing bridge, if applicable, and discuss each alternate design under consideration (Chapter 4.M.1).
 - 3) **State** in the text the vertical and horizontal clearances provided by the **existing** bridge (*if appropriate*) and the **proposed** bridge or **modified** bridge at both high water and low water elevations. For movable

bridges, the clearances for both open and closed positions should be provided. Clearances should be stated in both U. S. linear feet and metric equivalent.

- 4) **Identify**, locate, and describe as above any temporary bridges proposed.
- 5) **Solicit** public comments on the need for installing a fendering system.
- 6) **Identify** the lead federal agency, the determination (*tentative, if appropriate*) of the appropriate environmental document for the proposed project (*CE, FONSI or EIS*) and where the environmental document (*for FONSI or EIS*) is available. If another agency is the lead federal agency, provide its address too.
- 7) **State** whether the proposed project is or is not in the floodplain. Provide the elevation of the 100-year flood and the elevation of "low steel" on the bridge.
- 8) **State** the volume of fill material to be placed below mean high water (*or appropriate datum*) for construction of the bridge and approaches, and also for the remainder of the project when Coast Guard is the lead federal agency.
- 9) **State** acreage of wetlands taken or affected by the project. Consider the entire project if the Coast Guard is the lead federal agency.
- 10) **State** whether WQC has been applied for, issued, or waived. Name the issuing agency and the WQC date, if issued.
- 11) **Identify** any properties protected under Section 106, which may be affected by the proposed project. If none will be affected, so state.
- 12) **Describe** any impact the proposed project may have under any law not addressed above when the Coast Guard is the lead federal agency.
- 13) **Solicit** public comment on the proposed project, need for fendering, clearance gauges, extent of nighttime navigation of the waterway, need for bridge lighting, effect on low-income and/or minority populations, if any, impacts on threatened and endangered species, and whether Essential Fish Habitats will be adversely impacted. Include a time limit and an address for the submission of comments.

4. **Public Hearings:**

- a. Public hearings are held on those cases where there are substantial issues relevant to the effect that the proposed bridge will have on the reasonable needs of navigation. Public hearings may also be appropriate because of environmental issues. See Chapter 3.D.2. for conditions under which hearings

may be held on environmental grounds. Public hearings may **not** be held without prior Commandant (G-OPT) approval. Requests for approval shall be sent via Coast Guard memo. Notice of the hearing must be published in the Federal Register by the Chief, Office of Bridge Administration, at least 30 days prior to the hearing date. Notice of a public hearing may also be given in a district public notice. The fact that the proposed bridge may be controversial on issues other than navigation or environmental impacts is not a reason for the holding of a public hearing.

- b. Joint public hearings with other federal, state, and local agencies are encouraged and considered advisable in the interest of good service to the applicant and the general public. Joint public hearings are particularly beneficial when there is concurrent jurisdiction involving the Corps of Engineers, Federal Highway Administration, Federal Railway Administration, etc. Great care must be taken to assure that the Coast Guard role in such joint public hearings is limited to matters within its jurisdiction and properly before it. In cases when there is another lead federal agency, the Coast Guard is still responsible for ensuring that Coast Guard policy is followed when preparing for and conducting public hearings.
- c. So far as the orderly conduct of public business permits, the District Commander may give interested parties who so request the opportunity to make an informal appearance before a designated district official to orally present their views. Such an opportunity for an informal appearance may be granted in lieu of a public hearing when both the parties concerned and issues are few in number.
- d. If a public hearing is held, a district staff officer, military or civilian of appropriate grade, should preside. The presiding officer should briefly state the purpose of the hearing, under what authority it is being held, and the manner in which it will be conducted. He should insure that it is an impartial hearing, that all necessary evidence is recorded, that all parties are afforded many opportunities to be heard, and that the hearing proceeds in an orderly and efficient fashion. Witnesses shall not be cross-examined, but the presiding officer should, if he believes it necessary, question them for the purpose of clarification or completeness of the record.
- e. In unusual cases or special circumstances, the Commandant (G-OPT) may designate a presiding officer other than from the district. This specially designated presiding officer may be a military or civilian staff officer assigned to Headquarters or another Coast Guard district office.
- f. A verbatim hearing record shall be made. The District Commanders are granted authority to procure the services of professional stenographic (court reporting) service for this purpose. An initial procurement of three copies of the transcript should be prepared for Coast Guard use. Additional copies to meet the requests of parties interested in the hearing and its subject matter

may be furnished at a reasonable cost to the public by the reporting service. A copy of the transcript of the public hearing should be included as an enclosure to the case record.

5. **Findings and Recommendations:** The format of the Findings of Fact (FOF) is shown in example 4.2. Example 4.3 is the format for a Supplemental FOF, which is used for bridge permit amendment actions applied for within five years of the original FOF. When the investigation is complete, the district official responsible for the investigation shall forward the findings, conclusions and recommendations to Commandant (G-OPT), when appropriate, for further action. The content of case files for district actions is identical to those for Headquarters actions. All district bridge permit actions must be submitted to Commandant (G-OPT) for Program information and final agency review. Information given in the letter of transmittal need not be repeated in the FOF. A summary of the project with assigned permit number and listed enclosures is sufficient. The case file should include the following information:
- a. Identify the applicant, type of structure and purpose of the proposed bridge. If there is an existing bridge, which will not be removed, state its intended use.
 - b. Give the reason for the waterway being a navigable water of the United States utilizing one of the following:
 - 1) Previous jurisdiction on the waterway at or upstream of the proposed bridge site.
 - 2) Listed as navigable in the CFR.
 - 3) Congressional determination.
 - 4) Tidal influence.
 - 5) Memo from district legal officer.
 - c. Identify the lead federal agency and the type and date of the environmental document. If the lead agency is other than the Coast Guard, confirm if the document is still valid and if it is adequate for Coast Guard purposes.
 - d. Identify the date the public notice(s) were issued and the significance of any comment received. The comments may be addressed as follows:
 - 1) No significant objections or comments.
 - 2) Objections were received but have been resolved. See section I-10 of the FOF.
 - 3) Objections received have not been resolved. See section I-10 of the FOF.

- e. Identify special conditions to be included in the permit. Special conditions should be in the following order.
 - 1) Agencies to be identified in condition 3 (*disclaimer*) of the permit.
 - 2) Extent of the removal for the existing bridge.
 - 3) Other conditions necessary to discharge applicable Coast Guard statutory responsibilities.
 - 4) Time limits for commencing and completing construction of the bridge project.

- f. Identify whether or not the bridge meets the reasonable needs of navigation and its impact on the environment. If approval is recommended, identify the plan sheets to be approved. If denial is recommended, the appropriate district official should suggest an alternative, which would most likely receive a favorable consideration.

- g. The enclosed documents are to be identified and placed in the following order:
 - 1) Three sets of plans.
 - 2) Application (containing letter of application, authorization to act as agent, articles of incorporation, etc.).
 - 3) Water Quality Certification or waiver.
 - 4) Document (*i.e., letter or phonecon other than public notice*) notifying EPA of the status of the WQC, if the WQC was not attached to the Public Notice.
 - 5) Applicant's statement of compliance with the State's CZM program and the State's concurrence with the statement, if applicable.
 - 6) Navigability documentation.
 - 7) Findings of Fact (or Supplemental Findings of Fact).
 - 8) Environmental documentation (FEIS, FONSI, Categorical Exclusion Determination, Adoption Statement and ROD, if applicable) and/or applicant's EA or Coast Guard prepared EA.
 - 9) Permit(s) for existing/proposed bridge (if existing permit is to be amended and is available in the district file).
 - 10) Public notice(s).
 - 11) Public hearing; if held, provide public hearing notice, and transcript.

- 12) Local notice to mariners.
 - 13) All comments to public notice (*arranged chronologically, latest date on top*) and respective district responses.
 - 14) All other correspondence (*arranged chronologically, latest date on top*).
 - 15) Copies of permits issued by other agencies.
 - 16) Photos and miscellaneous documents pertinent to bridge project including a brief history of the bridge and other related background information for permit amendments, if applicable.
- h. Action by the Commandant (G-OPT) or District Commander, as appropriate. The Commandant (G-OPT) or District Commander, as appropriate will:
- 1) Review the report and recommendations.
 - 2) Review the environmental documentation.
 - 3) Approve or deny a permit and, if denied, propose an alternate solution for consideration by the applicant. The Commandant normally will notify the applicant via the District Commander of such action.

H. Construction of Temporary Bridges

1. The Coast Guard is obligated to treat the construction and subsequent removal of temporary bridges consistent with the federal environmental control laws and bridge statutes bearing on the case. Since these laws apply equally to both permanent and temporary bridges, both must be properly addressed in the FOF and the environmental documentation. To ensure responsive documentation, the district bridge staff should determine as early as practical if the applicant intends to construct a temporary bridge. The applicant may plan to construct a temporary bridge to meet one of the following situations:
 - a. Construction of a temporary bridge in conjunction with a permanent bridge to meet land transportation needs while the permanent bridge is under construction. This situation is the most common permit action involving temporary bridges. Usually the temporary bridge should be removed no later than 90 days after the permanent bridge is opened to traffic. Unique situations may require longer time frames for removal of the temporary bridge.
 - b. Construction of a temporary bridge to meet temporary land transportation needs on a one-time basis. An example of this permit action is a situation where access is needed to a particular location for a specific purpose and time period. Each permit action requires investigation into the appropriate time frame for retention or removal of the temporary bridge.

- c. Construction of a temporary bridge to meet temporary land transportation needs on a seasonal basis over a number of years. An example of this permit action is a situation where access is needed to a particular location at a certain time of the year, but where the bridge does not meet the reasonable needs of navigation for part of the year (*summer time*) or where the bridge could cause undesirable environmental impacts (*fish spawning season*) for part of the year. Each permit action for a temporary bridge requires investigation into the appropriate extent and time to be allowed for the construction, use and removal of the temporary bridge on an annual basis along with a time limit for retention or permanent removal of the temporary bridge.
2. The applicant should be advised that the Coast Guard will process the application for the temporary bridge at the same time the permanent bridge application is being reviewed, if the temporary bridge is to be constructed in conjunction with a proposed permanent bridge. Permit case records submitted for final Coast Guard action must contain the following information pertaining to temporary bridges:
 - a. The narrative of the public notice should describe the temporary bridge, and state the expected period of retention. Plans accompanying the public notice should show the proposed clearances provided on a bank-to-bank plan and elevation view of the temporary bridge, preferably on a separate sheet.
 - b. The FOF must contain a description of the temporary bridge, the clearances provided, the location relative to the permanent bridge and any effect it will have on navigation.
 - c. A recommendation for the extent and time to be allowed for removal of the temporary bridge is needed. Temporary bridges are normally removed in their entirety since only temporary approval has been granted for the bridge. Good reasons must be given if the time to be allowed for removal of the temporary bridge will exceed 90 days.
3. Note that the intent of a temporary bridge is for use during a limited time period. Therefore, the evaluation of the bridge should be commensurate with the nature and complexities of the project.
4. Adherence to the above policy and procedures will facilitate the timely processing of permit applications submitted for final review and agency action concerning temporary bridges.

I. Bridge Completion Reports

1. This paragraph prescribes the procedures to be followed by District Commanders in reporting the commencement and completion of bridge construction over navigable waters, pursuant to 33 CFR 115 and 116. The actions indicated below are applicable to the commencement and completion of reconstruction, removal, alteration, or repair of any part of the structure affecting the navigational aspects of

the bridge. Completion of bridges is reported on Form CG-4599 (Rev. 3-04), BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT. Data from these forms are used to compile navigation charts, Coast Pilots, Light Lists, drawbridge regulations, etc.

2. District Commanders shall:
 - a. Promptly inform the public through the local notice to mariners when construction is commenced. Copies of this notice shall also be forwarded to the appropriate USACE District, National Ocean Survey regional office, and to the Commandant (G-OPT).
 - b. Verify that the bridge construction complied with the permit when the construction is completed. Verification of the navigational clearances should be made by written certification by the owner that clearances conform to those indicated on the approved plans, and that all conditions to the permit have been satisfied, as dictated by the individual circumstances and the significance of the bridge. District Commanders shall not require the bridge owner to provide soundings of the waterway in the vicinity of the bridge or wire drag the area after completion of the bridge construction. Such requirements are an unnecessary time and cost burden on the bridge owner and are a liability to the Coast Guard. Although photographs of the completed bridge structure may be requested, they cannot be required.
 - c. Upon completion of the construction and verification by the bridge owner of navigational clearances and clearing the waterway, complete and promptly forward Form CG-4599 (Rev. 3-04), BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT, to the Commandant (G-OPT) with copies to the appropriate Corps of Engineers District and National Ocean Survey regional office. See Figure 4-1 for detailed instructions concerning the information to be recorded on bridge completion reports.
 - d. Districts are encouraged to submit an “**INTERIM**” completion report when construction has reached a point where a new bridge structure initially spans the waterway and becomes a concern to navigation. This may allow timelier chart annotations before completion of bridge and final report occurs.

Figure 4-1: Instructions/Form CG-4599, BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT

These following instructions further explain the items to be recorded on Form CG-4599:

1. **Definitions -- types of actions:**
 - a. **New construction:** A proposed new bridge on a new alignment, or replacement of an existing bridge on essentially the same alignment.
 - b. **Relocation:** An existing bridge to be rebuilt or moved to another location, but not on the same alignment.
 - c. **Removal:** Demolition of an existing bridge, whether or not it is part of a bridge replacement project.
 - d. **Modification:** Modifying part of an existing bridge by widening lanes, adding sidewalks, stabilizing piers, replacing spans, adding or removing pier protection (fenders or cells), or installing pipelines beneath a bridge which may reduce navigation clearance. This listing is not meant to be all-inclusive.
 - e. **Conversion:** Securing a movable bridge in a fixed position.
 - f. **Other Uses:** Report selection of an alternative design, as an administrative procedure to amend previously reported navigation clearances, ownership of bridge, and significant change in mile number. This listing is not meant to be all-inclusive.
2. **Date commenced:** The date when work actually starts, or the date when a contract is awarded for construction.
3. **Date completed:** The date when all bridge-related work is completed. In accordance with Chapter 1.C.4.f., the Coast Guard considers a bridge completed from a navigational standpoint when it spans the waterway, required navigation lights have been installed, it has been opened to traffic or placed in operation, and temporary falsework has been removed from the waterway.
4. **Miles above the Mouth:** River mile numbers (milepoints) usually begin at the mouth of a waterway. Exceptions: Ohio River mile numbers begin at the City of Pittsburgh, Pennsylvania, and ascend down river. On the Upper Mississippi River mile numbers begin at Cairo, Illinois, and ascend upstream. On some waterways (such as the Red River in Louisiana and Arkansas) the Corps of Engineers may have conducted a mileage survey. If a waterway has been surveyed and there is uncertainty as to which mile number is appropriate, cite the mile number and year surveyed, i.e., mile 153.0 (1967). Include the metric mileage equivalent (km) in parenthesis after the U. S. linear measure. Milepoints are expressed as statute miles (STM), not nautical miles (NM).

5. **Location:** Indicate the river, nearest town/city(s), county(ies), roadway, route number (i.e., I-259, State Route 94), bridge name (if known).
6. **Owner:** Name and address.
7. **Type of Bridge:** Use the appropriate abbreviation listed in the instructions section of Form CG-4599.
8. **Clearances:**
 - a. **Horizontal:** Enter for the main navigation span and any auxiliary navigation span(s). Indicate whether clearance is measured normal to the axis of the channel. If a bridge were skewed, minimum clearance would be measured along the axis of the channel. Also, indicate if clearance is for the full width of the navigation span, the mid-portion of the span, between fenders, bank-to-bank, or other measurement. Use a footnote to explain clearances in the bottom section of the form.
 - b. **Vertical:** Enter for the main navigation span and any auxiliary channel span(s). Enter the minimum clearance above a high water and a low water reference plane. Use a footnote to explain the appropriate reference plane (MHW, MLW, 2% FL, MLLW, NP, etc.) in the bottom section of the form *Remarks Section*), i.e.

“Minimum vertical clearance above elevation 115.0 feet (35.05 meters) (normal pool)”

“Minimum vertical clearance above elevation 7.0 feet (2.13 meters) (mean lower low water)”

Include the metric equivalent (meters) in parenthesis after the U. S. linear measurement (feet).

For **movable bridges**, enter vertical clearances in the closed and open positions. If there are fenders, which govern horizontal clearance, minimum vertical clearance should be indicated at the limits of the fenders. Vertical clearances for bascule bridges in the open position should normally be measured from the tip of the leaf (*single leaf span*) or tips of leaves (*double leaf span*). Vertical clearances in the open position may not be unlimited. If there are overhead wires, indicate the vertical clearance from the water's surface to the wire(s).
9. **Clearance Gauges:** Indicate whether clearance gauges have been installed on the bridge. If digital electronic gauges have been installed in addition or as an alternative to the standard gauges prescribed in 33 CFR 118.160, note and describe them in the Remarks Section.

10. **Pier Protection:** Indicate whether a pier protection system has been installed. If so, describe the type in the Remarks Section, i.e., cells, dolphin clusters, boom, pilings, timber wales, sheerfence, etc.
11. **Date Plans Approved:** Enter the permit number, date issued, and as amended, if appropriate. If a permit has been amended, add a footnote and a brief explanation for each amendment. If the permittee submitted as-built plans of a completed project, use a footnote and explain in the Remarks Section.
12. **Type of Traffic:** Using the abbreviations shown in the Instructions part of CG-4599, enter the basic mode(s) of transportation that the bridge will support.
13. **Remarks:** Indicate the following information in the Remarks Section of CG-4599:
 - a. Whether removal of a bridge was in accordance with the removal condition of the permit or other authorization.
 - b. Whether any part of the bridge remains as e.g., fishing pier, or other feature, and whether this was approved by USACE. Cite the USACE document and date of approval.
 - c. Whether an Operating Regulation is changed or revoked. Modification, replacement or removal of a drawbridge may require a change to or revocation of an operating regulation. If a drawbridge is under an operating regulation, cite the operating regulation in the Remarks Section and indicate the operating regulation to be revoked (*i.e., Drawbridge Operation, 33 CFR 117.280 - Revoke*).
 - d. Whether bridge lighting for navigation is required or exempted under 33 CFR 118.
 - e. The metric equivalent units of measurement for the waterway mile points and horizontal and vertical navigational clearances listed in the upper parts of the bridge completion report form.
14. **Alternative Designs:** Complete, as appropriate, the upper parts of Form CG-4599. In the Remarks Section, enter the date of notification, the design chosen, plan sheets which remain valid, and the plan sheets which are void. Do not stamp "void" or alter in any way the voided plans.
 - a. Change the valid drawing sheet numbers. Example, sheets 1, 2, 3, and 5 (of 5) of the selected alternative; change to sheets 1, 2, 3, and 4 (of 4).
 - b. Attach the original letter of notification and copies of renumbered drawing sheets, and retain in the district project file. Send the original completion report with attached copies of the letter notifying of the design alternative selected and valid renumbered drawings to Commandant (G-OPT).

15. **Distribution of Form CG-4599:** Except when reporting alternative design selection, copies of completed Form CG-4599 should be sent to:
 - a. CDRUSAED, District/Division
 - b. NOAA, National Oceanic Survey, Silver Spring, MD
 - c. CGD (oan); Commandant (G-OPT)

Also, send copies, as appropriate, to other Coast Guard unit(s), and cognizant federal agency(ies).

| DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-4599 (Rev. 3-04) | | BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT | | | | | | APPROVED RCN-16590-2 | |
|--|-------------------|---|-------|----------------|-------------|----------|-----------------------------------|---------------------------------------|-----------------|
| To: COMMANDANT (G-OPT) <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> MODIFICATION <input type="checkbox"/> RELOCATION <input type="checkbox"/> CONVERSION TO (FIXED) (DRAW) BRIDGE <input type="checkbox"/> REMOVAL <input type="checkbox"/> OTHER (Specify in remarks) | | INSTRUCTIONS | | | | | | | |
| LOCATION: Indicate name of waterway, latitude and longitude to the nearest tenth of a minute, nearest town, route number if a highway bridge and local name of bridge. | | TYPE OF BRIDGE: Abbreviate type of bridge: B - Bascule, F - Fixed (except a suspension bridge), P - Pontoon, R - Restle, PL - Vertical lift, SUS - Suspension, SW - Swing, RSP - Removable Span, R - Retractable, AT - Aerial Tram, CB - Conveyor Belt. | | | | | | | |
| DATE COMMENCED _____ DATE COMPLETED _____ | | TYPE OF TRAFFIC: Abbreviate type of traffic: HWY - Highway, HWY-RR - Highway/Railroad, RR - Railroad, FB - Foot Bridge, PL - Pipeline, PR - Private Road. Indicate other types of traffic or use by plain language in remarks. | | | | | | | |
| VERTICAL CLEARANCE: Indicate the plane of reference used for measuring the vertical clearance, i.e. MHL, MLW, 2% line, normal pool elev. _____ etc. if additional space is required use remarks column. | | HORIZONTAL CLEARANCE: Distance between structural members (piers, bents, fenders, protection calls, etc.) measured perpendicular to the axis of the waterway. | | | | | | | |
| FOR HQ USE ONLY | MILES ABOVE MOUTH | LOCATION | OWNER | TYPE OF BRIDGE | CLEARANCE | | PIER PROTECTION (Enter Yes or No) | DATE PLANS APPROVED AND PERMIT NUMBER | TYPE OF TRAFFIC |
| | | | | | HORI-ZONTAL | VERTICAL | | | |
| REMARKS | | | | | | | | | |
| From: Commander, _____ Coast Guard District | | | | | | | | SIGNATURE | DATE |

Previous Edition is Obsolete

J. After-The-Fact Permits

1. The issuance of after-the-fact permits is not considered to be consistent with the bridge acts which provide that the permit be granted prior to the construction of a bridge. However, this view cannot be rigidly applied to the several fact situations, which exist and require equitable consideration.
2. The policy for the treatment of bridges which have been constructed without a permit is:
 - a. Bridges constructed over waterways, valleys, low grounds, etc., which were not navigable waters at the time of construction are considered legal structures if the waterway subsequently is developed or is determined to be navigable waters of the United States. No permit is required. The bridge, however, becomes subject to the applicable bridge acts and Coast Guard jurisdiction. Permits are required for any subsequent reconstruction, alteration, etc., except as provided in Section 4.F. of this chapter. Those bridges when brought to the attention of the Coast Guard should be recorded by the District Commander. Permit drawings should be obtained from the owner and a Form CG-4599 (Rev. 3-04), BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT, should be completed and forwarded to the Commandant (G-OPT).
 - b. Bridges built over navigable waters without prior authority before 1 April 1967 and meeting the criteria of 33 CFR 114.25 shall be treated as prescribed in subparagraph a. above.
 - c. Bridges built over navigable waters after 1 April 1967, and meeting the criteria of 33 CFR 114.25, should be processed for an after-the-fact permit under the procedures applicable to issuance of bridge permits for proposed construction.
 - d. Bridges built over navigable waters, regardless of date of construction, not meeting the criteria of 33 CFR 114.25, are subject to a determination of being unlawful and thereby subject to removal or construction as an enforcement action under 33 U.S.C. 406.
 - e. If a complaint alleging unlawful bridge construction is received by the Coast Guard, an application for an after-the-fact approval of the construction will not be processed, if at all, until the complaint is properly considered. The Commandant (G-OPT) shall be consulted for guidance on the disposition of the complaint.
3. The treatment of the bridges falling under the fact situations of sections J.2.a. and b. above is governed by the facts and circumstances of each case on an individual basis. The Commandant (G-OPT) should be consulted informally before any formal action is initiated.

K. Guide Clearances

1. Guide clearances are defined as the navigational clearances established by the Coast Guard for a particular navigable water of the United States, which will ordinarily receive favorable consideration as providing for the reasonable needs of navigation thereon. Guide clearances will normally apply to the waterway as a system concept. Greater or lesser clearances for a proposed bridge may be required or approved as meeting the reasonable needs of navigation as the particular location may dictate. Guide clearances are not intended to be regulatory in nature or form a legal basis for approving or denying a bridge permit application. Establishing guide clearances is not considered a significant federal action for purposes of the National Environmental Policy Act (NEPA).
2. District Commanders will establish guide clearances after approval by the Commandant (G-OPT). The District Commander may upon request by navigational interests, other interested persons, or upon his own motion propose the establishment, amendment, or revision of new or established guide clearances. The proposal shall be published by local notice giving interested persons opportunity to submit written comments. Opportunity to comment on the environmental impact of the proposal shall be omitted from the public notice. A minimum period of 30 days shall be allowed for public comment. Greater time may be allowed should the proposal be of such magnitude, intricacy, or prospectively so controversial that much greater time is necessary for full and proper consideration by the public. Public hearings on proposed guide clearances may be held in accordance with the policy and procedure contained in this chapter.
3. Upon completion of the public procedures on the proposal, the District Commander will prepare appropriate recommendations to Commandant (G-OPT) in the general manner as prescribed in this chapter for processing of bridge permits excluding the environmental impact considerations required under Chapter 3. When the Commandant has made a determination, the District Commander shall publish the determination by local notice.
4. The Commandant (G-OPT) shall maintain the "list of record" for the guide clearances approved and from time to time shall publish a notice of the list of guide clearances of record, or otherwise publicly disseminate the list.
5. The Coast Guard is responsible for the determination of the navigational requirements for horizontal and vertical clearances of bridges across navigable waters necessary in connection with any navigation project on the navigable waters of the United States under the jurisdiction of the Corps of Engineers. It is considered appropriate and desirable to establish guide clearances for such navigation projects as a direct product of the inter-agency coordination necessary to the development of the studies on the project or the construction of the project if authorized. (*Clearances identified in existing authorized projects are recognized only for planning purposes.*) The public procedure process of establishing these guide clearances should be carefully coordinated in **concert** with the public

participation phases of the navigation project studies as carried out by the Corps of Engineers. This inter-agency coordination may include joint participation in the conduct of public procedure by both agencies as the circumstances may warrant. However, the District Commander should consult with Commandant (G-OPT) prior to any agreement to such joint participation. The inter-agency coordination as provided herein shall be conducted in accordance with policies and procedures set forth in Chapter 1.G., as applicable. Agreement should be reached as to which agency is the lead agency in the procedure. When the Corps of Engineers is the lead agency, their procedures will normally be accepted for Coast Guard purposes. The District Commander may agree to extraordinary procedures if required by the circumstances.

L. Denial of a Bridge Permit Application on Environmental Impact Issues

1. An application for a bridge permit may be denied at any stage of review of the environmental impacts when the facts can be established to support such denial. The decision to deny must be based upon relevant and material testimony or comment provided by expertise agencies at the draft environmental impact statement (DEIS) stage if a DEIS is prepared. If the decision to deny appears reasonable at the environmental analysis stage, the analysis must be circulated for expertise agency comment before making a decision. A public notice should also be circulated. In all cases the applicant shall be given advance notice of the intent to deny and be given reasonable opportunity of at least 30 days in which to show cause why the application should not be denied on the basis of the environmental impact issues.
2. In general, the basis for a decision to deny shall be based upon the specific provisions of law governing the issues involved. In the absence of specific provisions in law, there must be a showing that the adverse impact issues outweigh the interests of the benefits to the human environment. In other words, adverse environmental impacts do not in themselves constitute a basis for denial unless otherwise specifically provided by law.

M. Approval of Alternative Designs

1. In those cases where an applicant requests that more than one design configuration be considered for approval for purposes of contract bidding, the application shall be processed for all alternatives in like manner where a single design is proposed. **Each alternative must be specifically identified and clearly described in the Coast Guard Public Notice of the application.** The impacts on the environment and navigation shall also be specifically identified and described for each alternative proposed.
2. Alternative designs are considered to be design variations of the basic configuration of the proposed bridge attributable to materials used or engineering techniques which may cause such changes as lengthening or shortening side spans, change of grade, minor variation of navigation span clearances, or change the appearance of

the superstructure. Alternative designs contemplate alternatives of steel plate girder versus concrete, or segmental design, or steel truss, or cable-stayed suspension, etc. Alternative design **does not** mean a fixed bridge versus a drawbridge, nor does it include a change of location, optional relocation of navigation span, optional navigation clearances by themselves, or piling versus earth fill. There also should not be any significant difference in the environmental impacts among the alternative designs approved.

3. A permit approving one or more acceptable designs may be issued subject to the usual conditions. However, there must be an added condition in the permit requiring written notification to the District Commander of the alternative design selected within 90 days of the bid award. Failure to so advise the District Commander would void the permit.
4. When the required notification is received, the District Commander shall prepare a Bridge Completion Report Form CG-4599 (Rev. 3-04), BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT, indicating the date of the notification, the design alternative chosen, the plan sheets that remain valid and the plan sheets that are void. Do not stamp "void" or alter in any way the plans that are void. Renumber the valid plan sheets as necessary after removal of the sheets showing the alternative design not selected.
5. The original letter of notification and the approved valid plans should be retained in the district case file along with the void plans. The District Commander should submit the original completion report with copies of the letter referencing the alternative design selected and renumbered plan sheets to Commandant (G-OPT).
6. If, at some time in the future, the permittee requests Coast Guard approval to choose one of the other previously non-selected design alternatives, the District Commander has the discretion to grant such a request by letter, using the previously non-selected plan sheets from the district case file. However, such a request should not be treated casually. A good reason, such as lack of material or change in contractors resulting in duress or extraordinary burden on the permittee, should be given. When such a request is granted, notify the permittee by letter and follow the procedures in Chapter 4.M.4. above.

Example 4.1: Public Notice Coast Guard Lead Agency

Commander
Seventh Coast Guard District

Federal Building
909 S. E. First Avenue
Miami, FL 33131
Staff Symbol: (oan)
Phone: (305) 536-4521
FAX: (305) 536-7655

PUBLIC NOTICE (41-03)

All interested parties are notified that an application dated 17 October 2003 has been received from the Florida Department of Transportation by the Commander, Seventh Coast Guard District, for approval of location and plans for replacement of a bridge over a navigable waterway of the United States.

WATERWAY AND LOCATION: New Pass Channel, mile 0.5 (0.31 km), on SR-79, near Sarasota Bay, Sarasota County, Florida.

CHARACTER OF WORK: Replace an existing bascule highway bridge with a bascule highway bridge, which provides greater vertical clearance in the closed position.

MINIMUM NAVIGATIONAL CLEARANCES:**Existing**

Horizontal: 110 feet (33.53 meters)
between fenders, normal to the axis of
the channel

Vertical (closed position): 13.7 feet
(4.18 meters) above Mean High
Water; 15.0 feet (4.57 meters) above
Mean Low Water.

Vertical (open position): Unlimited

Proposed

Horizontal: 90 feet (27.43 meters)
between fenders, normal to the axis of
the channel

Vertical (closed position): 23.25 feet
(7.09 meters) above Mean High
Water; 24.55 feet (7.48 meters) above
Mean Low Water.

Vertical (open position): Unlimited

ENVIRONMENTAL CONSIDERATIONS:

The Coast Guard, the lead federal agency, has made a tentative determination that the bridge replacement is a categorical exclusion for the purposes of the National Environmental Policy Act (NEPA) because it satisfies criteria for such actions listed in the Coast Guard's NEPA Implementing Instructions. The bridge is located in the floodplain. The 100-year flood elevation is 12 feet (3.66 meters), mean sea level, while elevation of the low steel of the bridge is 24.25 feet (7.39 meters), above mean sea level. Approximately 400 cubic yards of fill

material will be placed below mean high water level for the construction of the bridge and approaches. No wetland will be taken or affected by this project. Water quality certification for this project pursuant to P. L. 92-500, as amended, was issued by the Florida Department of Environmental Regulation on 21 August 1982. No parklands, wildlife refuges, or historic properties will be affected by the project.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately **## acres of type of substrates/wetlands** utilized by various life stages of **type of fish species**. Our initial determination is that the proposed action **would/would not** have a substantial adverse impact on EFH or federally managed fisheries in the **region**. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

SOLICITATION OF COMMENTS:

Mariners are requested to comment on the placement of a bridge protective fendering system and other navigational safety issues, including need for clearance gauges and extent of nighttime navigation past the bridge site.

Interested parties are requested to express their views, in writing, on the proposed bridge project including its possible impact on minority and/or low income population, if any, giving sufficient detail to establish a clear understanding of their reasons for support of or opposition to the proposed work. Comments will be received for the record at the Office of Commander, Seventh Coast Guard District, 909 Southeast First Avenue, Miami, Florida 33131, through 22 November 1982. These comments will be made part of the case record.

Map of location and plans attached.

Example 4.1a: Public Notice Other Federal Agency Lead

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, Missouri 63103
Staff Symbol: (ob)
Phone: (314) 539-3900
FAX: (314) 539-3755

13 August 2003

PUBLIC NOTICE (2-445)

All interested parties are notified that an application dated 10 August 2003 has been received from the Tennessee Valley Authority by the Commander, Eighth Coast Guard District, for approval of location and plans for construction of a fixed highway bridge over a navigable waterway of the United States.

WATERWAY AND LOCATION: The Tennessee River, mile 385.8 (644.29 km), near Scottsboro, Jackson County, Alabama.

CHARACTER OF WORK: Construct a fixed highway bridge and associated approaches.

MINIMUM NAVIGATIONAL CLEARANCES:

Existing: No existing structure

Proposed: Horizontal: 300 feet (91.44 meters) between piers, normal to the axis of the channel

Vertical: 51.7 feet (15.76 meters) above normal pool level

Comments are solicited on the possible need for a fendering system on the bridge.

ENVIRONMENTAL CONSIDERATIONS:

The Federal Highway Administration, the lead federal agency, has reviewed the environmental assessment prepared by the applicant and has determined the proposed action will not have a significant impact for purposes of the National Environmental Policy Act. The documents are available for review at the above address, Monday through Friday, 8:00 a.m. to 4:40 p.m. The bridge is located in the floodplain. The 100-year flood level is 599.0 feet (182.58 meters), mean sea level, while elevation of the low steel of the bridge is 606.0 feet (184.71 meters), mean sea level. Approximately 30,000 cubic yards of fill material will be placed below regulated high water for the construction of the bridge and approaches. Approximately 2.1 acres of wetland will be affected by the project. Water quality certification for this project pursuant to P.L. 92-500, as amended, was issued by the Alabama Water Improvement Commission on 21 July 1982. No parklands, wildlife refuges, or historic properties will be affected by the project.

SOLICITATION OF COMMENTS:

Mariners are requested to comment on the placement of a bridge protective fendering system and other navigational safety issues, including need for clearance gauges and extent of nighttime navigation past the bridge site.

Interested parties are requested to express their views, in writing, on the proposed bridge project including its possible impact on minority and/or low income population, if any, giving sufficient detail to establish a clear understanding of their reasons for support of or opposition to the proposed work. Comments will be received for the record at the Office of the Commander (ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103, through 15 September 1982. These comments will be made part of the case record.

Map of location and plans attached.

(NOTE: The EFH statement, as shown in Example 4.1, is not required in this Public Notice, because the lead federal agency for the environmental documentation is responsible for ensuring compliance, as applicable, with EFH requirements. The Coast Guard's obligation as a cooperating agency is to check the lead agency's environmental documentation to ensure the issue is adequately addressed. (See Chapter 3.R.2.A.))

Example 4.2: Format to be Used in Preparing Findings of Fact

FINDINGS OF FACT

PROPOSED PROJECT TITLE

P(2-03-8)

Applicant

Address

Prepared by:

(Name and Title)

(Date)

_____ Coast Guard District

Address

I. ADMINISTRATIVE EVALUATION

1. **Applicant information:**
 - a. **Applicant's name:**
 - b. **Date of application:**
2. **Navigability determination:** (State basis for determining why the waterway falls under Coast Guard bridge permitting jurisdiction (i.e., tidal waterway, commercial navigation uses waterway, etc.).)
3. **Proposed bridge:**
 - a. **Date of plans:**
 - b. **Type of bridge: (i.e., fixed, highway bridge):**
 - c. **Legal authority for proposed action:**
 - d. **Dimensions of the navigation opening:** (All navigational clearances should be stated in U. S. linear feet and metric equivalent in parenthesis.)
 - 1) **Vertical clearance:** (This is the vertical distance between the lowest part of the superstructure in the navigation span and the recognized datum (i.e., MHW, 2% flowline) at the bridge site. (Lesser vertical clearances that may be available and the horizontal distances through which they extend should also be indicated, when appropriate.) Cite clearances above the appropriate high water elevation and low water elevation. In the case of movable bridges, cite clearances in the open and closed positions. In some situations, vertical clearances should be cited at the margins of channel, and for bascule bridge clearances at the tips of the leaves, if not fully open).
 - 2) **Horizontal clearance:** (This is the horizontal distance, measured normal to the axis of the channel, through which the stated vertical clearance is available). Clearance may be between piers (full width of the span), fenders, or bank-to-bank in the case of a bridge having no piers in the waterway.
 - 3) **Length of project:** (This is the horizontal distance from abutment-to-abutment or approach-to-approach; see Chapter 1.C.4.c.(6).
 - 4) **Width of project:** (This is the width of the bridge at its widest point).
 - e. **Location of project:**
 - 1) **Waterway name:**

- 2) **Milepoint:** (State U. S. linear measurement and metric equivalent, enclosed in parenthesis, of waterway.)
- 3) **Name of nearest city and state:**
- f. **Purpose of project:** (i.e., construct new bridge, replace substandard/deteriorated bridge, modification, access for development, improve traffic conditions, extension of time)
- g. **Cost of low-level bridge with only sufficient clearance to pass high water:**
- h. **Increase in bridge cost attributable to navigational clearances:**
4. **Existing bridge (if applicable):**
 - a. **Name of bridge:** (i.e., US 40 Highway Bridge; or Coleman Memorial Bridge; or State Route 7 Bridge also known as Preston Falls Bridge)
 - b. **Milepoint:** (State U. S. linear measurement and metric equivalent, in parenthesis)
 - c. **Type of bridge:** fixed or movable (drawbridge, bascule, vertical lift, swing span); highway, railway, pedestrian, pipeline
 - d. Operating regulation governing the drawbridge:
 Change No Change Revoke

If the existing bridge has a movable span, its openings may be governed by a special operating regulation. If so, cite the regulation, i.e., 33 CFR 117.XXX. Modification of an existing drawbridge may require revising the regulation; or revocation (if the bridge project involves replacing the existing drawbridge with a fixed bridge or a new drawbridge, or if the existing drawbridge is removed without replacement).
 - e. **Dimensions of vertical and horizontal clearances:** (Both U.S. linear unit of measure and metric equivalent.) Indicate vertical clearances (open and closed positions) if drawbridge.
 - f. **Date(s) of original permit and/or amendments, including issuing agency:**
 - g. **Extent of removal:** (Select one of the following OR include other elevations as appropriate.)
 - 1) **In its entirety.** (All parts of the bridge, including the piers are completely removed from the waterway.)

- 2) **Down to or below the natural bottom of the waterway.** (All parts of the bridge, except the piers, are completely removed from the waterway. The piers are removed down to or below the natural bottom of the waterway. Parts on land are removed down to or below the natural ground line.)
 - 3) **To a specific elevation.** (All parts of the bridge, except the piers, are completely removed from the waterway. The piers are removed down to or below a specific elevation, which refers to a specific datum (i.e., M.S.L.). Parts on land are removed down to or below the natural ground line.)
5. **Present governing bridge or aerial structure on the waterway:**
- a. **Identify structure(s) governing horizontal clearance:** (State metric equivalent in parenthesis.)
 - 1) **Milepoint:**
 - 2) **Horizontal clearance:**
 - b. **Identify structure(s) governing vertical clearance:** (State metric equivalent in parenthesis.)
 - 1) **Milepoint:**
 - 2) **Vertical clearance:**
6. **Protests or complaints, if any, against existing bridges on the waterway:**
7. **Waterway characteristics:** (U. S. linear unit of measure and metric equivalent enclosed in parenthesis.)
- a. **Width of the waterway at bridge site:**
 - b. **Depth of the waterway at bridge site:**
 - c. **Other limiting factors:** (i.e., minimum depth of waterway within vicinity of bridge)
8. **Summary of preliminary conferences and early coordination or scoping efforts with applicant and/or other interested parties:**
9. **Public Notification:**
- a. **Date(s) of Public Notice:**
 - b. **Coast Guard Public Notice mailed to all in District's mailing list:** (Adjacent property owners notified: If yes, date Coast Guard Public Notice

was mailed to them. A list of those owners should be included in the case file.)

() Yes () No

c. **Date of Coast Guard Local Notice to Mariners:**

d. **Date of Coast Guard Public Hearing (if applicable):**

10. **Summary of views of governmental agencies, navigational interests or other interested parties:**

II. NAVIGATIONAL EVALUATION Give reasons to support each answer. Describe present and prospective navigation of the entire waterway and for the reach through the bridge site.

1. Do vessels engaged in emergency operations (i.e., law enforcement, fire, rescue, emergency dam repair, etc.), national defense activities (i.e., cruisers, fuel barges, munitions ships, etc.) or channel maintenance (i.e., dredges, dam and levee repair, etc.) operate on the waterway? If yes, describe the vessels and provide the following information:
 - a. Will the proposed bridge provide the horizontal and vertical clearances for the safe, efficient passage of the largest of these vessels? Why?
 - b. If no, estimate the number of vessels in each of the above categories unable to pass the proposed bridge. Give the name, length overall (LOA), beam, draft, and height of highest fixed point above the waterline for vessels affected by the bridge.
 - c. Can these vessels be modified (i.e., folding mast, relocation of equipment, etc.) without decreasing their respective response times? If so, name the vessels.
 - d. If modifications are feasible, name the vessels, state the necessary modifications, the cost of modifying each, and who will pay for the modifications (i.e., vessel owner, applicant, other).
2. Has the Corps of Engineers completed or does it plan to complete a federal navigation project on the waterway? If yes, provide the following information:
 - a. Project name, downstream/upstream milepoints, depth, and other limiting factors.
 - b. The following specifications of the vessel for which the navigation project is or will be designed: LOA, beam, draft, and height of highest fixed point above the waterline.

- c. Will the proposed bridge provide the horizontal and vertical clearances necessary for the safe, efficient passage of the vessel for which the navigation project was designed?
 - d. If no, can the vessel be modified to clear the proposed bridge without substantially increasing its operating costs?
 - e. If modifications are feasible, state the necessary modifications, their costs and who will pay for the modifications.
3. **Describe the present and prospective recreational navigation:** Will the proposed bridge affect the safe, efficient movement of any segment of the present or prospective recreational fleet operation on the waterway? If yes, provide the following information:
- a. State the number of and the type of vessels, which may be affected by the proposed bridge. Provide the LOA, beam, draft, and height of the highest fixed point above the waterline of each affected vessel. Estimate this percentage of the recreational fleet, which may be affected by the proposed bridge.
 - b. Will the proposed bridge eliminate the access of these vessels to existing or planned commercial, water-oriented facilities (i.e., restaurants, shops, recreational areas, marinas, etc.) in the vicinity of the proposed bridge? Describe these facilities.
 - c. If yes, discuss the economic impacts the restriction will have on existing or planned commercial, water-oriented facilities.
 - d. Is it feasible to modify the affected segments of the fleet to clear the proposed bridge without substantially increasing operating costs? If yes, name the vessels, state the necessary modifications, cost of modifying each vessel and person or entity responsible for financing the modifications.

NOTE: Check with local Corps of Engineers District Office, Chamber of Commerce or other organizations for proposed marinas, recreational areas, shops, etc.

4. **Describe the present and prospective commercial navigation and the cargoes moved on the waterway:** Will the proposed bridge affect the safe, efficient movement of any segment of the present or prospective commercial fleet operating on the waterway? If yes, provide the following information:
- a. State the number of and the type of vessels, which may be affected by the proposed bridge. Provide the LOA, beam, draft, and height of the highest fixed point above the waterline for each of these vessels. Estimate the percentage of the commercial fleet, which may be affected by the proposed bridge.

- b. Discuss the economic impacts the restriction will have on local commercial shipping. Discuss the economic input, which supports the Commandant's and DHS's strategic goals.
 - c. Describe any existing or planned commercial or industrial developments (i.e., manufacturing, refining, facilities, etc.) and other businesses affected by this restriction, and discuss the economic impacts the restriction will have on each business.
 - d. Is it feasible to modify the restricted vessels to clear the proposed bridge without substantially increasing operating costs? If yes, name the vessels, state the necessary modifications, cost of modifying each vessel and company or entity responsible for financing the modifications.
5. Will the proposed bridge block access of any vessel presently using local service facilities (i.e., repair shops, parts distributors, fuel stations)? If yes, provide the following information:
- a. Describe the facilities and estimate the number of vessels currently using these facilities.
 - b. Provide the following specifications of vessels, which will be forced to seek alternate facilities: name, LOA, beam, draft, height of the highest fixed point above the waterline.
 - c. What economic impact will loss of access have on these facilities? Include the estimated dollar amount to support Commandant and DHS goals.
 - d. What is the distance to alternate service facilities capable of servicing the affected vessels? Describe the facilities.
 - e. Will use of these alternate facilities substantially increase vessel operation costs or downtime?
 - f. Is it feasible to modify the affected vessels to clear the proposed bridge?
 - g. If yes, state the name, necessary modifications, cost of modifying each vessel and who will pay for the modifications.
6. Are alternate routes bypassing the proposed bridge available for use by vessels unable to pass the proposed bridge? If yes, provide the following information:
- a. State the number of vessels, which will be forced to use alternate routes.
 - b. Describe those vessels by listing the name, LOA, beam, draft, and height of the highest fixed point above the waterline for each.

- c. Identify any alternate routes and provide the respective distances between the proposed bridge and these routes.
 - d. Will use of these routes substantially increase the transit time and/or operating costs of the affected vessels? This relates to the mobility goals of the Commandant and DHS.
 - e. If yes, describe the impacts of increased transit time and/or operating costs.
 - f. Is it feasible to modify these vessels to clear the proposed bridge?
 - g. If yes, state the name, necessary modifications, cost of modifying each vessel and who will pay for these modifications.
7. Will the bridge prohibit the entry of any vessels to the local harbor of refuge? If yes, describe the harbor and provide the following information:
- a. What percentage of vessels currently using the harbor refuge will not be able to pass the proposed bridge to gain access to that refuge? Describe the vessels.
 - b. State the number of vessels, name, LOA, beam, draft, and height of the highest fixed point above the waterline for those vessels whose access to the refuge is prohibited by the proposed bridge.
 - c. Is it feasible to modify these vessels to clear the proposed bridge?
 - d. If yes, state the name, necessary modification, cost of modifying each vessel and who will pay for the modifications.
 - e. If alternate refuges are available, describe them and state the distance of each from the present harbor of refuge.

NOTE: A harbor of refuge is defined as a naturally or artificially protected water area that provides a place of relative safety or refuge for commercial and recreational vessels traveling along the coast or operating in a region.

8. Will the proposed bridge be located within one-half mile of a bend in a waterway? If yes, describe the bend and provide the following information:
- a. Is there sufficient distance between the bridge and the bend to allow proper vessel alignment for the safe, efficient passage of vessels through the proposed bridge?
 - b. If no, what factors make construction of the bridge at an alternate location impractical?

9. Are there other factors (i.e., dockages, lightering areas, existing bridges, etc.) located within one-half mile of the proposed bridge, which would create hazardous passage through the proposed structure? If yes, provide the following information:
 - a. Describe the factors:
 - b. What mitigative measures do you recommend? Why?
10. Do local hydraulic conditions (i.e., wave chop, cross currents, tides, shoals, etc.) increase the hazard of passage through the proposed bridge? If yes, provide the following information:
 - a. Describe the conditions:
 - b. What mitigative measures do you recommend? Why?
11. Do local atmospheric conditions (i.e., strong, prevailing winds, fog, rapidly developing storms, etc.) increase the hazard of passage through the proposed bridge? If yes, provide the following information:
 - a. Describe the conditions:
 - b. What mitigative measures do you recommend? Why?
12. Have guide clearances been established for the waterway? If yes, provide the following information:
 - a. Horizontal guide clearance;
 - b. Vertical guide clearance;
 - c. Do the proposed bridge clearances differ from these guide clearances?
 - d. If yes, which of the above factors (1 through 11) justify deviating from these guide clearances?
13. State any other factors considered necessary for the safe, efficient passage of vessels through the proposed bridge? Are clearance gauges needed? Why?

III. ENVIRONMENTAL EVALUATION

1. **NEPA considerations:**
 - a. Identify lead agency;
 - b. Identify cooperating agencies;
 - c. Identify consultant;

- d. Type of environmental document (i.e., CE, FONSI, EIS, Reevaluation);
 - e. Date(s) document(s) approved;
 - f. If EIS, dates both draft and final EIS's were filed with EPA and
 - g. If another agency is the lead agency, confirm with the lead agency that the environmental document(s) have not been modified, reevaluated, supplemented, or rescinded, and remain(s) valid for the proposed action. State date(s) the document(s) have been modified, reevaluated, etc., if applicable. State what action the Coast Guard has taken regarding the environmental document, such as adoption, supplementation, revision, etc.
 - h. District comments:
2. **Water Quality Certification (WQC):** If a WQC has been issued, identify the certifying agency and the date of the certification, the date and means by which EPA was notified. Document in case file EPA notification by enclosing copy of letter sent to EPA or telephone confirmation and their response, if any.
- a. If WQC is waived, give the authority for the waiver (either the state waived the certificate or the Coast Guard considered the certification waived), the date that the applicant applied for certification and the date and means of EPA notification (see Chapter 3.J.2.b.).
 - b. For permit amendment actions, a new WQC **or** a written confirmation from the certifying agency, stating that the existing WQC is still valid for proposed action, is required. Document in the case file EPA notification by enclosing copy of letter sent to EPA or telephone confirmation (see Chapter 3.J.2.b and Chapter 3.J.2.d).
3. **Coastal Zone Management (CZM):** Does the state have a federally approved coastal zone management program? Is the proposed project within the boundaries of the zone? If yes, provide the following information:
- a. Date the applicant certified that the project is consistent with the state's CZM program.
 - b. State whether the Coast Guard concurs with and adopts the applicant's certification.
 - c. Date state agency concurred in the applicant's certification.
4. **Floodplains:** Is the proposed project in the base floodplain? If yes, provide the following information:
- a. Briefly describe the extent of the encroachment in the base floodplain.

- b. Briefly describe the effect of the proposed bridge on drift and flood heights.
 - c. [RESERVED]
 - d. Cite the 100-year flood elevation.
5. **Historic Properties:** Does the proposed project have any impact on properties listed in or eligible for inclusion in the National Register of Historic Places? If yes, provide the following information:
- a. Briefly describe these properties and discuss the impacts of the proposed project.
 - b. Briefly describe mitigation efforts to reduce these impacts.
 - c. Document coordination efforts between the lead federal agency, the Coast Guard, the Advisory Council on Historic Preservation, the State Historic Preservation Officer and other agencies.
 - d. Date of Memorandum of Agreement, if applicable.
 - e. Document compliance with Enclosure (5) of this manual if the proposed project involves a historic bridge.
 - f. Document the Coast Guard's concurrence with the federal lead agency's conclusion and determination, when the Coast Guard is not the lead federal agency.
6. [RESERVED]
7. **Wetlands:** Does the proposed project require the use of any wetlands? If yes, provide the following information:
- a. Type and acreage of wetlands taken.
 - b. Briefly describe efforts to mitigate impacts.
 - c. For major federal actions (i.e., EIS or FONSI), date the Wetlands Finding was approved. It may be in the EIS or EA, or on the FONSI. If so, state where the Wetlands finding can be found.
 - d. Document the Coast Guard's concurrence with Wetlands Findings when the Coast Guard is not the lead federal agency.
 - e. State the acreage saved or increase in wetlands resulting from mitigation efforts and the estimated monetary value, if known or can be reasonably estimated.

8. **Fish and Wildlife:** Will the proposed project have impacts on fish and wildlife? If yes, provide the following information:
 - a. Discuss impacts on threatened or endangered species or critical habitat, and/or Essential Fish Habitat.
 - b. Briefly document coordination/consultation efforts with the U. S. Fish and Wildlife Service and National Marine Fisheries Service and other federal agencies.
 - c. Briefly discuss mitigation efforts to reduce the impacts.
 - d. Date biological assessment prepared or approved, if applicable.
9. **Noise:** Briefly discuss noise impacts in relation to FHWA noise standards or any applicable state standards and mitigation measures, if any, to reduce noise impacts.
10. **Air:** Briefly discuss impacts on air quality and consistency with the approved State Implementation Plan (SIP) for air quality.
 - a. State air quality agency and date of written consistency concurrence:
 - b. **General Conformity Rule (Clean Air Act 1990 Amendments):** A written conformity determination is required for a project which is in an area designated "nonattainment" or "maintenance" for air quality purposes. The proposed project is a highway or transit project, which is funded or approved by a federal agency **other than** FHWA or FTA.
 - 1) Date of draft conformity determination:
 - 2) Date of final conformity determination:
 - 3) Date Coast Guard adopted the lead agency's written conformity determination if Coast Guard is not the lead federal agency:
 - c. A written conformity determination is **not** required for this project because:
 - 1) Emission levels of the criteria pollutants are clearly below (de minimus) the minimum allowable;
 - 2) Such levels could not be reasonably foreseen;
 - 3) Such levels cannot be controlled through the federal agency's continuing program responsibility; or
 - 4) The proposed project area is in an area designated "attainment."

- d. **Transportation Conformity Rule:** The proposed project was developed, funded or approved under Title 23 United States Code or the Federal Transit Act.
 - 1) Date of draft conformity determination:
 - 2) Date of final conformity determination:
 - 3) Date Coast Guard adopted the lead agency's written conformity determination if Coast Guard is not the lead federal agency:
- 11. **Wild and Scenic Rivers:** Document date of designation of the waterway as a wild, scenic, and/or recreational river and impacts of proposed project. If river is classified as recreational, discuss Section 6(f) involvement, if applicable.
- 12. **Relocation and Displacement:** State number of businesses and residences affected by the project and mitigation measures, if any.
- 13. **Other impacts:** Briefly discuss any impacts to prime and unique farmlands, minority and/or low-income populations, socioeconomic impacts (i.e. waterway commerce, businesses), and any other impacts not already discussed.
- 14. **Cumulative/secondary impacts:** Briefly discuss potential cumulative or secondary impacts, if any.

IV. CONCLUSIONS

- 1. **Navigation:** Include a statement that plans for the proposed bridge, based on the preceding facts, do or do not provide adequate clearances to meet the reasonable needs of existing and prospective navigation on the waterway.
- 2. **Environment:**
 - a. When the Coast Guard is the lead agency:
 - 1) If a FONSI or Categorical Exclusion is prepared, a statement that the Coast Guard has fully considered the preceding facts and has determined that the project will not cause any significant, adverse, environmental effects.
 - 2) If an EIS is prepared, a statement that the Coast Guard has: fully considered the preceding facts and the enclosed EIS; that it has determined that the project's impacts cannot be avoided; and that all planning and mitigation to minimize these impacts have been accomplished.

- b. When the Coast Guard is a cooperating agency:
 - 1) If a FONSI or a Categorical Exclusion is prepared, a conclusion that, based on a full consideration of the preceding facts and the environmental documentation prepared by (identify agency), the project will not cause any significant, adverse, environmental impacts. A Coast Guard FONSI for the proposed permit action was approved on (date).
 - 2) If an EIS is prepared, a conclusion that, based on the preceding facts and the enclosed EIS prepared by (identify agency), the project's impacts cannot be avoided and that all planning and mitigation to minimize these impacts have been accomplished.

V. STRATEGIC GOALS, PRIORITIES AND CONTRIBUTIONS

State the estimated total value of yearly commercial shipping on the waterway affected by this bridge action in \$ (fill in the amount). Also, state how, from the District's viewpoint, the proposed project will contribute to the Commandant's strategic goals and the DHS national security goals.

VI. RECOMMENDATIONS

A statement recommending issuance or denial of a permit should be included. If issuance of a permit is recommended, state any specific conditions that should be included in the permit. If denial of the permit is recommended, state the basis for denial and present an alternative proposal.

Example 4.3: Supplemental Findings of Fact for Bridge Permit Amendments

TITLE: PROPOSED (TIME EXTENSION(S), REVISED PLANS, CHANGE IN PERMIT CONDITIONS) FOR PROPOSED BRIDGE ACROSS THE _____ WATERWAY, MILE 0.0 AT CROSSROADS, MALIBOU COUNTY, ARIZONA

P(____-____-____)

Preparation of a Supplemental Findings of Fact is appropriate when amending bridge permits issued by the Coast Guard. It should not be used when amending a bridge permit issued by the Corps of Engineers.

1. **Previous permit action:** On (date) the Commandant [District Commander] issued (permit no.) approving the location and plans for construction of a bridge across the (waterway), at/near/between (city/county/state).
2. **Application under consideration:** The permittee, (identify permittee), has requested an extension of the dates for commencing and completing construction of the proposed bridge (day/month/year and day/month/year, respectively). The permittee requested that the dates be extended to day/month/year and day/month/year, respectively.
3. **Effect on the environment:**
 - a. Identify the lead agency responsible for satisfying NEPA requirements; the environmental document(s) and date(s) approved, and previous Coast Guard action (adopted the EA, EIS, ROD; approved a Categorical Exclusion Determination).
 - b. Any reevaluations prepared since the initial or last permit action for the proposed bridge project should be discussed. If the lead federal agency is other than the Coast Guard, confirm that the EA or EIS has not been supplemented or rescinded nor in litigation, that the document remains valid for the proposed permit action; and that it remains adequate for Coast Guard purposes (BAM, Chapter 4.G.6.c. applies).
 - c. **Permit action being considered:** Discuss any major changes in the proposed project that have occurred since the project was last approved. Discuss any effect those changes will have on the environment.
 - d. **Water Quality Certificate:** Provide a new WQC or a document from appropriate water quality certifying agency confirming the validity of existing WQC. (BAM, Chapter 3.J.2.c.)
4. **Effect on navigation:** Discuss whether the proposal calling for an amendment to permit will have an effect on navigation, i.e., changes in horizontal/vertical clearances for mariners.
5. **Public Notice:** Number and date of Coast Guard Public Notice issued for the permit action being considered. State whether adjacent property owners were notified.

6. **Summary of responses to Coast Guard Public Notice:** Summarize comments on the Public Notice; include, as appropriate, written replies by the permittee to respondents.
7. **Conclusion:** A concluding statement should be made of the effect the proposed action (*or reason for the permit amendment*) will have on the environment and on navigation. See Example 4.2.
8. **Strategic Goals, Priorities and Contributions:** State the estimated total value of yearly commercial shipping on the waterway affected by this bridge action in \$ (fill in the amount). Also, state how, from the District's viewpoint, the proposed project will contribute to the Commandant's strategic goals and the DHS national security goals.
9. **Recommendation:** Include a statement recommending approval or denial of the proposed permit amendment. If issuance is recommended, state any specific conditions that should be included in the permit amendment or removed from the original or last permit action. If denial is recommended, give the basis for denial and present an alternative proposal.

NOTE: Supplemental Findings of Fact or a Findings of Fact (not both) **must be** included in the case file submitted to Commandant (G-OPT) for final agency action or after-the-fact review of District Commander final agency actions.

Example 4.4: Letter Forwarding Findings and Recommendations

16590

From: Commander,
To: Commandant (G-OPT)

Subj: **PERMIT APPLICATION FOR PROPOSED BRIDGE ACROSS THE (*Waterway*), MILE No., BETWEEN *city/county/state and city/county/state***

1. The (applicant) has submitted for approval of the Commandant, U. S. Coast Guard, the location and plans for a (type) bridge across the (waterway), mile no., (at/near/between city/county/state). The proposed bridge will replace (as applicable) the existing bridge. No alternate bridge designs are proposed.
2. The (waterway) is a navigable waterway in its entirety, and (if applicable) subject to tidal influence. (If the waterway has been determined navigable, cite the agency and date of determination).
3. The Federal Highway Administration (FHWA) is the lead federal agency for satisfying requirements of the National Environmental Policy Act (NEPA) and other environmental control laws. A Final Environmental Impact Statement (FEIS) for the proposed project was approved by FHWA on 6 August 20XX. FHWA has confirmed that there have been no modifications or supplements to the environmental document and that it remains valid for the proposed permit action. The Coast Guard participated as a cooperating agency and has adopted the bridge-related parts of the FEIS.
 - a. FHWA approved a Record of Decision for the proposed project on 10 October 20XX. A draft Coast Guard Record of Decision has been prepared and is enclosed for signature.
4. Coast Guard Public Notice No. 3-010 was issued on 17 March 20XX. (Objections to the proposed bridge have been resolved and are discussed in Section I.10. of the Findings of Fact). No significant objections or comments were received.
5. The permit, if issued, should contain the special conditions listed in Part VI of the Findings of Fact.

Subj: **PERMIT APPLICATION FOR PROPOSED BRIDGE ACROSS THE (*Waterway*), MILE No., BETWEEN *city/county/state* and *city/county/state***

6. The proposed bridge will meet the reasonable needs of navigation with no significant impacts on the environment. Approval is recommended for the location and plan sheets 1 of 4, last revised 24 November 20XX, and sheets 2 through 4 (of 4), last revised 16 March 20XX.

DISTRICT BRIDGE ADMINISTRATOR
By direction

- Encl:
- (1) Permit dwgs, shts 1 of 4, last rev 24 Nov 20XX, and shts 2 through 4, last rev 16 Mar 9X (3 copies)
 - (2) Application, ALHD ltr dtd 16 Sep 20XX
 - (3) Water Quality Certification and document notifying EPA of issuance of WQC
 - (4) CZM consistency certification and State concurrence (if applicable)
 - (5) Navigability determination
 - (6) Findings of Fact (or Supplemental Findings of Fact for permit amendments)
 - (7) Environmental documents (EIS, FONSI, CE, Reevaluation, etc.)
 - a. EIS
 - b. Coast Guard Draft ROD (both hard copy and electronic, floppy/e-mail formats)
 - c. Federal lead agency ROD
 - (8) Existing bridge permit (if available)
 - (9) Coast Guard Public Notice No. XX dtd 17 Mar 20XX and public hearing transcript (if applicable)
 - (10) Local Notice to Mariners No. XX dtd 16 Jun 20XX
 - (11) Responses to Coast Guard Public Notice (latest date on top)
 - (12) Other correspondence
 - (13) Miscellaneous documents (USACE, Sec 10/404 permits; other State permits; a brief history of the bridge and related background information for permit amendments, if applicable)
 - (14) Photos of bridge site (if available)

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CHAPTER 5- BRIDGE PERMIT WRITING GUIDE

A. Introduction

1. The purpose of this permit writing guide is to provide guidance for correctly preparing bridge permits and bridge permit amendments with a variety of required "appropriate" special conditions.
2. A permit is a written statement of the approval of the location and plans for construction of a proposed bridge project. By this approval, the permittee is authorized to construct the proposed bridge subject to the specific conditions stated in the permit in the interest of public navigation and the human environment as they are affected by the location, construction, maintenance and operation of the bridge.
3. A bridge permit amendment is a formal document of approval of a change in the initial approval of the location and plans for construction of a proposed bridge project. See Part E, Bridge Permit Amendments.
4. The plans approved must be clear and the permit document must be clear, concise, meticulous and in accordance with Coast Guard obligations and responsibilities under the bridge statutes and the various applicable environmental control laws. Failure of the permittee to construct the bridge in accordance with the approved plans and in compliance with the conditions of the bridge permit (as amended, if appropriate) constitutes illegal bridge construction and subjects the permittee to possible legal prosecution. We must be mindful of this potential litigation during processing of the bridge permit application and preparation of the bridge permit document. The processing of the permit application must be correct with respect to substance and procedural (legal) sufficiency.
5. While this guide addresses all parts of the permit document and contains numerous examples of text variations, it does not cover every conceivable proposed bridge action. Keep in mind that most of the examples have been taken out of the context of their permits in order to illustrate a point or phrase without repeating common, although varying, permit text. An example may exactly fit one permit, but not another permit with different text. Should a situation arise which does not appear to be addressed in this guide, Commandant (G-OPT) should be consulted for further guidance so that a consistent nationwide approach can be maintained in the administration of the Bridge Permit Program.
6. For convenience, this guide is organized into segments as they relate to preparing an appropriate permit document. A glossary has been affixed to the end of this guide to provide consistent working definitions of frequently used terms and phrases.

B. The Basic Bridge Permit A bridge permit is issued to evidence Coast Guard approval of the location and plans of a bridge (*or causeway*) across a navigable water of the United States. Example 5.1 shows a simple basic bridge permit. This part addresses the components of the basic permit document and their purpose for being included.

1. **Heading, page 1:** This is used to identify the action as an initial bridge permit issued for a proposed project. The permit number provides a unique identifier for the initial bridge permit according to the ordinal number of sequence issued, year issued, and the ordinal number of the Coast Guard district in which the project is located. Example 5.1 would be the second bridge permit issued in 1980 in the Seventh District. The permit number is located at the top of page 1 centered beneath the words "BRIDGE PERMIT."
2. **Heading, page 2:** This heading contains the same information as the page 1 heading. It is located at the top right of page 2 (*and successive pages*) of the bridge permit. Additionally, as shown in Example 5.1, it contains a "subject" line, which reflects the information contained in the proposed project identification paragraph. The "subject" line is placed after the words "Continuation Sheet."
3. **Preamble:** This portion of the bridge permit, as shown in Example 5.1, normally has three paragraphs. The first paragraph provides the legislative authority for construction of the bridge, the second paragraph, the delegation of approval authority by the Secretary of Homeland Security to the Commandant, U. S. Coast Guard, and the third paragraph, that the Commandant must first approve the project and may impose conditions in the interest of public navigation. When issued by a District Commander, the permit preamble contains a fourth paragraph, the further delegation of the approval authority to the District Commanders. Use the wording shown in Example 5.1 for the delegation paragraph. Do not cite 33 CFR 115.60(e); it is an explanation, not a delegation. Do not use the wording that was acceptable under the 1975/1976 delegation of authority. Do use the wording as shown in Example 5.1.
4. **Proposed Project Identification Paragraph:** In this paragraph, we identify the applicant and state the proposed action, the waterway and location. The applicant/owner is highlighted by typing the name in all capitals, underscoring, and using hyphens. As shown in Example 5.1, the proposed action is: a bridge to be constructed across the Suwannee River at Fannin Springs, Florida.
5. **Approval Paragraph:** In this paragraph, the specific plans and/or action approved is stated. In Example 5.1, the location and plans dated 1 January 1980 were approved by the Commandant [District Commander], subject to certain conditions.
6. **Conditions:** All bridge permits indicate an approval subject to certain requirements that may void the permit and subject the violator to civil or criminal penalty if not followed. There are seven conditions considered to be standard for any bridge permit action. As shown in Example 5.1, they are:
 - a. **The "No Deviation" Condition:** The purpose of this condition is to ensure a Coast Guard review and approval of previously approved plans revised before or after a bridge project is constructed.

- b. **The “Construction Specification” Condition:** The purpose of this condition is to provide the District Commander with a control over the construction methods, construction of temporary obstructions to navigation, and to provide a mechanism by which the mariner may be kept informed of construction events that may affect navigation.
- c. **The “Disclaimer” Condition:** The purpose of this condition is to identify those agencies that have expressed a specific concern over the project or some aspect of the project. This may include those agencies that have issued a permit for their own area of concern and enforcement if they have responded to the Coast Guard public notice with that concern. It should also include those agencies (*with expertise or jurisdiction by law*) that have responded to Coast Guard public notice expressing their concerns and recommending certain provisions or measures to be taken to avoid impacts on the environment or on navigation. Also, see paragraph 5.D.4.b. It may include those agencies that have not yet taken final agency action on a permit application in their own area of responsibility.
- d. **The “Pier Protection Fendering System” Condition:** This condition may either mandate fendering installation in connection with initial construction, as shown on the approved plans, or plans submitted to the District Commander for approval, or require fendering at some future time as so determined by the District Commander. A prospective condition shall be used even when fendering is not presently deemed necessary (except in cases where the structure clear spans the waterway) in order to provide the Coast Guard with the legal authority to order the installation of fendering in the event it is warranted if navigation changes in the future.
- e. **The “Clearance Gauge” Condition:** This condition either mandates clearance gauges be installed at the time of bridge construction or when so required by the District Commander at some future time. The condition shall be mandatory where the permit application process establishes the need, and pursuant to 33 CFR 117.47. A prospective condition shall be used even when gauges are not presently deemed necessary (except in cases where the structure clear spans the waterway) in order to provide the Coast Guard with the legal authority to order the installation of gauges in the event they are warranted if navigation changes in the future.
- f. **The “Future Removal” Condition:** This condition provides a requirement that the proposed bridge must be removed in its entirety or to an elevation deemed appropriate by the District Commander at such a time when it is no longer used for transportation purposes. The purpose of this condition is to preclude abandonment of a bridge at some future date without an assurance of adequate removal. This condition is normally the next to last condition to the bridge permit.

- g. **The “Time Limit” Condition:** This condition limits the time allowed to commence and complete construction of the bridge project. The purpose of this condition is to assure that permits are issued for needed bridge projects and used for bridge construction. It further acts to bring the proposed work under review and re-approval by the Coast Guard, after passage of a reasonable period of time for construction, with regard to possible changes or new developments in navigation or affecting the quality of the environment. This condition is normally the last condition of the bridge permit.

Example 5.1:

BRIDGE PERMIT

(2-80-7)

PREAMBLE

Legislative authorization paragraph

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

Delegation of authority paragraph

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Commandant authority

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

[Further Delegation of authority to District Commander]

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders, by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

BODY

Proposed project identification paragraph

AND WHEREAS the - **STATE OF FLORIDA** - has submitted for approval the location and plans of a bridge to be constructed across the Suwannee River at Fannin Springs, Florida;

Location and plan approval

NOW THEREFORE, This is to certify that the location and plans dated 1 January 1980 are hereby approved by the Commandant [Commander, Seventh Coast Guard District], subject to the following conditions:

CONDITIONS

"No deviation" condition

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

"Construction specification" condition

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventh Coast Guard District [District Commander], prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present

C. Variations to the Basic Bridge Permit

1. **Basic Bridge Permit:** Example 5.1, which shows the basic bridge permit, is fictitious and is presented for basic instructions. The majority of permits issued have some variation to Example 5.1. Normally, some or many variations must be made to the basic permit in order to reflect the requirements of each bridge project. These variations may include: multiple structures, waterways, waterway names, towns and/or states, applicants, owners, plan sheet dates and revision dates, environmental and/or navigational concerns, etc.
2. **Variations:** This part addresses many variations of the basic bridge permit components described in Part B, using examples used in actual permits, where possible.
 - a. **Headings:** The headings normally begin with BRIDGE PERMIT. If the agency action is an amendment to a previous bridge permit action, the heading begins with BRIDGE PERMIT AMENDMENT. (*See Part E, Bridge Permit Amendments.*) The permit number is normally assigned to a bridge permit (2-80-7) and modified by adding a lower case letter after the permit number to reflect the number of amendments to the bridge permit (2a-80-7, 2b-80-7, etc.) However, when the Commandant is amending a permit previously issued by the Secretary of the Army, a normal permit number (2-80-7) is assigned to a BRIDGE PERMIT AMENDMENT. If no previous USACE permit is available in the District file, a new Coast Guard permit is issued. The body of the text in such a permit will resemble that of an amendment from the project identification paragraph to the end. Example 5.203 illustrates this type of action. See also Part E. The "subject" line for the heading on page 2 of the bridge permit reflects the variations described in the proposed project identification paragraph.
 - b. **Preamble:**
 - 1) **First paragraph:** This paragraph of the preamble varies from Example 5.1 according to the various citations for legislative authority to construct the proposed work. As shown in Examples 5.2, 5.3, and 5.4, respectively, various citations include: The International Bridge Act of 1972, the Trans-Alaska Pipeline Authorization Act and a specific act of Congress authorizing construction of a causeway (none of record). Note in paragraph two of Example 5.2 the referral to the act of 23 March 1906. Note also in paragraphs two and three of Example 5.2 the additional provisions of specific paragraphs of the act cited. The wording of the authorizing act for a causeway or other special act should be reflected in the first paragraph of the preamble as shown in Example 5.4.
 - 2) **Second paragraph:** This paragraph of the preamble varies from Example 5.1 according to the wording of the first paragraph. As shown in paragraph four of Example 5.2, this paragraph only delegates from the

Secretary of Homeland Security to the Commandant, U. S. Coast Guard. Note that, in the fourth paragraph of Example 5.3, the General Bridge Act is cited and the authority to issue permits is transferred to the Secretary of Homeland Security with reference to the special act of Congress.

- c. **Proposed Project Identification Paragraph:** This paragraph contains a number of variable items of information.
- 1) **The applicant:** The applicant may be the owner of the bridge, an agent acting in behalf of the owner, or simply having permission from the owner to do the work. The word "the" normally precedes the highlighted name of the applicant as shown in Examples 5.5 through 5.17. Names that begin: "State of...;" "Commonwealth of...,"¹ "County of...;" "City of...;" or end: "...Company;" "... Corporation;" or "...Authority" are normally preceded by the word "the." Note in Examples 5.6 and 5.7 that the applicant is identified as the state and not as an agency or department of the state. Likewise, do not list a department or board of the local government as the applicant; use **BURLINGTON COUNTY**, not **BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS**. Also, do not add on the state name to a local government applicant; use **DADE COUNTY**, not **DADE COUNTY, FLORIDA**. Do not identify an applicant who is acting in behalf of the bridge owner(s). Identifying the bridge owner(s) is sufficient. When the applicant is modifying someone else's bridge, emphasize the owner's permission for the modification as shown in Example 5.16. Example 5.17 illustrates joint applicants.
 - 2) **The proposed project:** The proposed project may be a bridge, dual bridges (*two bridges not sharing abutments or bridge piers*), bridge project, modification to a bridge already constructed, or causeway as illustrated in Examples 5.5, 5.9, 5.10, 5.11, 5.16, 5.18, and 5.207 respectively. The phrase "bridge project" is used whenever the use of other terms in combination would be too complex.
 - 3) **The waterway:** The waterway may be a river, creek, stream, brook, pass, slough, bay, sound, cut, channel, embayment, bayou, or tributary and be named or unnamed, have multiple names or a new name. The word "the" is normally used to precede a river name or special waterway name as in Examples 5.7 and 5.10. The present official name of the waterway is stated first and is followed, in parentheses, by former name(s), alternate name(s), or major waterway system name(s) as illustrated in Examples 5.10, 5.11, 5.12, and 5.15. Examples 5.8 and 5.9 illustrate unnamed waterways and tributaries of named waterways. You may include the mile point along the waterway in this paragraph to separate close bridges.

¹ Presently there are four Commonwealth States - Kentucky, Massachusetts, Pennsylvania and Virginia. The possession of Puerto Rico is also a Commonwealth.

- d. **The Bridge Project Location:** The location of a bridge may be at or near one location, or between two locations. A location may be expressed as a city, town, township, etc., along with the appropriate state(s). The word "at" is used when the proposed bridge is located within the city or town limits. The word "between" is used when the bridge project links or is located between two cities or towns. The word "near" is used in the remaining situations along with a reasonably close recognized location. The city or town, etc., used for the location is appropriate only if it is shown on both the vicinity map to be approved and a common road map or atlas available to the public. Should the bridge be located at or near a town not shown on either plan or road map, use of a location near a recognizable town, etc., is preferred. In those unusual cases where there is no recognizable town, etc., near the bridge site, use of the county is appropriate.
- e. **Approval Paragraph:** This paragraph indicates the approving official and reflects the variations in the numbered plan sheets to be approved according to their plan sheet number, date and, as appropriate, revised or last revised date. This paragraph must accurately reflect the actual dates or revised dates of the plan sheets. A plan sheet may be dated by day-month-year or only by month-year and treated as different dates. The sheets are listed numerically by their category beginning with sheet number one along with all other plan sheets of the same date category and is followed, as appropriate, by the next numbered plan sheet of a different date category. Example 5.19 illustrates plan sheet with different dates. Example 5.20 illustrates dated sheets and revised sheets. When a plan sheet has been revised more than once, the term "last revised" is used. Example 5.21 illustrates revised sheets and last revised sheets. Example 5.22 illustrates a complex variation of date categories. *Note the use of plan sheet number 3A in addition to plan sheet number 3.*
- f. **Conditions:**
- 1) **The "No Deviation" Condition:** This condition may vary from the first condition in Example 5.1 only when there is more than one structure as illustrated in Example 5.23.
 - 2) **The "Construction Specification" Condition:** This condition may vary from the second condition in Example 5.1 according to the Coast Guard district name (*for Commandant approved actions*) or, the specifics of bridge, bridges, bridge project and waterway(s) involved. Examples 5.24, 5.25, and 5.26 illustrate variations due to multiple bridges, multiple waterways and a bridge replacement project, respectively. For a bridge replacement or modification project where traffic is to be maintained, on the structure being replaced or modified, during construction, it is appropriate to delete the phrase "but in no case later than 90 days after the bridge has been opened to traffic" and end the last sentence after the word "taken" as shown on Example 5.26. For a pipeline bridge,

substitute the phrase "placed in operation" for "opened to traffic" in the last sentence as shown in Example 5.26a. The Director, Western River Operations, often adds the phrase, "and the scheme for constructing the bridge" to the construction specification condition, as shown in Example 5.24.

- 3) **The “Disclaimer” Condition:** This condition may vary from the third condition in Example 5.1 according to the agency(ies) to be included in the condition. Example 5.27 illustrates listing one agency. Note the word "the" preceding the agency and the phrase "or any other" which supersedes the word "any" before the word "federal." The agencies are usually listed in descending order according to the level of government. The agencies are normally grouped by federal, state, county, city or town, etc. Example 5.28 illustrates listing a number of agencies. Note that in listing the agencies, a semi-colon (;) separates agencies, a comma (,) indicates a subagency of the parent agency and a colon (:) indicates more than one subagency are following the parent agency.
- 4) **The “Pier Protection Fendering System” Condition:** This condition may vary according to the needs of the particular bridge proposal. Examples 5.59-5.60a reflect various fendering conditions when fendering need has been documented at the time the permit is issued. Examples 5.61-5.62 illustrate prospective fendering conditions.
- 5) **The “Clearance Gauge” Condition:** Example 5.67 is used when the need for gauges has been documented during the permit application process, or as required by 33 CFR 117.47. Example 5.68 is used when gauges may be required in the future by the District Commander.
- 6) **The “Future Removal” Condition:** This condition varies from the fourth condition in Example 5.1 according to involvement with waterway(s) and/or bridge(s) (*project*) as illustrated in Examples 5.29, 5.30 and 5.31, respectively. Note plural use of elevation and removal and clearance for bridges in Examples 5.30 and 5.31. The plural form is used when multiple bridges or a bridge project of multiple bridges are involved. One bridge across multiple waterways does not use the plural form.
- 7) **The “Time Limit” Condition:** This condition may vary from the fifth condition in Example 5.1 according to the times determined to be adequate for commencing and completing construction of the bridge (Example 5.32) and the description of bridge(s) (*project*). Example 5.33 illustrates the condition for bridges.

Example 5.2: Preamble for Permits Issued Under the International Bridge Act of 1972**(85-80-8)**

WHEREAS by an act of Congress approved 26 September 1972 entitled "International Bridge Act of 1972," (33 U.S.C. 535), the consent of Congress was granted for the construction, maintenance and operation of any bridge and approaches thereto which will connect the United States with any foreign country;

AND WHEREAS said consent is subject to the provisions of an act entitled "An Act to regulate the construction of bridges over navigable waters," approved 23 March 1906 (33 U.S.C. 491-498) except Section 6 (33 U.S.C. 496);

AND WHEREAS the approval of the Secretary of Homeland Security as required by that act shall be given only subsequent to the President's approval for the construction, maintenance and operation of the International Bridge, as provided for in Section 4 of the "International Bridge Act of 1972" and said Presidential approval was granted on 20 December 1978;

AND WHEREAS the functions, powers and duties which were vested in the Secretary of Homeland Security under Section 5 of the "International Bridge Act of 1972," as they relate to navigable waterways other than the Saint Lawrence River, have been delegated by the Secretary to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS the - **CITY OF MISSION** - has submitted for approval plans and a map of location of a bridge to be constructed across the Rio Grande between Mission, Texas, and Reynosa, Mexico;

NOW THEREFORE, This is to certify that the location and plan sheets 1 and 3 (of 4) revised 14 February 1980, sheet 2 revised 24 June 1980 and sheet 4 dated 16 July 1980 are hereby approved by the Commandant, subject to the following conditions:

Example 5.3: Preamble for Permits Issued Under the Trans-Alaska Pipeline Authorization Act

(2-82-17)

WHEREAS by Title II of an act of Congress approved November 16, 1973, entitled "Trans-Alaska Pipeline Authorization Act," (43 U.S.C. 1652), as amended, the Congress authorized and directed that the Trans-Alaska oil pipeline system be constructed;

AND WHEREAS under Section 203(b) of that Act it is required that federal agencies issue and take all necessary action relating to permits that are necessary for or related to the construction, operation and maintenance of said pipeline system;

AND WHEREAS Section 203(c) requires that all authorizations issued by federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted by the provisions of law that would otherwise be applicable if Public Law 93-153 had not been enacted;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of the "General Bridge Act of 1946," to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the - **SOHIO ALASKA PETROLEUM COMPANY** - has submitted for approval the location and plans of a bridge to be constructed across the Kuparuk River near Deadhorse, Alaska, as part of the Trans-Alaska Pipeline System between Valdez and Prudhoe Bay, Alaska;

NOW THEREFORE, This is to certify that the location and plans dated 31 July 1981 are hereby approved by the Commandant, subject to the following conditions:

Example 5.4: Preamble for Permits Issued Under a Special Authorization Act of Congress

WHEREAS by a permit issued on 7 September 1942, as amended 30 November 1944, the Secretary of the Army approved the location and plans of a bridge to be constructed by the District of Columbia across the Anacostia River at Washington, District of Columbia, under authority of Section 9 of an act of Congress approved 3 March 1899 (33 U.S.C. 401), and a special act of Congress approved 1 July 1941 (Public Law 147 of the 77th Congress), and that the bridge was constructed;

AND WHEREAS certain functions, powers and duties of the Secretary of the Army under said act of 1899, as amended, were transferred to and vested in the Secretary of Homeland Security and have been delegated by the Secretary to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Example 5.5:

AND WHEREAS the - **COMMONWEALTH OF MASSACHUSETTS** - has submitted for approval the location and plans of a bridge to be constructed across the Mystic River at Medford, Massachusetts;

Example 5.6:

AND WHEREAS the - **STATE OF FLORIDA** - has submitted for approval the location and plans of a bridge to be constructed across Indian Creek near Aripeka, Florida;

Example 5.7:

AND WHEREAS the - **STATE OF WEST VIRGINIA** - has submitted for approval the location and plans of a bridge to be constructed across the Ohio River between Weirton, West Virginia, and Steubenville, Ohio;

Example 5.8:

AND WHEREAS the - **HILTON HEAD PLANTATION COMPANY** - has submitted for approval the location and plans of a bridge to be constructed across an unnamed tributary of Skull Creek between Hilton Head Island and Bobb Island (Ribault Island), South Carolina;

Example 5.9:

AND WHEREAS the - **STATE OF FLORIDA** - has submitted for approval the location and plans of bridges to be constructed across Shell Creek and two tributaries of Shell Creek near Punta Gorda, Florida;

Example 5.10:

AND WHEREAS the - **STATE OF NORTH CAROLINA** - has submitted for approval the location and plans of dual bridges to be constructed across the Dismal Swamp Canal (Alternate Route), Atlantic Intracoastal Waterway, at South Mills, North Carolina;

Example 5.11:

AND WHEREAS the - **STATE OF WEST VIRGINIA** - has submitted for approval the location and plans of a bridge project to be constructed across the Guyandotte River (also known as Guyando and Guyan River) at Huntington, West Virginia;

Example 5.12:

AND WHEREAS the - **FLORIDA KEYS AQUEDUCT AUTHORITY** - has submitted for approval the location and plans of a bridge to be constructed across Adams Cut (Key Largo Waterway) at Key Largo, Florida;

Example 5.13:

AND WHEREAS the - **NORFOLK AND WESTERN RAILWAY COMPANY** - has submitted for approval the location and plans of a bridge to be constructed across Tug Fork of the Big Sandy River near Kermit, West Virginia;

Example 5.14:

AND WHEREAS the - **STATE OF ALABAMA** - has submitted for approval the location and plans of a bridge to be constructed across Mississippi Sound and Dauphin Island Bay near Mobile, Alabama;

Example 5.15:

AND WHEREAS the - **STATE OF SOUTH CAROLINA** - has submitted for approval the location and plans of a bridge to be constructed across the Ashley River, Wappoo Creek (AIWW), North Fork Dill Creek and South Fork Dill Creek at Charleston, South Carolina;

Example 5.16:

AND WHEREAS the State of New York has submitted for approval plans for the modification to a bridge constructed across the Harlem River at New York, New York, and the - **CITY OF NEW YORK** - owner of the bridge, has indicated approval of the proposed modification of the bridge;

Example 5.17:

AND WHEREAS the - **COUNTY OF SAN JOAQUIN AND DELTA FARMS RECLAMATION DISTRICT NO. 2030** - have submitted for approval the location and plans of a bridge to be constructed across Turner Cut near Stockton, California;

Example 5.18:

AND WHEREAS - CASS COUNTY - has submitted for approval plans indicating modification to a bridge constructed across the Wabash River near Logansport, Indiana;

Example 5.19:

NOW THEREFORE, This is to certify that the location and plan sheets 1 and 3 (of 3) dated 15 November 1978 and sheet 2 dated 14 November 1978 are hereby approved by the Commandant [Commander, First Coast Guard District], subject to the following conditions:

Example 5.20:

NOW THEREFORE, This is to certify that the location and plan sheets 1 and 2 (of 3) revised 18 September 1979 and sheet 3 dated August 1979 are hereby approved by the Commandant [Commander, Fourteenth Coast Guard District], subject to the following conditions:

Example 5.21:

NOW THEREFORE, This is to certify that the location and plan sheets 1, 2 and 4 (of 4) revised 5 September 1979 and sheet 3 last revised October 1979 are hereby approved by the Commandant [Commander, Ninth Coast Guard District], subject to the following conditions:

Example 5.22:

NOW THEREFORE, This is to certify that the location and plan sheets 1 and 3A (of 18) dated July 1978, sheets 2, 3, 4, 5 and 9 last revised June 1978, sheets 6, 7, 10 and 11 last revised August 1978, sheets 8, 12, 13, 16, 17 and 18 last revised July 1978, sheet 14 dated September 1977 and sheet 15 revised February 1978 are hereby approved by the Commandant [Commander, Thirteenth Coast Guard District], subject to the following conditions:

Example 5.23:

No deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

Example 5.24:

The construction of falsework, pilings, cofferdams or other obstructions, if required, and the scheme for constructing the bridges shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridges. The channel or channels through the

structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridges to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridges have been opened to traffic.

Example 5.25:

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventh Coast Guard District [District Commander], prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

Example 5.26:

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventeenth Coast Guard District [District Commander], prior to construction of the bridge project. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge project. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge project to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken.

Example 5.26a:

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventh Coast Guard District [District Commander], prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been placed in operation.

Example 5.27:

Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Environmental Protection Agency, Region I, or any other federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

Example 5.28:

Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Army Corps of Engineers, Seattle District; U. S. Environmental Protection Agency, Region X; U. S. Department of the Interior, Fish and Wildlife Service; U. S. Department of Commerce, National Marine Fisheries Service; State of Washington: Department of Ecology; Department of Game, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

Example 5.29:

When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

Example 5.30:

When the proposed bridges are no longer used for transportation purposes, they shall be removed in their entirety or to elevations deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removals and clearances shall be completed by and at the expense of the owner of the bridges upon due notice from the District Commander.

Example 5.31:

When the proposed bridge project is no longer used for transportation purposes, it shall be removed in its entirety or to elevations deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removals and clearances shall be completed by and at the expense of the owner of the bridge project upon due notice from the District Commander.

Example 5.32:

The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within five years and completed within nine years after the date of this permit.

Example 5.33:

The approval hereby granted shall cease and be null and void unless construction of the bridges is commenced within five years and completed within eight years after the date of this permit.

D. Special Conditions

1. **Permit:** Special conditions are included in a bridge permit to address effects or other aspects of construction of a proposed bridge project whenever the standard conditions do not adequately meet the circumstances of the bridge project. It is preferable to use a general special condition whenever the standard conditions are too limited. Specific special conditions should be used only when a general special condition is not adequate to address the particular circumstances of the bridge project.
2. **Organization:** Special conditions may address navigational concerns or environmental concerns. They have been organized in this section as they relate to:
 - a. removal of existing bridge and/or its parts,
 - b. retention of existing bridge,
 - c. construction and maintenance of new bridge, and
 - d. mitigation of impact on the environment.
3. **Navigational Concerns:**
 - a. **Removal of Existing Bridge:** Conditions specifying removal of an existing bridge, as part of bridge project construction, can be grouped by their intent to remove the existing bridge in its entirety; down to the natural bottom of the waterway or the natural ground line; or to some other specific elevation. Removal of a bridge in its entirety should be reserved for those cases where entire removal of a bridge is actually needed. The preferred extent of removal is down to or below the natural bottom of the waterway. The natural ground line may be used instead of or in combination with the natural bottom, as appropriate. As stated in paragraph 4.G.1.d., consult with the appropriate USACE District Engineer concerning the extent of removal, especially for waterways with a federal navigation project.
 - 1) **Removal in entirety:** Example 5.34 addresses removal of a bridge in its entirety. The phrase "in their entirety" means completely removed, including the piers being pulled out. The phrase, "All parts... not utilized in the new bridge" is used to make the removal requirement as broad as possible while still allowing practical use of portions of the existing bridge to become a part of the new bridge. Note the use of a local or official

"Bridge Name" across the waterway at a specific "mile point" location along the waterway. The purpose of these two items is to identify the bridge as accurately as possible. Clearing the waterway to the satisfaction of the District Commander provides a basis by which the Coast Guard may cause to be removed any object deemed to have an effect on navigation. A period of 90 days from the completion of the bridge is normally allowed for removal of the existing bridge to limit the length of time navigation must suffer passage through both the old and the new bridge. The phrase "opening to traffic of the new bridge" is used to establish a clear event, which signals completion of the new bridge. This phrase is not used when traffic is maintained throughout the construction or modification of a project. "Subsequent to the completion of the new bridge" or other appropriate reference shall be used instead. When circumstances merit, a period of time more than 90 days may be allowed.

- 2) **Removal to the natural bottom:** The phrase "down to or below the natural bottom of the waterway" means that parts of the bridge extending below the natural bottom of the waterway may be cut off "at or below" the natural bottom and the parts below the cut-off are allowed (*not permitted*) to remain in place as part of the "natural" bottom. Acceptable alternatives to natural bottom are natural ground line and mud line. Examples 5.35 and 5.36 address removal of a bridge down to or below the natural bottom of the waterway and the natural ground line, respectively. Examples 5.37 and 5.38 address mud line and a combination of "natural ground line or bottom" of the waterway, respectively. Example 5.37 also illustrates the use of the phrase "to be removed" when the bridge (*dolphins in this case*) is not replaced.
- 3) **Removal to an elevation:** In some instances, removal of an existing bridge down to or below the natural bottom of the waterway may not be adequate. Navigation may require more bottom clearance to ensure hull contact with a "soft bottom," or there may be occasional or regular dredging of the waterway to or below a certain depth. In such cases, removal of an existing bridge down to or below a specific elevation may be appropriate. Consultation with the appropriate U.S. Army Corps of Engineers (USACE) District Engineer is urged prior to determining the elevation level to be required (*normally below the natural bottom or to account for scour.*) Example 5.39 addresses removal of an existing bridge down to or below a specific elevation.
- 4) **Miscellaneous removal requirements:** Bridge projects usually involve many variables. Removal of existing bridges may also be complex according to removal requirements for fenderworks, piers, abutments, etc., within and outside of the navigation channel, waterway, wetland, etc. Examples 5.40 through 5.55 address a number of the more complex removal condition variations. Example 5.46 addresses removal of a

bridge across an old channel and construction of a bridge across a new channel. Although a new bridge is replacing the existing bridge, the identification of new/old channel supersedes the phrases "to be replaced" and "to-be-removed." Examples 5.49 and 5.51 address removal of deteriorated fenders and a damaged bridge, with no parts being used in a new bridge. For bridge modification projects, Examples 5.107 addresses removal of all parts not utilized in the new modified bridge. On occasion, there may be a special concern for the interruption of or safety of navigation during removal of the old bridge. At such a time, a sentence may be added to the removal condition which requires the approval by the District Commander of the method and schedule of removal prior to the commencement of the removal as illustrated in Examples 5.44 and 5.45.

- 5) **Bridge removal policy:** It is the Coast Guard's policy to require removal of any existing to be replaced structure as a condition to permitting the construction of a new bridge. Our authority for removal requirements stems from the bridge statute authorizing construction of the new bridge. The Coast Guard does not otherwise have jurisdiction to require bridge removal without proving that a specific bridge is hazardous to public navigation or is not serving as a transportation facility.
- b. **Retention of Bridge:** At times, a bridge owner may wish to retain part or all of the existing structure. As long as a transportation use is intended, such as one-way traffic, local access or pedestrian traffic, the entire structure may be retained under its existing permit, subject to future removal such as the conditions illustrated by Examples 5.52 and 5.53. However, should an owner desire to retain any portion of the bridge for non-transportation purposes, such as a fishing platform, etc., approval from the U. S. Army Corps of Engineers under Section 10 of the 1899 Act must be obtained. If the owner has obtained the USACE permit, a condition similar to Examples 5.54, 5.55, or 5.56 may be included as a condition to which construction of the new bridge is subject. If the USACE permit has not been applied for, or is not likely to be issued, a condition similar to Examples 5.57, 5.58, or a more typical removal condition may be used. When a typical removal condition is used, later retention of portions of the bridge under the USACE permit constitutes constructive compliance with the removal condition of the permit.
 - c. **Safety of Navigation:** Impact of a bridge project on navigation varies according to the methods and schedule of construction and the type and frequency of navigation on the waterway. Examples 5.59 through 5.80 address a number of concerns for the safety of navigation. Bridge pier protection and fenderworks are addressed in Examples 5.59 through 5.62. Example 5.59 is used when the need for installation of a fendering system is established before a permit is issued. Example 5.60 is used when permit drawings show that fendering will be installed, the location of and materials subsequently to be approved by the District Commander. Example 5.60a is

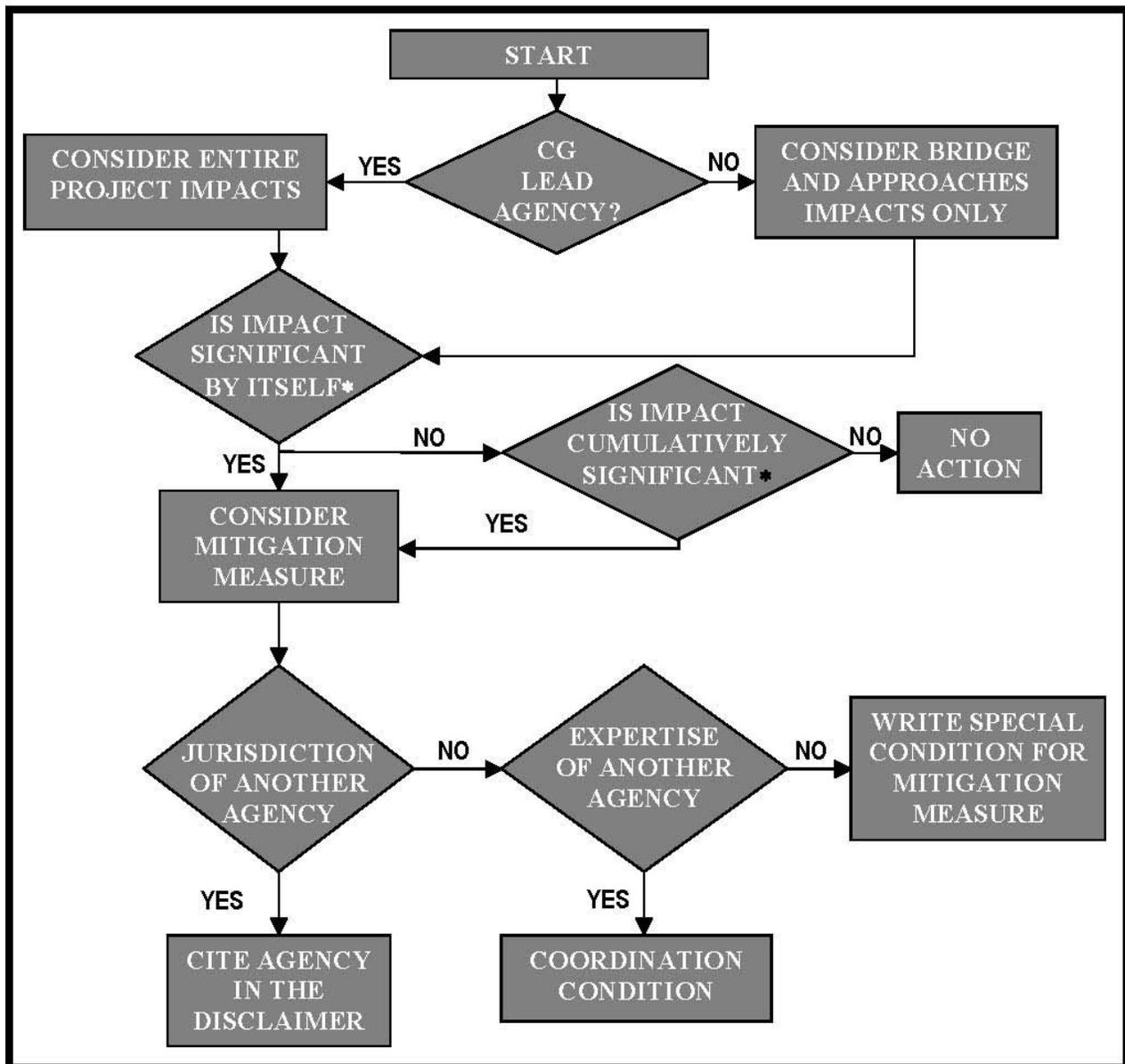
used when details of the location and materials to be used in construction of a pier protection fender system are sufficiently detailed on plans submitted for approval so as to preclude need for further specific approval by the District Commander. Example 5.61 is used when the District Commander may require fendering at some future time. Other navigation safety concerns include accumulation of drift and debris (*Examples 5.63 through 5.66*), installation of clearance gauges (*Examples 5.67 through 5.68*), scheduling of construction reducing the navigational clearance (*Examples 5.70 through 5.72*), restriction of future alteration of a pipeline bridge (*Example 5.73*), restriction of use of an emergency pipeline bridge (*Example 5.74*), notification of Coast Guard prior to installation of a pipeline bridge (*Example 5.75*), operational capability and normal position of a drawbridge (*Examples 5.76 and 5.77*), development of unsafe conditions during bridge construction (*Example 5.78*), and the impact of land subsidence on navigation (*Example 5.80*). Example 5.81 illustrates a condition limiting approval when the plans indicate some future work not yet approved. Example 5.82 illustrates wording of a condition when a bond or other surety is deemed necessary. Examples 5.83 and 5.84 are reserved.

4. **Environmental Concerns:**

- a. **Purpose of NEPA:** The purpose of the National Environmental Policy Act, in part, is "... to promote efforts which will prevent or eliminate damage to the environment...." The bridge permit document is a vehicle by which the Coast Guard may comply with this responsibility. When preparing an environmental condition for the bridge permit, two basic concepts must be considered. First, the permit document does not state that conditions for the protection of the environment have the force of law; therefore, emphasis is placed on use of environmental conditions that are general in nature, when adequate. Second, the Coast Guard does not have a vast number of expert monitors to enforce environmental conditions. Instead, we must rely on officials of expert agencies and the general public for monitoring compliance with these permit conditions during the construction of bridge projects.
- b. **Policy:** Special environmental conditions for mitigation purposes should not be included in bridge permits if such mitigation measures come under the jurisdiction of other federal, state or local agencies.
 - 1) Conditions should be included in the permit to mitigate impacts, which do not fall within the expertise or jurisdiction of another agency. Such conditions should be so important and the impacts if unmitigated would by themselves, or in combination with other impacts, lead you to recommend denial of the permit. Such conditions should be limited to bridges and approaches when the Coast Guard is a cooperating agency and to logical termini when we are the lead agency. Consultation with Headquarters staff on questionable areas before completing the case file is encouraged.

- 2) Although agencies that issue their own permits or licenses may be placed in the disclaimer condition of the permit if expressing a concern in response to a public notice, no special conditions are to be placed in the permit document for any environmental concerns under their jurisdiction.
 - 3) Conditions requiring coordination between the permittee and a particular agency for the purpose of mitigating impacts that come under the expertise of the agency should be included in the permit if the unmitigated impacts are determined to be significant.
 - 4) See Figure 5-1 to determine whether or not to use a special permit condition. Letters transmitting the permit should alert the permittee of the requirements of special conditions in the permit.
- c. **Environmental Conditions:** Environmental conditions address concern in the areas of: turbidity and erosion (*Examples 5.85 through 5.87*); excavation and deposit of dredged material (*Example 5.86*); endangered species under the Endangered Species Act of 1973, as amended (*Example 5.88*); coordination under Fish and Wildlife Coordination Act (*Example 5.89*); coordination and/or schedule of construction to keep natural resources harms and losses to a minimum (*Examples 5.90 through 5.95*). In *Example 5.94*, the work moratorium runs from April to October of each year construction work continues. Additional conditions address concern in the areas of: mitigation of impacts on known cultural resources (*Examples 5.96 through 5.99*); procedures to follow should cultural resources be discovered (*Example 5.100 through 5.102*); specific design and/or materials to mitigate noise impacts (*Example 5.104*); and, restoration of an area temporarily used during construction (*Example 5.105*).

Figure 5-1: Environmental Flow Chart. This flow chart is an aid to determine whether or not a special condition should be used in a permit.



*** THERE ARE THREE CRITERIA FOR JUDGING IF AN IMPACT IS SIGNIFICANT**

- 1. AN AGENCY WITH EXPERTISE COMMENTS ON THE PROJECT.**
- OR**
- 2. IN THE PROFESSIONAL JUDGMENT OF A COAST GUARD ENVIRONMENTAL SPECIALIST OR NAVIGATIONAL SPECIALIST.**
- AND**
- 3. SUCH IMPACT IF UNMITIGATED WOULD BY ITSELF OR IN COMBINATION WITH OTHER IMPACTS BE SO HARMFUL IT WOULD LEAD TO A RECOMMENDATION TO DENY THE BRIDGE PERMIT.**

Example 5.34:

All parts of the existing to-be-replaced State Route 20 Bridge across the Choctawhatchee River, mile 20.0, not utilized in the new bridge shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 20.0, will be allowed for such removal and clearance.

Example 5.35:

All parts of the existing to-be-replaced State Route S-1190 Bridge across Jeremy Creek, mile 1.7, not utilized in the new bridge shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 1.7, will be allowed for such removal and clearance.

Example 5.36:

All parts of the existing to-be-replaced bridge across the Gulf Intracoastal Waterway, mile 113, not utilized in the new bridge shall be removed down to or below the natural ground line and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 113, will be allowed for such removal and clearance.

Example 5.37:

All parts of the existing to-be-removed dolphins associated with the State Highway 182 Bridge across Perdido Pass, mile 0.0, shall be removed down to or below the mud line of the waterway and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed within 90 days from the date of this amendment to bridge permit.

Example 5.38:

All parts of the existing to-be-replaced Tennessee State Route 53 Bridge across Hamilton Branch, mile 0.029, shall be removed down to or below the natural ground line or river bottom and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 0.03, will be allowed for such removal and clearance.

Example 5.39:

All parts of the existing to-be-replaced L and N Railroad Bridge across the Tennessee River, mile 414.4, not utilized in the new bridge shall be removed down to or below elevation 579.0 feet Mean Sea Level and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 414.39, will be allowed for such removal and clearance.

Example 5.40:

All parts of the existing to-be-replaced Interstate Highway 10 Bridges and fender system across Greens Bayou, mile 3.6, not utilized in the new bridges and fender system shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to vehicular traffic of the new bridges, mile 3.6, will be allowed for such removals and clearances.

Example 5.41:

All parts of the existing to-be-replaced S. H. 173 Bridge across Twelve Mile Bayou, mile 18.3, not utilized in the new bridge which are located within the waterway shall be removed to a minimum of two feet below the natural bottom of the waterway. All other parts shall be removed down to a minimum of one foot below the natural ground, except the two piles on the right descending bank which shall be removed in their entirety. The waterway shall be cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 18.3, will be allowed for such removal and clearance.

Example 5.42:

All parts of the existing to-be-replaced Route 541 Bridge across the South Branch of Rancocas Creek, mile 12.3, shall be removed in their entirety except for the existing stone pier which shall be removed to elevation 7.4 feet below Mean Sea Level, with the existing abutments and easterly wingwalls removed to elevation 6 feet above Mean Sea Level and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new Route 541 Bridge, mile 12.3, will be allowed for such removal and clearance.

Example 5.43:

All parts of the existing to-be-replaced Solway Highway Bridge across the Clinch River, mile 43.7, shall be removed down to or below the natural bottom of the waterway, except that the existing navigation span piers shall be removed down to or below elevation 777.0 feet, Mean Sea Level. The waterway shall be cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new State Route 62 Bridge, mile 43.6, will be allowed for such removal and clearance.

Example 5.44:

All parts of the existing to-be-replaced Tennessee State Route 12 (Bordeaux) Bridge across the Cumberland River, mile 185.9, not utilized in the new bridge, except pier No. 2, shall be removed down to or below the natural ground line or bottom of the waterway. Pier No. 2 shall be removed down to or below elevation 368.0 feet, Mean Sea Level. The waterway shall be cleared to the satisfaction of the District Commander when in the judgment of the District Commander the construction of the new bridge, mile 185.9, has reached a point where such action should be taken. The proposed method and schedule for demolishing the existing bridge shall be submitted to the District Commander, for approval prior to commencing such removal.

Example 5.45:

All parts of the existing to-be-replaced Burlington Northern Bridge across the Missouri River, mile 730.5, except the navigation span piers, shall be removed down to or below the natural ground line or river bottom. The pier located on the right descending side of the channel shall be removed down to or below elevation 1,060.0 feet, Mean Sea Level. The pier located on the left descending side of the channel shall be removed to at least two feet below the existing revetment structure grade. The waterway shall be cleared to the satisfaction of the District Commander. A period of six months subsequent to the opening to traffic of the new Burlington Northern Bridge, mile 730.4, will be allowed for such removal and clearance. The proposed method and schedule for removal of the existing bridge shall be submitted to the District Commander for approval prior to commencement of such removal.

Example 5.46:

All parts of the existing to-be-replaced Orleans Road Bridge across the old channel of an unnamed tributary of the Stone River, mile 2.1, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge across the new channel, mile 2.1, will be allowed for such removal and clearance.

Example 5.47:

All parts of the existing to-be-replaced U. S. Route 701 Highway Bridge across the Black River, mile 8.0, not utilized in the new bridge, and the existing dolphins, shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 8.0, will be allowed for such removals and clearances.

Example 5.48:

All parts of the existing to-be-replaced East Channel Bridge across the East Channel of Lake Washington and the existing to-be-modified Lacy V. Murrow Bridge across Lake Washington not utilized in the new bridge project shall be removed down to or below the natural bottom of the Lake and the Lake cleared to the satisfaction of the District Commander. A period of one year subsequent to the completion of the new East Channel (Mercer Island-Bellevue) Bridge will be allowed for such removals and clearances.

Example 5.49:

All parts of the deteriorated fenders and the rock crib superstructure of the U. S. 17 Highway Bridge across the St. Mary's River, mile 23.0, shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed at such a time as the District Commander deems appropriate. The man-sized rocks utilized within the rock cribs may remain in place.

Example 5.50:

All parts of the existing to-be-replaced State Road 40 (Granada Boulevard) Bridge across the Halifax River, mile 824.9, not utilized in the new bridge shall be removed down to, or below, an elevation 15 feet below Mean Low Water within the navigation channel and to the natural bottom of the waterway outside of the navigation channel and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed when the District Commander determines that the construction of the new bridge, mile 824.9, has reached a point where such action should be taken.

Example 5.51:

All parts of the existing damaged north Spokane Street Bridge across the West Channel of the Duwamish River, mile 0.3, shall be removed down to, or below, an elevation 45 feet below Mean Lower Low Water within the limits of the proposed 250-foot navigation channel and to the natural bottom of the waterway outside of the proposed 250-foot navigation channel and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new fixed bridge, mile 0.3, will be allowed for such removal and clearance.

Example 5.52:

The existing Red Bluff Road Bridge across Taylor Bayou, mile 2.6, to be retained for use as a pedestrian bridge shall be maintained by and at the expense of the owner of the bridge to the satisfaction of the District Commander. Should the District Commander determine the bridge to be a hazard to navigation or to the safety of the general public, the bridge shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

Example 5.53:

The existing U. S. Highway 1 Bridge across Spanish Harbor Channel to be retained for use as a pedestrian bridge to support the Florida Keys Aqueduct shall be maintained by and at the expense of the owner of the bridge to the satisfaction of the District Commander. Should the District Commander determine the bridge to be a hazard to navigation or to the safety of the general public, the bridge shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

Example 5.54:

A 3,000-foot trestle portion of the existing James River (U. S. 17) Bridge, mile 5.0, has been authorized by a U. S. Army Corps of Engineers permit to be retained as a fishing pier. All other parts of the existing U. S. 17 vertical lift span bridge and trestle approaches, mile 5.0, not

utilized in the new modified bridge and the temporary crossover trestles connecting the existing bridge and new bridge shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 18 months subsequent to the opening to traffic of the new modified bridge, mile 5.0, will be allowed for such removal and clearance.

Example 5.55:

The four 203-foot truss spans, 77-foot deck girder span and 68-foot deck girder span of the existing L and N Railroad Bridge near the right descending bank of the Tennessee River, mile 78.3, have been authorized by U. S. Army Corps of Engineers permit application number 44,879 to be retained. All other parts of the existing L and N Railroad Bridge, mile 78.3, shall be removed down to or below elevation 331.0 feet Mean Sea Level or the natural ground line and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed at such a time as the District Commander deems appropriate. The proposed method and schedule for removal of this bridge shall be submitted to the District Commander, for approval prior to commencement of such removal.

Example 5.56:

Permission for the retention and maintenance of a 60-foot stationary trestle section of the existing Bowman Road Bridge as a public fishing access has been granted to the San Joaquin County Department of Parks and Recreation by a Corps of Engineers permit issued on September 10, 1973 under authority of Section 10 of an Act of Congress approved March 3, 1899 (33 U.S.C. 403). All parts of the existing Bowman Road Bridge across the San Joaquin River, mile 46.2, except for the trestle section referred to above, shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new Matthews Road Bridge, mile 45.2, will be allowed for such removal clearance.

Example 5.57:

All parts of the existing to-be-replaced bridge across the Wilmington River (AIWW), mile 582.8, not utilized in the new bridge shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 582.8, will be allowed for such removal and clearance. Should the permittee decide to retain any portions of the bridge, for any reason, the permittee must first obtain permission from the U. S. Army Corps of Engineers, Savannah District, or any other authority having cognizance over structures other than bridges in navigable waters of the United States.

Example 5.58:

All parts of the swing span section of the existing to-be-replaced U. S. Highway 1 Bridge across Moser Channel shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge will be allowed for such removal and clearance. The remaining parts of the old bridge will be retained as fishing piers and to

support the Florida Keys Aqueduct. Permission for retention and maintenance of the structure, having lost its character as a bridge, is subject to the approval of the U. S. Army Corps of Engineers, Jacksonville District, or any other authority having cognizance over structures other than bridges in navigable waters of the United States.

Example 5.59:

A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge. Said installation and maintenance shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.

Example 5.60:

The location of, and materials to be used in construction of, the pier protection fender system as shown on the approved plan sheet 2 (of 2) last revised 14 February 1978 shall be submitted to the District Commander for approval prior to commencing construction of such system.

Example 5.60a:

The pier protection fender system shall be constructed and maintained as shown on the approved plan sheets 4 and 5 (of 7) revised December 1995 for the safety of navigation.

Example 5.61:

A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander. Said installation and maintenance shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.

Example 5.62:

A surface of non-sparking material shall be installed on the steel-sheet-pile cells and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander.

Example 5.63:

The waterway under the bridge shall be kept free of drift and/or debris by and at the expense of the owner of the bridge to the satisfaction of the District Commander.

Example 5.64:

The waterway under the bridge project shall be kept free of drift or debris by and at the expense of the owner of the bridge project and no such material shall be allowed to excessively accumulate against the supports of the bridges.

Example 5.65:

The waterway under the bridge shall be kept free of drift and/or debris by and at the expense of the owner of the bridge and no such material shall be allowed to unreasonably accumulate against the supports of the bridge.

Example 5.66:

The waterway under the bridge shall be kept free of drift or debris by and at the expense of the owner of the bridge and no such material shall be allowed to unreasonably accumulate against the supports of the bridge.

Example 5.67:

Clearance gauges shall be installed and maintained in a good and legible condition by and at the expense of the owner of the bridge. The type of gauges and the locations in which they are to be installed will be submitted to the District Commander for approval.

Example 5.68:

Clearance gauges shall be installed and maintained in a good and legible condition by and at the expense of the owner of the bridge when so required by the District Commander. The type of gauges and the locations in which they are to be installed will be submitted to the District Commander for approval.

Example 5.69: Reserved.

Example 5.70:

The permanent horizontal clearance through the navigational opening of the movable pontoon draw shall be 600 feet as shown on approved plan sheet 6 (of 8) revised 16 July 1980. The permittee is authorized to maintain a 300 foot horizontal clearance for a period of 15 months after completion of the proposed work as shown on approved plan sheet 5 (of 8) dated 30 July 1980 or until 1 October 1983, whichever occurs first.

Example 5.71:

The section of the proposed floating bridge adjacent to the drawspan of the existing floating bridge shall not be placed until after removal of the existing to be replaced East Channel Bridge.

Example 5.72:

The section of the proposed floating bridge adjacent to the drawspan of the existing floating bridge and the proposed sections to modify the existing floating bridge as shown on the approved plan sheet 6 (of 7) dated 11 April 1980 shall not be placed until after removal of the existing to be replaced East Channel Bridge.

Example 5.73:

Pipelines attached to the bridge shall not be placed so as to exceed one layer in height or exceed the width of the bridge as shown on the approved plan sheet 2 (of 2) revised April 1973.

Example 5.74:

The installation of this pipeline shall be effected for the emergency delivery of water only. It is not to be installed for the routine maintenance on or to augment the subaqueous pipeline.

Example 5.75:

The East Bay Municipal Utility District shall notify the bridge owner and the District Commander, prior to installation of this pipeline.

Example 5.76:

An automatic mechanism for operating the drawspan of the bridge shall be installed and maintained in a good condition by and at the expense of the owner of the bridge. The installation of the mechanism shall be in accordance with plans submitted to and approved by the District Commander. The automatic mechanism shall be functionally demonstrated to the satisfaction of the District Commander prior to the opening to traffic of the new bridge.

Example 5.77:

The drawspan shall be left in the open to navigation position, closing only during a vehicular transit. Should the drawspan need to be left in the closed position for a longer period of time, a drawtender shall be on duty to open the drawspan to navigation on demand.

Example 5.78:

Should navigation advise of unsafe conditions created during construction, the permittee will be contacted on the feasibility of installing temporary mooring dolphins to assist in the passage of tows. The placement of the temporary mooring dolphins will be directed by the District Commander, only after a thorough investigation based on the merits and effectiveness of the installation.

Example 5.79: Reserved.**Example 5.80:**

The bridge as originally approved 21 November 1947 by the Secretary of the Army provided a vertical clearance of 12.5 feet above High Water elevation at 3.5 feet, Mean Sea Level. Due to subsidence, the bridge now provides a vertical clearance of 6.25 feet above High Water. In the event that the future needs of navigation (commercial or recreational) warrant, the bridge shall be altered by the permittee at his own expense to provide a vertical clearance of at least 12.5 feet above High Water.

Example 5.81:

The approval hereby granted is for the present construction only, as shown on the approved plan sheets. Should the permittee at some future date desire to widen the permanent bridge as shown on approved plan sheet 3 (of 3) dated 10 December 1979, an application for amendment to this bridge permit must be submitted and processed at that time for approval of such modification.

Example 5.82:

This permit shall be null and void until the owner of the bridge deposits cash or a good sufficient bond in the amount of \$9,500 with the Commander, Eighth Coast Guard District, to cover the cost of timely removal of the bridge should said owner fail to do so himself.

Example 5.83: Reserved.

Example 5.84: Reserved.

Example 5.85:

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, First Coast Guard District [District Commander] prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. The permittee shall coordinate methods and schedule of construction of this bridge project with the District Commander. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. Methods shall be employed to ensure that there will be no increases of sedimentation and turbidity in the waterway during construction. Seeding, sodding or other methods shall be employed for soil stabilization during construction. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

Example 5.86:

The construction of falsework, pilings or other obstructions, if required, shall be accomplished in accordance with plans submitted to and approved by the Commander, First Coast Guard District [District Commander], prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. All dredged or excavated material will be placed in a non-wetland site. Excavation, dredging or filling of Berry's Creek shall be done in a manner which will minimize disturbance of the bottom and minimize any increased turbidity in the water. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the

District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

Example 5.87:

The permittee shall coordinate the methods and schedule of construction of this bridge project with the State of Illinois, Environmental Protection Agency, for the purpose of keeping water quality degradation to a minimum.

Example 5.88:

In accordance with Section 7 of the "Endangered Species Act of 1973," as amended, (16 U.S.C. 1536), the permittee shall coordinate methods and schedule of construction of this bridge project with the U. S. Department of the Interior, Fish and Wildlife Service, for the purpose of protecting the West Indian Manatee during construction operations.

Example 5.89:

In accordance with Section 2 of the "Fish and Wildlife Coordination Act," (16 U.S.C. 662), the permittee shall coordinate methods and schedule of construction of this bridge with the U. S. Department of the Interior, Fish and Wildlife Service, and the State of Alaska, Department of Fish and Game for the purpose of keeping fish and wildlife resource harms and losses to a minimum.

Example 5.90:

The permittee shall coordinate the methods and schedule of construction of this bridge project with the South Carolina Department of Health and Environmental Control for the purpose of keeping shellfish resource harms and losses to a minimum.

Example 5.91:

The permittee shall coordinate the methods and schedule of construction of this bridge project with the U. S. Department of Commerce, National Marine Fisheries Service, and the State of Alaska, Department of Fish and Game, for the purpose of keeping anadromous fish and wildlife resource harms and losses to a minimum.

Example 5.92:

The permittee shall coordinate the methods and schedule of construction of this bridge project with the U. S. Department of the Interior, Fish and Wildlife Service, and the U. S. Department of Commerce, National Marine Fisheries Service, for the purpose of keeping anadromous fish (alewife) resource harms and losses to a minimum during the migration season while in-water construction of the project continues.

Example 5.93: Reserved.

Example 5.94:

In-water construction activities associated with this project shall cease in their entirety from 1 April through 15 October of each year that work on the project continues. This moratorium is intended to preclude disruption of fish migration and to keep fishery resource harms and losses to a minimum.

Example 5.95:

The permittee shall coordinate methods and schedule of construction of this project with the U. S. Department of Commerce, National Marine Fisheries Service, for the purpose of keeping saltmarsh vegetation harms and losses to a minimum.

Example 5.96:

The State of New Jersey, Department of Environmental Protection, Office of the Commissioner, State Historic Preservation Officer, shall be consulted prior to the commencement of construction with respect to materials and aesthetic design of the bridge for the purpose of keeping impacts on the historic district to a minimum.

Example 5.97:

Prior to demolition of the existing to-be-replaced L and N Railroad Bridge, mile 414.4, the permittee shall record the bridge so that there will be a permanent record of its existence. The permittee shall contact the National Architectural and Engineering Record, Historic American Engineering Record (H.A.E.R.), to determine the level of documentation required. All documentation must be submitted to and approved by H.A.E.R. and the Advisory Council on Historic Preservation notified of acceptance, prior to demolition of the bridge. All costs incurred in developing satisfactory documentation shall be borne by the permittee.

Example 5.98:

The permittee shall notify the Keeper of the National Register within 60 days after demolition of the L and N Railroad Bridge, mile 414.4, of that fact in order that the bridge can be removed from the list of properties eligible for inclusion in the National Register of Historic Places.

Example 5.99:

The "1877" date-stone presently in the southwestern parapet of the existing to-be-replaced bridge shall be lodged in a visible location on the new bridge in the vicinity of a dedicatory plaque whose text will commemorate the precedent bridges.

Example 5.100:

In the event archaeological or historical resources are discovered during the course of construction activity, such construction activity in the immediate vicinity of the resource shall cease. The permittee shall immediately contact and coordinate with the State of Alaska, State

Historic Preservation Officer, for the purpose of keeping cultural resources harms and losses to a minimum.

Example 5.101:

Should the abutments of a previous bridge be unearthed during construction of the new bridge, all construction work shall cease. The permittee shall immediately contact and coordinate with the Commander, First Coast Guard District [District Commander], and the State of New Jersey, Department of Environmental Protection, Office of Environmental Review, for the purpose of keeping historical resources harms and losses to a minimum.

Example 5.102:

In the event archaeological resources are uncovered during the course of construction activity, such activity shall cease and the Commonwealth of Kentucky, Kentucky Heritage Commission, and the Office of State Archaeology shall immediately be advised of the discovery. Once data recovery has been arranged, construction activity may resume.

Example 5.103:

[RESERVED]

Example 5.104:

The bridge project shall be designed to permit inclusion of facilities for installation of noise barriers if this becomes necessary to aid in keeping and/or bringing ambient noise levels from the bridges within federal standards. The design of the bridges shall also include quiet expansion joints and possibly other quiet roadway features.

Example 5.105:

The Stacey Park Boulevard shall be completely restored to its original condition. Such restoration shall be completed to the satisfaction of the District Commander by 30 June 1981.

Example 5.106: Reserved.

Example 5.107:

All parts of the existing to-be-modified bridge across the Cathlamet Channel of the Columbia River, mile 39.5, not utilized in the new modified bridge shall be removed down to or below the natural bottom of the waterway and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new modified bridge, mile 39.5, will be allowed for such removal and clearance.

- E. **Bridge Permit Amendments.** A bridge permit amendment is issued to evidence Coast Guard approval of a change to a previously issued bridge permit, or bridge permit amendment, if appropriate. Commensurate with delegated authority, the District Commander may amend a bridge permit or bridge permit amendment previously issued

or amended by the Commandant. (See *paragraph 4.C.1. for amendments that require Headquarters final agency action.*) Figure 5-2 lists a number of actions for which use of a bridge permit amendment is appropriate. This part addresses the variations from the basic bridge permit (*Example 5.1*), which are normally part of a bridge permit amendment.

1. **Headings:** The heading for a bridge permit amendment normally begins with BRIDGE PERMIT AMENDMENT instead of BRIDGE PERMIT as illustrated by Example 5.108. The permit number (2-80-7) is modified by adding a lower case letter immediately after the permit number (2a-80-7) to indicate the number of bridge permit amendments which have occurred (2a-80-7, 2b-80-7, etc.). When amending a permit issued prior to September 1981, e.g., P(89-81), add the ordinal number of the district as well, e.g., P(89a-81-7). If there is a second page, the page 2 heading for a bridge permit amendment is prepared as illustrated in Example 5.109.
 - a. **Exception:** An exception to the permit numbering system is used when the Coast Guard is amending a permit (*or amendment to permit, if appropriate*) previously approved by the U. S. Army Corps of Engineers (USACE). The first Coast Guard action, in this instance, is a **BRIDGE PERMIT AMENDMENT** issued by the Commandant, but a new Coast Guard permit number (2-80-7) is assigned. If no previous USACE document is available in the District file, a new Coast Guard permit is issued. The body of the text in such a permit will resemble that of an amendment for the project identification paragraph to the end. Some of the guidance in this section will still apply. Example 5.203 illustrates this type of permit. Subsequent bridge permit amendments issued by the District Commander or the Commandant are numbered in the usual fashion (2a-80-7, 2b-80-7, etc.). See Examples 5.110 and 5.111.
 - b. **Modified vs. Replaced:** A bridge is **modified** when the configuration of the existing bridge is **changed** by **adding new parts** or **replacing some parts** of the existing bridge, and **some parts** of the existing bridge **remain intact**. A bridge is **replaced** when **essentially all parts** of the existing bridge are **removed** (*some parts may be used in the new bridge*) and **essentially no parts** of the existing bridge **remain intact**. Commandant (G-OPT) should be consulted on those cases where the delegation of authority to the District Commanders hinges on whether the appropriate agency action is a new permit or permit amendment.

Figure 5-2: Actions Appropriate To Approve Under A Bridge Permit Amendment.

1. Extension of times for commencement and/or completion of construction (or modification) of the bridge(s).
2. Extension of time allowed for removal of an existing to-be-replaced bridge.
3. Extension of time allowed for retention of a temporary bridge.
4. Reinstatement of the permit combined with any of the above extensions of time (reinstatement occurs when application for an extension of time is not made at least 30 days prior to the expiration date of the permit).
5. Allow retention for a temporary bridge as a permanent structure.
6. Approve plans for construction of a temporary bridge(s) as part of the previously approved bridge project.
7. Approve plans indicating modification to an existing permitted bridge.
8. Approve plans for construction of a new bridge as an addition to an existing permitted bridge project.
9. Approve revised plans for any of the above bridge constructions and/or modifications.
10. Allow retention of an existing to-be-replaced bridge.
11. Allow a change in the requirements regulating the extent or methods of removal of the existing to be replaced bridge.
12. Allow an addition, deletion or revision of any condition to the bridge permit.
13. Approve any combination of the above actions.

2. **Preamble:** The preamble for a bridge permit amendment also cites the legal authority to construct the proposed work as does the preamble shown in Example 5.1. However, in a bridge permit amendment the first paragraph of the preamble states **when** the action occurred, **who** took the action, **what** the permitted project entailed, to **whom** the permit was issued and the **name** of the waterway and location as illustrated by Example 5.112. This first paragraph would also specify, as appropriate, if the permit was previously amended (*Example 5.113*) or last amended (*Example 5.114*), if the authority for construction was a special act of Congress (*Example 5.115*), and/or if construction of the bridge has been completed (*Examples 5.115 and 5.116*).
 - a. In some instances, the Coast Guard is amending a USACE permit (*or permit amendment*). In such instances the preamble may consist of a number of paragraphs in order to adequately cite the legislative authority and agency action background, as illustrated in Examples 5.116 through 5.120. In Example 5.118, the approval authority is under a special act of Congress approved 25 May 1872. Note that the second paragraph states, "... said act required approval of location and plans of the reconstructed bridge by the Secretary of the Army..." This phrase is used when the permit to be amended does not contain a "no deviation" condition as does Example 5.1. Example 5.119 illustrates a paragraph that records a previous Coast Guard action amending the USACE permit. This preamble format is used for any further permit amendment actions on the original USACE permit for the bridge project. Example 5.120 illustrates approval authority under a special act of Congress and the Act of 3 March 1899 for an international bridge.
 - b. In Examples 5.121 through 5.125, the preamble paragraph makes specific reference to a condition of the previous permit. Examples 5.121 and 5.122 illustrate referral to the "no deviation" condition for a Coast Guard permit and for a USACE permit, respectively. Example 5.123 illustrates the paragraphs used when the USACE permit does not have a "no deviation" condition. In Example 5.124, the paragraph refers to the "time limit" condition. In Example 5.125, the paragraph refers to the "removal" condition.
 - c. In some instances, it is preferable to combine referral to the previous permit condition along with the proposed project identification (Examples 5.125 through 5.137). Example 5.125 addresses the "removal" condition. Examples 5.126 through 5.128 address the "no deviation" condition. Example 5.126 illustrates use of the phrase "the permit, as last amended", "now has submitted" and "revised plans indicating further modification to the previously approved plans". Example 5.127 illustrates use of the phrase "that permit, as last amended". Example 5.128 illustrates use of the phrases "that amendment to permit" and "plans indicating further modification to the pier protection system". Examples 5.129 through 5.134 address extension of time and Example 5.137 illustrates a combination of a deviation from previously approved plans and extension of time. Example 5.129 addresses commencement and completion of construction time limit extensions.

Example 5.130 addresses reinstatement of the permit and extension of time for commencement of construction. Examples 5.131 and 5.132 illustrate an extension of time and a further extension of time for completion of construction, respectively. Examples 5.133 and 5.134 illustrate an extension of time for removal of a bridge from a specific date and by a period of time from an event, respectively. Example 5.135 illustrates a change from a requirement to remove a bridge no later than a period of time from an event to allowing retention of the bridge. Example 5.136 illustrates a change from allowing a temporary bridge to remain until a specific date or until a period of time beyond an event, whichever occurs first, to allowing permanent retention of the bridge. Example 5.137 illustrates a combination change allowing modification to plans previously approved and a further extension of time for completion of construction.

3. **Approval Paragraph:** In this paragraph, as in Example 5.1, Coast Guard approval of the proposed project is stated. The proposed project is not repeated, but is referred to along with the specific approval. Examples 5.138 through 5.158 address many variations of the approval. The approval of plans dated, revised or last revised, which **supersede** plans previously approved are illustrated in Examples 5.138, 5.139, 5.142, 5.143 and 5.147. The approval of plans dated, revised or last revised which **supersede some** plan sheets and **supplement other** plan sheets previously approved are illustrated in Examples 5.140 and 5.141.
 - a. Examples 5.149 through 5.153 illustrate other specific variations of the approval paragraph. Example 5.149 illustrates a combination of approval of plans (attached to a USACE permit but not stamped approved) and a further extension of time for completing construction. Example 5.150 illustrates approval of plans and reinstatement of the permit. Example 5.151 shows a reinstatement of an amended permit and time extension for commencing and completing a modification project. Examples 5.152 through 5.157 illustrate certification that "said request" is either approved or hereby approved. Example 5.154 illustrates a combination of the approval certification and modification of the "time limit" condition to extend the times for commencing and completing construction to three and five years from the date of the permit amendment. Example 5.155 illustrates approval of a request to retain an existing bridge required to be removed in an earlier permit action.
 - b. Every Coast Guard bridge permit or bridge permit amendment approval is subject to conditions as stated in Part B. Since an amendment to bridge permit is based upon a previous bridge permit, the previous pertinent conditions must be addressed. This may be done in several ways. All conditions to which the original permit (*as amended or as last amended*) was subject may **remain in force** (Examples 5.138 and 5.139), **remain in force with a specific condition** or conditions **modified** (Examples 5.140, 5.141, 5.142, 5.143, and 5.154) or **be superseded** (Examples 5.144, 5.147, 5.148, 5.149, 5.150, 5.156 and 5.157). Example 5.155 shows a removal condition being **voided** to allow retention of the existing bridge. In those instances

where the Coast Guard, by an amendment to either a Coast Guard or USACE bridge permit, approves construction of a bridge as an addition to an existing bridge (*or bridge project*) or modification of a bridge that had been constructed, the phrase "and are subject to the following conditions:" is used (*Examples 5.142, 5.143, 5.145 and 5.146*). *Note that it is preferable to supersede all conditions to which the original permit (as amended or as last amended) was subject rather than to modify and add a number of conditions.*

4. **Conditions:** Many of the conditions to a bridge permit amendment are the same as the conditions discussed in Parts C and D. There are some variations to the conditions that are specifically associated with permit amendments.
 - a. **The “Construction Specification” Condition:** In a bridge permit amendment, when condition two (*Example 5.1*) does not accurately reflect the proposed work, the condition is modified. The word "modification" supersedes the word "construction" whenever the proposed project involves some kind of modification to an existing bridge or bridge project (*Example 5.159*). If the bridge will not be closed to vehicular traffic during the modification work, condition two may end at the word "taken" and not continue on to end with the phrase "but in no case later than 90 days after the bridge has been opened to traffic" (*Example 5.160*).
 - b. **The “Disclaimer” Condition:** In the "disclaimer" condition (*Example 5.1*), the word "modification" normally **supersedes** the word "construction" (*Example 5.162*) in concert with condition two.
 - c. **The “Time Limit” Condition:** Examples 5.163 and 5.164 illustrate the "time limit" condition addressing specific **dates** and addressing a period of time from the date of the amendment to bridge permit, respectively. Example 5.165 illustrates the time limit for completing construction by a specific date. Note that the word "modification" supersedes the word "construction" in concert with condition two (*Example 5.168*).
5. **Miscellaneous Bridge Permit Amendments:** Examples 5.166 through 5.169 illustrate the format of a variety of bridge permit amendments.

Example 5.108:**BRIDGE PERMIT
AMENDMENT
(185a-77-13)****Example 5.109:****Continuation Sheet: Bridge across Curtis Creek at
Baltimore, Maryland****AMENDMENT
(191a-68-5)****Example 5.110:****BRIDGE PERMIT
AMENDMENT
(128a-79-13)****Example 5.111:****BRIDGE PERMIT
AMENDMENT
(128b-79-13)****Example 5.112:**

WHEREAS by a permit issued on 13 December 1977, the Commandant of the Coast Guard [Commander, Thirteenth Coast Guard District], approved the location and plans of a bridge to be constructed by the State of Oregon across the Little Nestucca River near Oretown, Oregon, under authority of the General Bridge Act of 1946, as amended;

Example 5.113:

WHEREAS by a permit issued on 12 November 1970, as amended 11 April 1973, the Commandant of the Coast Guard [Commander, Seventh Coast Guard District], approved the location and plans of a bridge to be constructed by the State of Florida across the North Fork of Hammock Creek at Aripeka, Florida, under authority of the General Bridge Act of 1946, as amended;

Example 5.114:

WHEREAS by a permit issued on 12 November 1970, last amended 22 August 1977, the Commandant of the Coast Guard [Commander, Seventh Coast Guard District], approved the location and plans of bridges to be constructed by the State of Florida across two unnamed tributaries to the Gulf of Mexico near Bayport, Florida, under authority of the General Bridge Act of 1946, as amended;

Example 5.115:

WHEREAS by a permit issued on 21 January 1975, the Commandant of the Coast Guard [Commander, Seventeenth Coast Guard District], approved the location and plans of a bridge to be constructed by Alyeska Pipeline Service Company across the Gulkana River near Gakona Junction, Alaska, as a part of the Trans-Alaska Pipeline System under authority of an Act of Congress approved November 16, 1973 (Public Law 93-153) and the General Bridge Act of 1946, as amended, and that the bridge was constructed;

Example 5.116:

WHEREAS by a permit issued on 9 November 1956, the Secretary of the Army approved the location and plans of a bridge to be constructed by the State of Maine across Back Cove at Portland, Maine, under authority of the General Bridge Act of 1946, as amended, and that the bridge was constructed;

AND WHEREAS said act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Example 5.117:

WHEREAS by a permit issued on 30 August 1915, the Secretary of the Army approved the location and plans of a bridge to be constructed by the Spokane, Portland and Seattle Railway Company across the Skipanon River (Skipanon Creek) near Warrenton, Oregon, under authority of an Act of Congress approved 3 March 1899, as amended, and that the bridge was constructed;

AND WHEREAS Section 9 of that act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Example 5.118:

WHEREAS by a permit issued on 11 October 1924, last amended 31 March 1942, the Secretary of the Army approved the location and plans of a bridge to be reconstructed by the Atchison, Topeka and Santa Fe Railway Company across the Mississippi River at Fort Madison, Iowa, under authority of an Act of Congress approved 25 May 1872, and that the bridge was reconstructed;

AND WHEREAS said act required approval of the location and plans of the reconstructed bridge by the Secretary of the Army and the functions, powers and duties of the

Secretary of the Army relating to bridges crossing navigable waterways have been transferred to and vested in the Secretary of Homeland Security by 1512(d) of the Homeland Security Act of 2002 [6 U.S.C. 552 (d)] and have been delegated by the Secretary to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Example 5.119:

WHEREAS by a permit issued on 11 August 1931, as amended 16 September 1969, the Secretary of the Army approved the location and plans for construction by the Chicago and North Western Railway Company of pier protection on its swing bridge across the Upper Mississippi River at Clinton, Iowa, under authority of an Act of Congress approved 3 March 1899, as amended, and that the pier protection was constructed;

AND WHEREAS Section 9 of that act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS by an amendment to permit issued 23 June 1981, the Commandant granted to the State of Iowa, approval of plans indicating modification of the bridge;

[**AND WHEREAS** the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States];

Example 5.120:

WHEREAS by a permit issued on 15 August 1955, the Secretary of the Army approved the location and plans of a bridge to be reconstructed by the City of Laredo across the Rio Grande River between Laredo, Texas, and Nuevo Laredo, Mexico, under authority of an Act of Congress approved 29 May 1884 entitled "An act to authorize the construction of a bridge over the Rio Grande River between Laredo, Texas, and Nuevo Laredo, Mexico;"

AND WHEREAS said authorization provided that the bridge shall not interfere with the free navigation of said river, and Section 9 of an Act of Congress approved 3 March 1899 (33 U.S.C. 401), as amended, is applicable to the construction of an international bridge, and that the bridge was reconstructed;

AND WHEREAS Section 9 of that act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS by an amendment to permit issued 12 August 1974, the Commandant granted to the City of Laredo approval of additional plans of a bridge to be constructed as a supplement to said bridge project;

Example 5.121:

AND WHEREAS condition 1 of that permit provides that no deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander];

Example 5.122:

AND WHEREAS condition 4 of that permit provides that no deviation from the approved plans shall be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Secretary of the Army;

Example 5.123:

AND WHEREAS Section 9 of that act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and said act, as amended, provides that it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of Homeland Security;

AND WHEREAS the Secretary of Homeland Security has delegated these functions, powers and duties under said act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

Example 5.124:

AND WHEREAS condition 5 of that permit fixed the time for commencing construction of said bridge at 19 May 1978;

Example 5.125:

AND WHEREAS condition 4 of the permit issued 8 May 1944 provides that all parts of the existing bridge at this locality shall be entirely removed down to the natural bottom of the waterway and the - **U. S. NAVY** - now requests that said condition be modified;

Example 5.126:

AND WHEREAS condition 1 of the permit, as last amended, provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander] and the - **STATE OF WASHINGTON** - now

has submitted for approval revised plans indicating further modification to the previously approved plans;

Example 5.127:

AND WHEREAS condition 1 of that permit, as last amended, provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander] and the - **STATE OF FLORIDA** - now has submitted for approval revised plans indicating further modification to the previously approved plans;

Example 5.128:

AND WHEREAS condition 1 of that amendment to permit provides that no deviation from the approved plans may be made either before or after completion of the pier protection unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander] and the - **CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY** - now has submitted for approval plans indicating further modification to the pier protection system;

Example 5.129:

AND WHEREAS condition 3 of that permit fixed the times for commencing completing construction of said bridge at 29 April 1979 and 29 April 1981, respectively, and the - **COMMONWEALTH OF KENTUCKY** - now requests that the times for commencing and completing construction of the bridge be extended;

Example 5.130:

AND WHEREAS condition 5 of that permit, as amended, fixed the time for commencing construction of said bridge at 12 November 1974, and the - **STATE OF FLORIDA** - now requests that the permit be reinstated with the time for commencing construction of the bridge be further extended;

Example 5.131:

AND WHEREAS condition 5 of that permit fixed the time for completing construction of the bridge at 21 April 1980 and the - **STATE OF WEST VIRGINIA** - now requests that the time for completing construction of the bridge be extended;

Example 5.132:

AND WHEREAS condition 6 of that permit, as amended, fixed the time for completing construction of the bridges at 4 November 1978, and the - **STATE OF ALABAMA** - now requests that the time for completing construction of the bridges be further extended;

Example 5.133:

AND WHEREAS condition 4 of that permit fixed the time for removal of the existing, to-be-replaced, bridge at 23 December 1979, and the - **STATE OF INDIANA** - now requests that the time for removal of the existing, to be replaced, bridge be extended;

Example 5.134:

AND WHEREAS condition 4 of that permit, as amended, required that the existing, to-be-replaced, bridge be removed no later than 90 days subsequent to the opening to traffic of the new bridge and the - **STATE OF TENNESSEE** - now requests that the time for removing the bridge be extended;

Example 5.135:

AND WHEREAS condition 5 of that permit requires that the existing, to-be-replaced, bridge be removed no later than 180 days subsequent to the opening to traffic of the new bridge and the - **STATE OF LOUISIANA** - now requests that the existing bridge be retained;

Example 5.136:

AND WHEREAS condition 6 of that permit provides for the retention of the temporary bridge until 29 December 1977 or until 90 days after completion of the Trans-Alaska Pipeline in the Valdez, Alaska, area, whichever occurs first, and the - **ALYESKA PIPELINE SERVICE COMPANY** - now requests that said bridge be permanently retained;

Example 5.137:

AND WHEREAS condition 1 of the permit, as last amended, provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [Commander, Thirteenth Coast Guard District], and condition 7 fixed the time for completing construction of the bridge project at 17 November 1975 and the - **STATE OF WASHINGTON** - now has submitted for approval revised plans indicating modification to the previously approved plans and requests that the time for completing construction of the bridge project be further extended;

Example 5.138:

NOW THEREFORE, This is to certify that the location and plans dated 12 July 1978 are hereby approved and supersede the plans previously approved. In granting this approval, all conditions to which the original permit was subject remain in force.

Example 5.139:

NOW THEREFORE, This is to certify that plan sheets 1 and 2 (of 3) last revised 12 February 1979 and sheet 3 dated 12 February 1979 hereby approved supersede the plans previously approved. In granting this approval, all conditions to which the original permit was subject remain in force.

Example 5.140:

NOW THEREFORE, This is to certify that plan sheet 4 (of 4) dated 19 December 1978 hereby approved supersedes plan sheet 4 (of 4) dated 8 July 1976 previously approved and supplements plan sheets 1, 2, and 3 dated 8 July 1976 previously approved. In granting this approval, all conditions to which the original permit was subject remain in force with condition 6 modified as follows:

Example 5.141:

NOW THEREFORE, This is to certify that plan sheet 6 (of 7) dated 11 April 1980 hereby approved supersedes plan sheet 6 (of 7) dated 14 June 1978 and supplements plan sheets 1, 2, 3, 4, 5, and 7 dated 14 June 1978 previously approved. In granting this approval, all conditions to which the original permits, as last amended, were subject remain in force with conditions 4 and 5 revised as follows:

Example 5.142:

NOW THEREFORE, This is to certify that the location and plans dated August 1978 hereby approved supersede the plans previously approved and are subject to the following conditions:

Example 5.143:

NOW THEREFORE, This is to certify that the location and plan sheets dated 17 May 1979 hereby approved supersede plan sheet 1 (of 2) dated 7 June 1915 and sheet 2 dated 16 June 1913 previously approved and are subject to the following conditions:

Example 5.144:

NOW THEREFORE, This is to certify that the location and plan sheet 1 (of 1) revised 18 July 1979 hereby approved supplements the plans previously approved. In granting this approval, all conditions to which the permit, as last amended, was subject are superseded by the following conditions:

Example 5.145:

NOW THEREFORE, This is to certify that the location and plans dated October 1972 hereby approved supplement the plans previously approved and are subject to the following conditions:

Example 5.146:

NOW THEREFORE, This is to certify that the location and plan sheet 1 (of 2) revised March 1980 and sheet 2 dated August 1979 hereby approved supplement the plans previously approved and are subject to the following conditions:

Example 5.147:

NOW THEREFORE, This is to certify that the location and plan sheets 1 and 4 (of 5) revised 23 November 1977, sheet 2 last revised 2 March 1978, sheet 3 last revised 23 November 1977 and sheet 5 dated 23 November 1977 hereby approved supersede the plans previously approved. In granting this approval, all conditions to which the original permit was subject are superseded by the following conditions:

Example 5.148: Reserved.

Example 5.149:

NOW THEREFORE, This is to certify that the plans dated 14 June 1978 hereby approved supersede the plans attached to the permits, as last amended, and the time for completing construction of said bridge project is hereby further extended. In granting this amendment, all conditions to which the original permits, as last amended, were subject are superseded by the following conditions:

Example 5.150:

NOW THEREFORE, This is to certify that the location and plans dated May 1978 hereby approved supersede the plans previously approved and the request to reinstate the permit is hereby approved. In granting this approval, all conditions to which the original permit was subject are superseded by the following conditions:

Example 5.151:

NOW THEREFORE, This is to certify that the original permit, as amended, is hereby reinstated and the times for commencing and completing modification of the bridge is extended. In granting this approval, all conditions to which the original permit, as amended, was subject remain in force with condition 7 modified as follows:

Example 5.152:

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit, as amended, was subject remain in force with condition 6 modified as follows:

Example 5.153:

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit was subject remain in force with condition 4 modified as follows:

Example 5.154:

NOW THEREFORE, This is to certify that said request is hereby approved with condition 5 modified to reflect the times for commencing and completing construction of the bridge to be three and five years, respectively, from the date of this amendment. All other conditions to which the original permit, as amended, was subject remain in force with condition 3 modified as follows:

Example 5.155:

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit was subject remain in force with condition 7 voided to allow retention of the existing bridge.

Example 5.156:

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit was subject are superseded by the following conditions:

Example 5.157:

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit, as amended, was subject are superseded by the following conditions:

Example 5.158: Reserved.**Example 5.159:**

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to modification of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events they may affect navigation shall be given to the District Commander during modification of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the modification work has

reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

Example 5.160:

The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Eleventh Coast Guard District [District Commander], prior to modification of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during modification of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the modification work has reached a point where action should be taken.

Example 5.161: Reserved.

Example 5.162:

Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Department of the Interior, Bureau of Land Management; State of Alaska, Department of Fish and Game, or any other federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

Example 5.163:

The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced by 25 April 1982 and completed by 25 April 1984.

Example 5.164:

The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this bridge permit amendment.

Example 5.165:

The approval hereby granted shall cease and be null and void unless construction of the bridges is completed by 4 November 1982.

Example 5.166:**AMENDMENT
(48c-72-2)**

WHEREAS by a permit issued on 25 July 1974, last amended 2 August 1979, the Commandant of the Coast Guard [Commander, Eighth Coast Guard District], approved the location and plans of bridges to be constructed by the State of West Virginia across the Ohio River and the Guyandotte River at Huntington, West Virginia, under authority of the General Bridge Act of 1946, as amended.

[**AND WHEREAS** the Commandant of the Coast Guard has further delegated to the District Commanders, by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;]

AND WHEREAS condition 5 of that permit, as last amended, fixed the time for completing construction of the bridges at 25 July 1980 and the - **STATE OF WEST VIRGINIA** - now has requested that the time for completion of the bridges be further extended;

NOW THEREFORE, This is to certify that said request is hereby approved. In granting this approval, all conditions to which the original permit, as last amended, was subject are superseded by the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events they may affect navigation shall be given to the District Commander during construction of the bridges. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridges to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where action should be taken, but in no case later than 90 days after the bridges have opened to traffic.

3. Issuance of this permit amendment does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Army Corps of Engineers, Huntington District; U. S. Department of the Interior, Fish and Wildlife Service; U. S. Environmental Protection Agency: Region III; Region V; State of Ohio: State Historic Preservation Officer; Environmental Protection Agency; State of West Virginia, Department of Natural Resources, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridges.

**Bridges across the Ohio River and the Guyandotte
River at Huntington, West Virginia**

**AMENDMENT
(48c-72-2)**

4. The bridge project shall be designed to permit inclusion of facilities for installation of noise barriers if this becomes necessary to aid in keeping and/or bringing ambient noise levels from the bridges within federal standards. The design of the bridges shall also include quiet expansion joints and possibly other quiet roadway features.

5. When the proposed bridges are no longer used for transportation purposes, they shall be removed in their entirety or to an elevation deemed appropriate by the District Commander and the waterways cleared to the satisfaction of the District Commander. Such removals and clearances shall be completed by and at the expense of the owner of the bridges upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless construction of the bridges is completed by 25 July 1985.

Example 5.167:**AMENDMENT
(82b-67-13)**

WHEREAS by permits issued on 17 November 1965 the Secretary of the Army approved the location and plans of bridges to be constructed by the State of Washington across Lake Washington and the East Channel of Lake Washington between Seattle, Mercer Island and Bellevue, Washington, under authority of the General Bridge Act of 1946, as amended.

AND WHEREAS said act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS by the permits, as last amended 28 February 1979, the Commandant granted to the State of Washington approval of revised plans indicating modification to the previously approved plans;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

AND WHEREAS condition 1 of the permits, as last amended, provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant and the - **STATE OF WASHINGTON** - now has submitted for approval revised plans indicating further modification to the previously approved plans;

NOW THEREFORE, This is to certify that plan sheet 6 (of 7) dated 11 April 1980 hereby approved supersedes plan sheet 6 (of 7) dated 14 June 1978 and supplements plan sheets 1, 2, 3, 4, 5, and 7 dated 14 June 1978 previously approved. In granting this approval, all conditions to which the original permits, as last amended, were subject remain in force with conditions 4 and 5 modified as follows:

4. The section of the proposed floating bridge adjacent to the drawspan of the existing floating bridge and the proposed sections to modify the existing floating bridge as shown on the approved plan sheet 6 (of 7) dated 11 April 1980 shall not be placed until after removal of the existing to be replaced East Channel Bridge.

5. All parts of the existing to-be-replaced East Channel Bridge across the East Channel of Lake Washington not utilized in the new bridge project shall be removed down to or below the natural bottom of the Lake and the Lake cleared to the satisfaction of the District

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Commander. A period of one year subsequent to the completion of the new East Channel (Mercer Island-Bellevue) Bridge will be allowed for such removal and clearance.

Example 5.168:**AMENDMENT
(89-80-7)**

WHEREAS by a permit issued on 5 January 1955, the Secretary of the Army approved the location and plans of a bridge to be constructed by the State of Florida (State Road Department of Florida) across South Fork of the Middle River at Fort Lauderdale, Florida, under authority of the General Bridge Act of 1946, as amended, and that the bridge was constructed;

AND WHEREAS said act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS condition 4 of that permit provides that no deviation from the approved plans shall be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Secretary of the Army;

AND WHEREAS - BROWARD COUNTY - present owner of the bridge, has submitted for approval plans indicating modification to the bridge;

NOW THEREFORE, This is to certify that the location and plans dated 9 August 1978 hereby approved supersede the plans previously approved and are subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventh Coast Guard District, prior to modification of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during modification of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the modification work has reached a point where such action should be taken.

**Bridge across South Fork of the Middle River
at Fort Lauderdale, Florida**

**AMENDMENT
(89-80-7)**

3. Issuance of this permit amendment does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the State of Florida, Department of Environmental Regulation, or any other federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

4. A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander. Said installation and maintenance shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.

5. When the existing to-be-modified bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless modification of the bridge is commenced within three years and completed within five years after the date of this bridge permit amendment.

Example 5.169:**AMENDMENT
(35a-79-7)**

WHEREAS by a permit issued on 26 March 1979, the Commandant of the Coast Guard approved the location and plans of dual bridges to be constructed by the Tampa-Hillsborough County Expressway Authority across the Palm River at Tampa, Florida, under authority of the General Bridge Act of 1946, as amended;

AND WHEREAS condition 1 of that permit provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander];

AND WHEREAS the - **TAMPA HILLSBOROUGH COUNTY EXPRESSWAY AUTHORITY** - has submitted for approval plans indicating modification to the previously approved plans;

NOW THEREFORE, This is to certify that plan sheets 3 and 4 (of 4) revised 24 April 1980 hereby approved supersede plan sheets 3 and 4 (of 4) dated 8 March 1978 previously approved and supplement the previously approved plan sheets 1 and 2 (of 4) dated 8 March 1978. In granting this approval, all conditions to which the original permit was subject remain in force.

F. Miscellaneous Applications

1. **Alternative Bridge Designs:**

- a. In the past, the Coast Guard has approved plans for single bridge designs only. An applicant who submitted multiple bridge designs was advised to request approval of plans for one of the bridge designs to allow issuance of a bridge permit with the understanding that should another design be chosen for construction, a Coast Guard bridge permit amendment could be processed expeditiously. Approval of alternative bridge designs precludes the need to process bridge permit amendments due to bridge design variations.
- b. Some variations to the basic bridge permit (Example 5.1) are utilized to identify the permit action as an approval of alternate bridge designs and account for eventual selection and construction of one design. Note the phrase "indicating alternate designs" in the proposed project identification paragraph (*Examples 5.170 and 5.171*). When transmitting the bridge permit to the permittee, he (she) should be advised of the requirements of the alternate bridge design condition of the permit.

2. **Unspecified Design and Build:** A new trend in bridge building is to allow the bridge builders to bid on a bridge in which they do the detailed design of the bridge within the parameters set by the bridge owner. The purpose is to allow bridge builders to be innovative, yet cost effective, in their designs. However, the owner needs the bridge permit before offering the project for bid. Example 5.171a accommodates the design-build concept, allowing the bridge owner to obtain bids, select a design-build contractor and at the same time assures the Coast Guard will get a set of final design plans which provide navigational clearances approved by the permit. When transmitting the bridge permit to the permittee, the permittee should be advised of the requirements of the design-build condition of the permit. Use of this concept will be permitted only if the conceptual plans submitted with the permit application clearly define the navigational clearances to be provided at final design and with respect to channels located at the bridge location. Districts should carefully review final design plans to ensure there is no deviation from the conceptual plans which would materially affect navigation and also require a permit amendment action.

3. **Temporary Bridge Structures:**

- a. Temporary bridge structures may be constructed for a number of purposes. It may be to provide access to an area for a limited period of time to facilitate timber harvesting, mining exploration, etc. Or temporary access may be needed to a construction site or other project site. It may be, by itself or as part of a permanent bridge project, to provide emergency replacement of a bridge damaged or destroyed in a collision, fire or structural failure. Or a

temporary bridge may be used to detour vehicular traffic from the construction site of a permanent bridge.

- b. A permit for a temporary bridge is prepared in the same manner as a permit for a permanent bridge and adding the word "temporary" as appropriate (*Examples 5.171b through 5.183*). When writing a permit document for a temporary bridge and permanent bridge as a part of the same action, it is also necessary to add the word "permanent" as appropriate to identify the permanent bridge (*Examples 5.186, 5.192, 5.194, 5.195, 5.196, and 5.198*). It is important to adequately identify and separate the approvals and conditions for temporary bridges and permanent bridges in the same bridge permit.
- c. In many instances, a condition is included in the bridge permit, which requires construction of the temporary structure(s) in accordance with specific plan sheets (*Examples 5.174 through 5.183*). Conditions which address construction of a bridge, portions of a temporary bridge, a culvert bridge, a pipeline bridge, a detour bridge, a work bridge and a culvert bridge project are illustrated in Examples 5.174, 5.175, 5.176, 5.177, 5.178, 5.179, and 5.183, respectively. Examples 5.180 and 5.181 illustrate placement of temporary fill and relocation of a temporary bridge, respectively, in accordance with approved plans. Examples 5.182 and 5.183 also illustrate construction in accordance with approved plans, requiring commencing construction no sooner than a specific date and requiring commencing and completing construction within a period of time from the date of the bridge permit amendment. Examples 5.184 and 5.185 illustrate recurring temporary modification of a bridge to mitigate impact on navigation.
- d. Temporary bridges are normally required to be removed in their entirety (*Examples 5.186 through 5.192 and 5.195 through 5.200*). Examples 5.186, 5.187, 5.188 and 5.198 illustrate the condition of removal by a period of time from an event. Normally, the removal condition allows 90 days subsequent to opening to traffic of the permanent bridge, or it requires removal by a specific date. Examples 5.189, 5.190 and 5.193 illustrate removal by a specific date. Examples 5.191 and 5.192 illustrate removal by a period of time from the date of the permit and amendment to permit, respectively. Examples 5.194 through 5.197 illustrate combinations of times for removal: a period of time from an event or a period of time from the date of the permit (*or amendment to permit*), whichever occurs first. Example 5.194a illustrates removal of a temporary modification. In Example 5.198, the removal work is restricted to a period of time between two dates. Example 5.199 illustrates time for removal by a specific date or completion of another construction project, whichever occurs first. In Example 5.200, the condition addresses annually recurring construction and removal of a temporary bridge during the life of an overall project. Example 5.200a illustrates permit format and special conditions for temporary pipeline bridges. Notice the use of the phrase "placed in operation" instead of "opened to traffic" for pipeline bridges.

- e. Under special circumstances, temporary bridges that are constructed and removed on a seasonal basis over a number of years may be handled in one permit action. Example 5.171a illustrates this situation.
4. **After-the-fact-Permits:** An after-the-fact permit may be issued in accordance with section 114.25 of Title 33, Code of Federal Regulations, for those bridge projects where construction has been completed or commenced prior to obtaining Coast Guard approval. An after-the-fact permit may resemble the basic bridge permit (*Example 5.1*) or an amendment to bridge permit (*Example 5.166*) with some adjustments to account for completion of construction, or on-going construction instead of future construction. Example 5.201 illustrates completion of construction. Note the absence of the words "to be" in the proposed project identification paragraph and in appropriate conditions addressing construction activities. In Example 5.202, the construction of the bridge has been completed recently and a condition addressing clearance of the waterway is included. Example 5.203 illustrates a bridge permit for modification of a bridge, which was constructed recently without Coast Guard approval (see also Chapter 4.J.).
5. **Truman-Hobbs Act:** Modification of a structure that was constructed (or modified) under authority of the Truman-Hobbs Act requires a bridge permit amendment. The format of this type of permit amendment is similar to a Coast Guard amendment to a USACE permit (*Example 5.168*). The preamble should refer to both the Notice to Alter and Section 18 of the Act of 3 March 1899 as illustrated in Example 5.204. Note the sentence in paragraph one concerning alterations.
6. **International Bridge Act:** Approval of a bridge project by the Commandant under the authority of the International Bridge Act of 1972 extends only to the international border. Example 5.205 illustrates appropriate permit format and limiting conditions for a bridge permit. Example 5.206 illustrates the Condition 4, which would be utilized for a bridge permit amendment.

Example 5.170:**(8-80-2)**

WHEREAS by Title V of an Act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

AND WHEREAS the - **STATE OF ARKANSAS** - has submitted for approval the location and plans indicating alternate designs of a bridge to be constructed across the Red River at Fulton, Arkansas;

NOW THEREFORE, This is to certify that the location and plan sheets 1, 2 and 3 (of 5) revised 22 October 1979 and sheets 4 and 5 revised 26 October 1979 are hereby approved by the Commandant [Commander, Eighth Coast Guard District], subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

Bridge across the Red River at Fulton Arkansas**(8-80-2)**

3. Issuance of the permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the State of Arkansas, Department of Pollution Control and Ecology; Arkansas Archeological Survey, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

4. The permittee shall notify the District Commander in writing of the alternative chosen for the construction of the bridge within 90 calendar days subsequent to the bid award. Failure by the permittee to so advise the District Commander renders this permit null and void.

5. Clearance gauges shall be installed and maintained in a good and legible condition by and at the expense of the owner of the bridge when so required by the District Commander. The type of gauges and location(s) in which they are to be installed will be submitted to the District Commander for approval.

6. All parts of the existing to-be-replaced U. S. Highway 67 (Fulton Highway) Bridge across the Red River, mile 401.5, not utilized in the new bridge shall be removed down to or below the natural ground line or bottom of the waterway, except two of the mid-river piers which shall be removed in their entirety in accordance with approved plan sheets 2 and 3 (of 5) revised 22 October 1979. The waterway shall be cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge, mile 401.5, will be allowed for such removal and clearance. The proposed method and schedule for removal of the existing bridge shall be submitted to the District Commander, for approval prior to commencement of such removal.

7. When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

8. The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.

Example 5.171:**AMENDMENT
(30b-76-8)**

WHEREAS by a permit issued on 27 April 1976, as amended 24 July 1979, the Commandant of the Coast Guard [Commander, Eighth Coast Guard District], approved the location and plans of dual bridges to be constructed by the State of Alabama across Rabbit Creek near Mobile, Alabama, under authority of the General Bridge Act of 1946, as amended;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;]

AND WHEREAS condition 1 of that permit, as amended, provides that no deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander] and condition 4 fixed the times for commencement and completion of construction of the bridge project at 27 April 1980 and 27 April 1982, respectively, and the - **STATE OF ALABAMA** - now has submitted for approval revised plans *indicating alternate designs* and requests that the times for commencing and completing construction of the bridge project be further extended;

NOW THEREFORE, This is to certify that plan sheet 2 (of 2) last revised 12 March 1980 and sheets 2a and 2b dated 12 March 1980 hereby approved supersede the previously approved plan sheet 2 (of 2) revised 17 September 1975 and supplement the previously approved plan sheet 1 (of 2) dated 11 June 1975 and the times for commencing and completing construction of said bridge project are hereby further extended. In granting this approval, all conditions to which the original permit, as amended, was subject are superseded by the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridges. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridges to the satisfaction of the District

Bridges across Rabbit Creek near Mobile, Alabama

**AMENDMENT
(30b-76-8)**

Commander, when in the judgment of the District Commander the work has reached a point where such action should be taken, but in no case later than 90 days after the bridges have been opened to traffic.

3. Issuance of this permit amendment does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Department of the Interior, Fish and Wildlife Service; Alabama Coastal Area Board; State of Alabama, Department of Conservation and Natural Resources, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridges.

4. The permittee shall notify the District Commander in writing of the alternative chosen for the construction of the dual bridges within 90 calendar days subsequent to the bid award. Failure by the permittee to so advise the District Commander renders this permit null and void.

5. When the proposed dual bridges are no longer used for transportation purposes, shall be removed in their entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearances shall be completed by and at the expense of the owner of the bridges upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless construction of the bridge project is commenced by 27 April 1982 and completed by 27 April 1984.

Example 5.171a:

AND WHEREAS the - **STATE OF SOUTH CAROLINA** - has submitted for approval the location and plans indicating a design-build concept of a bridge to be constructed across the Atlantic Intracoastal Waterway at Myrtle Beach, South Carolina;

* * * * *

4. Prior to commencement of construction, the permittee shall submit to the District Commander for approval, plans showing the final design chosen for the construction of the bridge. The final design chosen shall, at a minimum, provide the navigational clearances as shown on the approved plan sheet 3 (of 3) dated 5 February 1999. Failure by the permittee to adhere to any part of this condition renders this permit null and void.

Example 5.171b:**(3-84-17)**

WHEREAS by Title V of an Act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS - ARCO ALASKA, INC. - has submitted for approval the location and plans of *temporary bridges* to be constructed across the West and East Channels of the Sagavanirktok River near Deadhorse, Alaska;

NOW THEREFORE, This is to certify that the location and plans dated June 1984 are hereby approved by the Commandant, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant.
2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventeenth Coast Guard District, prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterways is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridges. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridges to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken.
3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridges.

Temporary Bridges across the West and East Channels of the Sagavanirktok River near Deadhorse, Alaska (3-84-17)

4. In accordance with Section 2 of the "Fish and Wildlife Coordination Act," (16 U.S.C. 662), the permittee shall coordinate methods and schedule of construction of this bridge project with the U. S. Department of the Interior, Fish and Wildlife Service, and the State of Alaska, Department of Fish and Game, for the purpose of keeping fish and wildlife resource harms and losses to a minimum.

5. All parts of the *temporary culvert bridges* or incomplete parts thereof, and fill shall be removed in their entirety prior to 15 May through December of each year that the bridges continue in service, for the purpose of keeping fish resource harms and losses to a minimum and to provide for the reasonable needs of navigation. The waterways shall be cleared to the satisfaction of the District Commander.

6. The approval hereby granted shall cease and be null and void and the *temporary bridges* shall be permanently removed from the waterways, in their entirety, by 15 May 1989.

Example 5.172:

AND WHEREAS the - **ATLANTIC RICHFIELD COMPANY** - has submitted the location and plans of temporary bridges to be constructed across the west and east channels of the Sagavanirktok River near Deadhorse, Alaska;

Example 5.173:

AND WHEREAS condition 4 of that permit fixed the time for the removal of the temporary bridge at 1 May 1979 and the - **JERSEY CENTRAL POWER LIGHT COMPANY** - now requests that the time for the removal of the temporary bridge be extended;

Example 5.174:

The temporary bridge across Carley Brook (Marsh Stream) shall be constructed in accordance with approved plan sheet 3 (of 4) dated March 1978;

Example 5.175:

The temporary portions of the bridge across the Hood Canal shall be constructed in accordance with approved plan sheets 2, 3, and 4 (of 5) revised 30 May 1979.

Example 5.176:

The temporary culvert bridge across an unnamed tributary of the Cocohatchee River (Horse Creek), mile 0.25, shall be constructed in accordance with approved plan sheet 4 (of 4) dated 14 April 1978.

Example 5.177:

The temporary pipeline bridge across North Branch Rancocas Creek, mile 12.9, shall be constructed in accordance with approved plan sheet 4 (of 5) dated 12 January 1979 and sheet 5 dated July 1979.

Example 5.178:

The temporary detour bridge across the Wells River at Groton, Vermont, shall be constructed in accordance with approved plan sheet 4 (of 4) dated July 1977.

Example 5.179:

The temporary work bridge shall be constructed in accordance with approved plan sheet 2 (of 3) dated 3 June 1980.

Example 5.180:

The temporary fill material shall be placed in accordance with approved plan sheet 2 (of 2) revised 31 August 1978.

Example 5.181

The temporary bridge across the Kugaruk River shall be relocated in accordance with plan sheet 8 and 9 (of 10) dated 31 May 1979.

Example 5.182:

Construction of the temporary bridge across Blynman Canal (Annisquam River) shall be in accordance with the approved plans dated July 1979 and shall commence no sooner than 1 November 1980.

Example 5.183:

The temporary culvert bridge project across the Kugaruk River, mile 6.0, shall be constructed in accordance with approved plan sheet 1 (of 1) dated 18 March 1980 and sheet 2 (of 10) dated 25 May 1979. Such construction shall commence within one month and be completed within two months after the date of this permit amendment.

Example 5.184:

The ends of the beams will be rounded and cushioned in such a way as to mitigate any possible harm to marine traffic which may result from a collision with the beams. The design and material to be used in the cushioning of the beams as shown on approved plan sheet 2 (of 2) revised 19 December 1977 shall be submitted to the District Commander for approval prior to performing the work.

Example 5.185:

The three middle class beams will be pulled aside during the summer months (15 June to 7 September) of each year to provide a navigation opening of approximately 35 feet in width.

Example 5.186:

All parts of the temporary culvert bridge or incomplete parts thereof and fill not utilized in the construction of the new permanent bridge shall be removed in their entirety. The waterway shall be cleared and the area shall be revegetated and restored to its original contour to the satisfaction of the District Commander. Such removal, clearance, revegetation, and restoration shall be completed within 90 days after the new permanent bridge has been opened to traffic.

Example 5.187:

All parts of the existing temporary in-kind replacement bridge project, the original bridge and spillway not utilized in the new Millsboro Pond (Delaware Route 24) Bridge across the Indian River, mile 12.8, and the debris of the original bridge in the waterway, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new bridge project, mile 12.8, will be allowed for such removal and clearance.

Example 5.188:

The temporary spans and piers constructed during the emergency repairs to the bridge shall be removed in their entirety not later than 90 days after completion of the modification of the bridge.

Example 5.189:

All parts of the temporary bridge or incomplete parts thereof shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by 31 March 1981.

Example 5.190:

All parts of the bridge, constructed as a temporary crossing, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander by 23 December 1981.

Example 5.191:

All parts of the temporary culvert bridges or incomplete parts thereof and fill shall be removed in their entirety and the waterways cleared to the satisfaction of the District Commander. Such removals and clearances shall be completed within nine months after the date of this permit.

Example 5.192:

All parts of the temporary culvert bridge project or incomplete parts thereof, not utilized in the new permanent bridge project shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed within one year after the date of this permit amendment.

Example 5.193:

The temporary portion of the bridge across the Hood Canal shall be removed to the satisfaction of the District Commander by 31 July 1986.

Example 5.194:

The temporary bridge or incomplete parts thereof including the embankment shall be removed down to the natural level of the marsh floor. The waterway shall be cleared and the marsh restored to the satisfaction of the District Commander. Such removal, clearance and restoration shall be completed within 90 days after the new permanent bridge has been opened to traffic or two years from the date of this permit, whichever occurs first.

Example 5.194a:

All parts of the proposed modification shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander within five years from the date of this permit amendment, or when they are no longer required for the purpose for which they were permitted, whichever occurs first. Such removal and clearance shall be completed to the satisfaction of the District Commander by and at the expense of the permittee upon due notice from the District Commander.

Example 5.195:

The temporary bridge or incomplete parts thereof shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed within 90 days after the new permanent bridge has been opened to traffic or within five years after the date of this permit, whichever occurs first.

Example 5.196:

All parts of the temporary fill material, or incomplete parts thereof, not utilized in the new permanent bridge approach fill, shall be removed in their entirety and waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed within 90 days subsequent to the opening to traffic of the new bridge, mile 0.2, or five years from the date of issuance of this permit, whichever occurs first.

Example 5.197:

The existing Bailey Bridge across the Kuparuk River, as temporarily relocated, shall be removed in its entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the permanent bridge, or five years from the date of this permit, whichever occurs first, shall be allowed for such removal and clearance.

Example 5.198:

All parts of the temporary pipeline bridge, or incomplete parts thereof, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of one year subsequent to the opening to traffic of the new permanent bridge will be allowed for such removal and clearance. Such removal and clearance work may be performed only during the period of 15 October through 15 March.

Example 5.199:

All parts of the existing temporary bridge across Oyster Creek, mile 1.7, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge by 1 May 1986 or when the construction of the Forked River Nuclear Generating Station Unit 1 is completed, whichever occurs first.

Example 5.200:

The temporary work bridge or incomplete parts thereof shall be removed in their entirety prior to flood season each year that work on the project continues and the waterway cleared to the satisfaction of the District Commander.

Example 5.200a:

(101-81-13)

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS under Section 502(b) of that act, the authority of which was transferred to and vested in the Secretary of Homeland Security by 1512(d) of the Homeland Security Act of 2002 [6 U.S.C. 552 (d)] and delegated by the Secretary to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1; it is required that the location and plans for such bridges be approved by the Commandant before construction is commenced and in approving the location and plans of any such bridge, the Commandant may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the - **PORT OF PORTLAND** - has submitted for approval the location and plans of temporary pipeline bridges to be constructed across Columbia Slough at Portland, Oregon;

NOW THEREFORE, This is to certify that the location and plans dated January 1981 are hereby approved by the Commandant, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structures unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Thirteenth Coast Guard District, prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridges. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridges to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridges have been placed in operation.

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, construction, operation or maintenance of said bridges.

Bridges across Columbia Slough at Portland, Oregon**(101-81-13)**

4. Only one of the floating pipeline bridges across Columbia Slough, either mile 0.7 or mile 1.3, shall be erected or remain in place at any one time.
5. The pipeline bridge across Columbia Slough, either mile 0.7 or mile 1.3, shall be disconnected to allow passage of marine vessels provided that at least 24 hours advance notice is given to the Port of Portland. Information concerning requests for opening of the bridge for vessel passage shall be posted in such a manner that it is plainly visible to waterway users both upstream and downstream from the bridge.
6. The permittee shall obtain the approval of the District Commander prior to each occasion that either temporary pipeline bridge is to be erected.
7. All parts of the temporary pipeline bridges or incomplete parts thereof shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removals and clearances shall be completed when the bridges are no longer used for the purpose for which they were permitted, or five years from the date of this permit, whichever occurs first.
8. The approval hereby granted shall cease and be null and void unless construction of the temporary bridge project is commenced within three years and completed within five years after the date of this permit.

Example 5.201:

(44-80-7)

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

[**AND WHEREAS** the Commandant of the Coast Guard has further delegated to the District Commander by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;]

AND WHEREAS the - **TRANSGLOBE MFG. CORP.** - has submitted for approval the location and plans of a bridge constructed (modified) across an unnamed canal, tributary of Airport Channel at Carolina, Puerto Rico;

NOW THEREFORE, This is to certify that the location and plans revised 20 September 1978 are hereby approved by the Commandant [Commander, Seventh Coast Guard District], subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion (modification) of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.
2. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the Commonwealth of Puerto Rico, Environmental Quality Board, or any other federal, state or local authority having cognizance of any aspect of the location, construction (modification) or maintenance of said bridge.
3. When the existing (modified) bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

Example 5.202:**(117-80-11)**

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33, Code of Federal Regulations, authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

AND WHEREAS the - **METROPOLITAN TRANSIT DEVELOPMENT BOARD** - has submitted for approval the location and plans of a bridge constructed across La Poleta Creek at National City, California;

NOW THEREFORE, This is to certify that the location and plans dated 12 October 1979 are hereby approved by the Commandant [Commander, Eleventh Coast Guard District], subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the Commander, Eleventh Coast Guard District [District Commander], when in the judgment of the District Commander such action should be taken. Timely notice of any and all events that may affect navigation shall be given to the District Commander prior to commencing such activities.

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the State of California; Department of Fish and Game; California Coastal Commission, San Diego Coastal Regional Commission, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

Bridge across La Poleta Creek at National City, California

(117-80-11)

4. When the existing bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

Example 5.203:**(7-85-2)**

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the - **SOUTHERN RAILWAY SYSTEM** - has submitted for approval the location and plans indicating modification to a bridge constructed across the Clinch River at Clinton, Tennessee;

NOW THEREFORE, This is to certify that the location and plan sheet 1 (of 2) revised 18 March 1985 and sheet 2 last revised 26 March 1985 are hereby approved by the Commandant, subject to the following conditions;

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, pilings, cofferdams or other obstructions, if required, and the scheme for the modification work shall be in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District, prior to modification of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during modification of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the modification work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been completed.

3. Issuance of this permit amendment does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

Bridge across the Clinch River at Clinton, Tennessee

(7-85-2)

4. All parts of the existing to-be-modified Southern Railroad Bridge across the Clinch River, mile 59.3, not utilized in the new modified bridge shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander when in the judgment of the District Commander the modification work has reached a point where such action should be taken.

5. When the existing to-be-modified bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless modification of the bridge is commenced within three years and completed within five years after the date of this permit.

Example 5.204:**AMENDMENT
(107-74-2)**

WHEREAS by a Notice to Alter Bridge dated 13 April 1932, under authority of Section 18 of the River and Harbor Act of 3 March 1899, as amended, the Secretary of the Army required alterations to the Chicago, Burlington and Quincy Railroad Company Bridge across the Illinois Waterway (Illinois River) at Ottawa, Illinois. Said alterations were required to render navigation through or under the bridge reasonably free, easy and unobstructed, and that the bridge was altered;

AND WHEREAS Section 9 of that act, as amended, transferred to and vested in the Secretary of Homeland Security the functions, powers and duties of the Secretary of the Army pertaining to the approval of plans for bridges over the navigable waters of the United States, and the Secretary of Homeland Security has delegated these functions, powers and duties to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS - BURLINGTON NORTHERN INC. - present owner of said bridge, has submitted for approval plans indicating modification to the bridge;

NOW THEREFORE, This is to certify that the location and plans last revised 15 August 1974 hereby approved supplement the plans previously approved and are subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant [District Commander].

2. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. The construction of falsework, pilings or other obstructions, if required, shall be accomplished in accordance with plans submitted to and approved by the Commander, Eighth Coast Guard District [District Commander], prior to modification of the bridge. The channel or channels through the structure shall be promptly cleared to all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken.

3. Issuance of this permit amendment does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Environmental Protection Agency, Region V; Illinois Environmental Protection Agency; Illinois Department of Transportation, Division of Water Resource Management, or any other federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

Bridge across the Illinois River near Ottawa, Illinois

**AMENDMENT
(107-74-2)**

4. All parts of the floating sheer booms and the rock-filled cribs shall be removed in their entirety and the waterway cleared to the satisfaction of the Commander, Eighth Coast Guard District [District Commander]. A period of 90 days subsequent to the completion of the modification to the pier protection system authorized by this permit will be allowed for such removal and clearance.

5. When the existing to-be-modified bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless modification of the bridge is commenced within two years and completed within four years after the date of this permit amendment.

Example 5.205:**(8-82-1)**

WHEREAS by an act of Congress approved 26 September 1972 entitled "International Bridge Act of 1972," (33 U.S.C. 535), the consent of Congress was granted for the construction, maintenance and operation of any bridge and approaches thereto which will connect the United States with any foreign country;

AND WHEREAS said consent is subject to the provisions of an act entitled "An Act to regulate the construction of bridges over navigable waters," approved 23 March 1906 (33 U.S.C. 491-498, except Section 6 of 33 U.S.C. 496);

AND WHEREAS the approval of the Secretary of Homeland Security as required by that act shall be given only subsequent to the President's approval for the construction, maintenance and operation of the International Bridge, as provided for in Section 4 of the "International Bridge Act of 1972" and said Presidential approval was granted 18 June 1982;

AND WHEREAS the functions, powers and duties which were vested in the Secretary of Homeland Security under Section 5 of the "International Bridge Act of 1972" as they relate to navigable waterways other than the Saint Lawrence River, have been delegated by the Secretary to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS the - **GEORGIA-PACIFIC CORPORATION** - has submitted for approval the location and plans of an international bridge to be constructed across the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick, Canada;

NOW THEREFORE, This is to certify that the location and plans dated 5 March 1982 are hereby approved by the Commandant, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, First Coast Guard District, prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

H. INTERNATIONAL BRIDGE ACROSS THE ST. CROIX RIVER (8-82-1)
BETWEEN
VANCEBORO, MAINE AND ST. CROIX, CANADA

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Army Corps of Engineers, New England Division; U. S. Department of the Interior, Fish and Wildlife Service, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

4. This bridge permit approves only that portion of the bridge to be constructed across waters under the jurisdiction of the United States.

5. When the proposed bridge is no longer used for transportation purposes, that portion of the bridge constructed across waters under the jurisdiction of the United States shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

6. The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.

Example 5.206:

This bridge permit amendment, as amended, approves only that portion of the bridge to be constructed across waters under the jurisdiction of the United States.

Example 5.207:**CAUSEWAY PERMIT
(7-88-1)**

WHEREAS by Section 9 of an act of Congress, approved March 3, 1899, (33 U.S.C. 401), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and other purposes," as amended, provided that causeways may be constructed under authority of the legislature of a state across rivers and other waterways the navigable portions of which lie wholly within the limits of a single state, provided the location and plans thereof are submitted to and approved by the Secretary of Homeland Security before construction is commenced;

AND WHEREAS the Secretary of Homeland Security has delegated these functions, powers and duties under said act to the Commandant, U. S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such causeway and may impose any specific conditions relating to the construction and maintenance of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the - **STATE OF MAINE** - has submitted for approval the location and plans of a causeway to be constructed across Long Cove, (part of the Penobscot River, the navigable portions of which lie wholly within the limits of the State of Maine and which has received the approval of the Maine State legislature) at Searsport, Maine;

NOW THEREFORE, This is to certify that the location and plans dated April 1985 are hereby approved by the Commandant, subject to the following conditions.

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, pilings or other obstructions, if required, and the scheme for the work shall be in accordance with plans submitted to and approved by the Commander, First Coast Guard District, prior to construction of the causeway. All work shall be conducted so as not to interfere with the free navigation or impair present navigable depths outside the limits of the causeway. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the causeway. Methods shall be employed to ensure there will be no increases of sedimentation and turbidity in the waterway during construction. The waterway shall be promptly cleared of all obstructions placed therein or caused by the construction of the causeway to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the work has been completed.

Causeway across Long Cove at Searport, Maine

(7-88-1)

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Army Corps of Engineers; State of Maine, Department of Environmental Protection, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said causeway.

4. When the proposed causeway is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the causeway upon due notice from the District Commander.

5. The approval hereby granted shall cease and be null and void unless construction of the causeway is commenced within three years and completed within five years after the date of this permit.

G. Glossary

1. **“After-the-fact:”** A permit designation for a bridge that is completed.
2. **Approval Date:** The date of final agency action when the permit is signed by the approving official, the date the permit is issued. Each page of the permit text and attached plan set is stamped with the approval date and shows the permit number.
3. **Approval plan set:** Approved plans consecutively numbered as a set, part of the permit.
4. **Body:** A series of paragraphs in the bridge permit document which identify the applicant, the work proposed and the work approved. The body precedes the conditions.
5. **Bridge permit:** The original approving document, amendments and approved plan(s) authorizing construction of a bridge project.
6. **Bridge permit amendment:** A modification to an existing permit.
7. **Condition:** A specific provision placed in the permit. Conditions are numbered as a set of permit provisions to which the permittee is required to adhere as part of Coast Guard approval.
8. **Datum plane:** Reference to a specified tidal datum, usually in reference to Mean Sea Level (MSL).
9. **Disclaimer condition:** A standard condition in the permit alerting the permittee to his possible obligations to other agencies.
10. **Elevation (geographical):** Height above Mean Sea Level (MSL).
11. **Existing Bridge:** Bridge currently located at the site.
12. **Existing to be modified bridge:** The structure at the bridge site which is to be altered under the proposed permit action.
13. **Existing to be replaced bridge:** The structure at the bridge site which is to be removed as part of the new bridge construction.
14. **Milepoint:** Bridge location by reference to milepoint on the waterway, usually calculated from the mouth of the waterway and expressed in statute miles (not nautical miles) and metric equivalent in kilometers. See also item 4., Figure 4-1, Form CG-4599, Bridge Completion Report instructions.
15. **Modification:** Construction which significantly affects the features of an existing bridge.
16. **New permanent bridge:** A newly constructed bridge which is to remain at a site where a temporary bridge is constructed as part of the bridge project.

17. **Preamble:** A series of paragraphs in the bridge permit document which states its purpose and authorizations, and introductory information. The preamble precedes the permit body.
18. **Proposed bridge:** The permitted bridge. Use "proposed permanent bridge" when a temporary bridge is included in the permit action.
19. **Special condition:** A provision in a permit stating the permittee's obligations relating to a certain issue not existing in every bridge case.
20. **Standard condition:** A provision in a permit stating the permittee's obligation to a situation common to all bridge projects with only minor adjustments.
21. **Standard Datums:**
 - High Water (HW):** The maximum height reached by a rising tide.
 - Mean High Water (MHW):** The average of the height of diurnal high waters at a particular location measured over a period of 19 years.
 - Mean Low Water (MLW):** The average of the height of diurnal low waters at a location measured over a period of 19 years.
 - Mean Sea Level (MSL):** The average height of the surface of the sea for all stages of the tide over a 19-year period. The datum for topographic maps and most land elevation references.
 - Normal Pool Elevation:** Height in feet above sea level at which a section of the river is to be maintained behind a dam (impoundment design elevation).
 - Two-Percent Flowline:** The water surface elevation that is not expected to be exceeded more than two percent of the time at a **particular** location.
22. **Temporary Bridge:** A temporary bridge is one constructed for a specific temporary purpose and is required to be removed by a certain time. There are temporary bridges but no temporary permits.

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CHAPTER 6. DRAWBRIDGE OPERATIONS

A. General

1. **Purpose:** This chapter prescribes procedures and guidelines for evaluating requests for the establishment, change, or revocation of regulations governing the operation of drawbridges across navigable waters of the United States. The Coast Guard must ensure that bridges across navigable waters of the United States do not unreasonably obstruct waterway traffic and at the same time provide for the reasonable needs of land traffic. Drawbridge operations must balance the needs of vessel, vehicle, and rail traffic in the overall public interest. This chapter also contains guidance on radiotelephone installation, radar beacons, signals and gauges and contingency planning.
2. **Authority:**
 - a. **The Secretary of Homeland Security:** Authority to prescribe rules and regulations under the provisions of Section 5 of the Act of August 18, 1894, as amended, 28 Stat. 362; 33 U.S.C. 499, is vested in the Secretary of Homeland Security, by operation of Title 6 U.S.C. 552(d).
 - b. **Commandant:** The Secretary of Homeland Security's authority to issue drawbridge operation regulations is delegated to the Commandant, U. S. Coast Guard, by the Department of Homeland Security Delegation Number: 0170.1.
 - c. **Assistant Commandant for Operations Directorate (G-O):** Signature authority for drawbridge operation regulations that raise substantial issues concerning the reasonable needs of navigation, or generate significant controversy, or otherwise do not qualify as a categorically excluded federal action is reserved to the Commandant (33 CFR 1.05). These regulations must be signed by the Commandant (G-O).
 - d. **Chief, Office of Bridge Administration (G-OPT):** Signature authority for duties associated with decisions, actions, and correspondence regarding bridge permits, drawbridge operations, unreasonably obstructive bridges which do not qualify for alteration under the Truman-Hobbs Act of 1940, as amended, and non-rulemaking, non-substantive documents, e.g., notices required by CEQ regulations relating to environmental processing of bridge issues and general notices of public meetings and public hearings, for publication in the Federal Register. This delegation encompasses the full spectrum of management, administrative and technical functions pertaining to the bridge program except those reserved by the Commandant.
 - e. **District Commander:** The Commandant's authority to issue drawbridge operation regulations that (a) do not raise substantial issues concerning the reasonable needs of navigation, and (b) do not generate controversy on an issue of importance to a particular locality is delegated to each Coast Guard

District Commander (33 CFR 1.05-1(g)), with the reservation that this authority shall not be further delegated.

3. **Policy:** Coast Guard policy is to ensure that drawbridges are operated so that they are a minimum obstruction to waterway traffic. In the implementation of this policy and in determining what action may be appropriate, use the following general guidelines. Operation rules shall also, to the extent practical and feasible, provide for regularly scheduled openings of drawbridges during seasons of the year, and during times of the day, when the schedule would help reduce motor vehicle traffic delays and congestion on roads and highways linked by drawbridges.
 - a. In the absence of specific operation regulations promulgated by the Coast Guard, a drawbridge shall open promptly on signal for the passage of vessels.
 - b. Specific operating regulations should not normally be issued in cases where such regulations would impede waterway traffic unless there are clearly demonstrated offsetting benefits to land traffic across the bridge.
 - c. Drawbridge operation regulations will not be prescribed merely because no objections are voiced concerning the proposal.
 - d. Regulation of drawbridges are restricted to the operating schedule of the drawspan, such as its hours of authorized closure to navigation, operating signals, and posting of regulations.
 - e. Drawbridge regulations shall not preempt the authority of the master of a vessel or regulate the dimensions and types of vessels allowed to transit the drawspan.
 - f. Regulations should not be issued to relieve the owner or operator of the duty to properly maintain or operate the drawspan solely because of financial hardship or to save wear and tear on the structure or machinery unless you have clearly documented evidence that there is little or no need for bridge openings.
 - g. Proposed changes to the drawbridge operation regulations must be clearly worded and have a minimum of "exceptions" and "provisions" that restrict waterway traffic.
 - h. Only the Commandant and District Commanders have the authority to regulate the operation of drawbridges. However, the Captain of the Port may close all or a portion of the waterway over which one or more drawbridges may be located.
 - i. A regulation which states that "the draw need not open..." does not prohibit the opening of the drawspan during the period specified, and such openings are not violations of the regulations.

4. **Definitions:**

- a. **Drawbridge:** The term "drawbridge," as used in this manual, is a general term for bridges, which are intended to be opened for the passage of waterway traffic. It does not include "removable span" bridges.
- b. **Types of Drawbridges:**
 - 1) **Single-leaf Bascule:** The drawspan opens in an arc from the horizontal to the near vertical from one side of the bridge.
 - 2) **Double-leaf Bascule:** The drawspan opens in an arc from the horizontal to the near vertical from both sides of the bridge.
 - 3) **Swing:** The drawspan opens by rotating horizontally on a central axis (i.e., a pivot pier) so it is in line with the channel.
 - 4) **Vertical Lift:** The drawspan opens by being lifted vertically.
 - 5) **Retractable:** The drawspan is drawn horizontally back into the bridge.
 - 6) **Pontoon:** A floating bridge, using "pontoons" (i.e., flat-bottomed boats or portable floats) for support, that has a movable span for allowing vessels to pass through.
 - 7) **Pipeline:** A conduit of pipe that transports liquids (e.g., water or petroleum), natural gas, or slurry (e.g., crushed coal mixed with water) over a navigable waterway of the United States and which can be moved to allow for the passage of vessels.
- c. **Remote Operated Drawbridge:** This is a drawbridge, which is operated via remote control from an off-site location.
- d. **Automated Bridge:** This is a drawbridge that is operated by an automated trigger mechanism with little or no human involvement. An automated bridge is usually kept in the open to navigation position and closed when the trigger mechanism is tripped.
- e. **Removable Span Bridge:** "Removable span bridges" require the complete removal of a span by means other than machinery installed at the bridge. The special circumstances, which require the opening of such a bridge, occur so infrequently that it is not economically feasible to provide a mechanized draw. (Removable span bridges may be regulated like drawbridges, if needed, to meet the reasonable needs of navigation).
- f. **Closed:** Means that the drawspan is not in the open position. Vessels, which can pass beneath the "closed" drawspan, are free to proceed.

5. **Environmental Documentation:**

- a. **National Environmental Policy Act (NEPA):** Bridge regulations normally will be categorically excluded federal actions for the purposes of NEPA.
- b. **NEPA Implementing Procedures:** When a drawbridge operation regulation would have a significant effect on the quality of the human environment or if a categorical exclusion is not appropriate, apply the procedures given in Chapter 3 of this manual and in the National Environmental Policy Act Implementing Procedures for Considering Environmental Impacts, COMDTINST. M16475.1 (series).

B. **Schedule of Operation** - Changing the operating schedule of a drawbridge normally involves information gathering, analysis, and one or more decision points and may require rulemaking. The steps in this process are discussed below.

- 1. **Origination of Request:** Changes to drawbridge operations usually come from: (1) bridge owners, highway departments, waterway users, concerned organizations, or private citizens; (2) the District Commander may also initiate a change in operations based on a change in local development, changes in maritime traffic patterns and periodic review of existing regulations; and (3) any member of the public may also submit a petition for rulemaking in accordance with 33 CFR 1.05-20.
- 2. **Information Gathering:**
 - a. The following preliminary information should be obtained in addition to any information and data submitted by a requestor: (1) Name of the person or entity requesting a change to the regulations; (2) Name and location of the drawbridge; (3) Explanation of the problem and how the proposed change would solve the problem; and (4) If necessary, request additional information from the party requesting the change.
 - b. You may use informal meetings and request for comments to obtain information. These activities should be directed toward gathering information, data, and opinions; exploring alternatives; and resolving differences among those who would be affected by a change.
 - c. Meetings or discussions with members of the public should be summarized in a memo to file and placed in the docket and project file.
 - d. A review of the operating regulations of nearby drawbridges should be implemented to determine if the requested change should be extended to include the other bridges or if the proposed change must be modified to fit with their operating schedules.

- e. Data on clearances, traffic flow (vehicular, rail and waterway) drawtender logs for appropriate time periods, local maritime economic development, and other related factors should also be gathered to justify regulatory actions.
 - f. Do an on-site analysis, if needed.
 - g. The District Commander may use a test deviation to gather information on how the change may affect vessel and land traffic.
3. **Evaluation of Information and Data:** The District Commander must consider the needs of all transportation modes affected by the requested change in evaluating requests for changes in drawbridge regulations, as well as:
- a. Information submitted by the requester;
 - b. Data gathered in drawtenders logs and traffic counts;
 - c. Results and comments from test deviations;
 - d. Impact of requested change on small entities;
 - e. Impact of requested change on the environment;
 - f. Effect on the local economy; and
 - g. Any other changes that might meet land and water transportation needs.
4. **Preliminary Determination:**
- a. If after evaluating the available information, the District Commander determines that the requested change is not needed, he shall inform the requester in writing and provide the reason(s) for denial of the requested change.
 - b. If the District Commander decides that a change is needed, he/she should open a rulemaking.
5. **On-Site Analysis:**
- a. Care must be taken to identify any factors which may affect the flow of vehicular traffic and specifically, to indicate their relationship to traffic congestion and delays which are alleged to be the result of drawbridge openings. For example, instances have been discovered where trains have been stopped across a street, parked trucks blocked one or more traffic lanes, inadequately timed traffic signals are located at nearby street intersections, or limited traffic flow congestion patterns were the principle causes of vehicular congestion rather than opening of a drawbridge. Many of these instances were totally unrelated to the operation of the drawspan, but have nevertheless

been used in an attempt to justify a restriction in the operation of the drawbridge. Examine all of the factors, which may be contributing to the problem.

- b. In many cases, the most significant step in the development of an appropriate solution to a drawbridge operation problem is the on-site analysis of the traffic across and through the bridge. On-site analysis is frequently the only way to uncover these factors.

1) **Waterway Traffic Information:**

- (a) An important source of information concerning the direction of waterway traffic may be obtained from the drawtender's logs. The salient points include: the number, frequency, and duration of draw openings; the times at which the openings occur; the intervals between openings; and the estimated number of vehicles stopped by each opening if shown in the drawtender's log.
- (b) The factors having the greatest effect on vehicular traffic across the bridge are usually the times when the openings occur and the duration of the openings.
- (c) Drawbridge operation records covering periods that clearly define patterns of vessel passages should be obtained. These records may vary from a few weeks or months to several years.

2) **Types of Waterway Traffic:**

- (a) Commercial vessels, which include oceangoing, coastal, and inland freighters, towboats and barges, fishing vessels, oil tankers, and excursion boats.
- (b) Recreational vessels, pleasure craft which are essentially power-driven and sailboats.

3) **Vehicular Traffic Information:**

- (a) Because of widely varying conditions, there is no single number for volume of either navigation or land traffic that justifies a regulation. When a bridge is a main traffic corridor, it may be affected by the availability of alternate routes, population density in the area served or industrial development.
- (b) Detailed vehicular traffic density statistics are an important factor to be considered when closure of a drawbridge for specified periods is proposed, such as morning and evening rush hours during weekdays.

- (c) Traffic density statistics are used to determine whether or not peak periods of vehicular traffic do exist, to identify clearly any such periods, and to see if they do or do not coincide with the requested closure periods.
- (d) Traffic counts should be gathered for several consecutive weeks to minimize distortions that may be produced by abnormalities in traffic flow that could result from accidents, bad weather, road repair, etc.
- (e) If seasonal variations are an important factor, traffic counts should be obtained for such periods of variations. The statistics should indicate the total number of vehicles that cross the bridge in 15-minute increments and each increment should be averaged out for the total period.
- (f) The number of vehicles crossing a bridge from 7:45 a.m. to 8:00 a.m. for a two-week period might be as shown in Figure 6-1. The traffic pattern developed by this data may clearly show that there is justification for restricting openings of this bridge from 7:45 a.m. to 8:00 a.m., Monday through Friday. The data shows that no need for restrictions at this time exists on Saturday or Sunday.

Figure 6-1 Vessel Traffic Chart

| TIME: 7:45 a.m. to 8:00 a.m. | | | | |
|------------------------------|-----------------|--------------------|-----------------|--------------------|
| | <u>1st week</u> | <u>1st weekend</u> | <u>2nd week</u> | <u>2nd weekend</u> |
| Monday | 301 | | 268 | |
| Tuesday | 256 | | 307 | |
| Wednesday | 279 | | 319 | |
| Thursday | 240 | | 278 | |
| Friday | 313 | | 195 | |
| Saturday | | 78 | | 51 |
| Sunday | | 57 | | 38 |
| | 1,389 | 135 | 1,367 | 89 |
| 2 week count Mon. thru Fri. | 2,756 | | | |
| 2 week count Sat. thru Sun. | 224 | | | |
| Average weekday | 276 | | | |
| Average weekend day | 56 | | | |

- (g) The count must not be limited to the closed period requested, but should cover a 24-hour day in 15-minute increments. This is necessary to clearly define the existence of peak traffic periods and to establish the time and duration of each peak.
- (h) If late evening and early morning hours are of little significance, they may be shown at hourly increments or may be omitted altogether.
- (i) The statistics are most easily illustrated by tabulating average traffic volume against time in 15-minute increments as shown in Example 6.1.
- (j) The table, when plotted on a graph as shown in Example 6.2, will give an indication of when traffic density is the greatest, but judgment must be used in determining the limits of this period if no steep slope on the graph clearly defines its start to termination.

- (k) Vehicular traffic counts where seasonal variation may be a factor should be obtained for at least two one-week periods; one week that is at the peak season and the other week at the off season. At times it may be necessary to obtain vehicular traffic counts for several months or even longer to clearly establish the traffic pattern.

6. **Public Hearing:**

- a. A public hearing for rulemakings and test deviations may be a useful tool in gathering public comments and additional data related to proposed drawbridge changes.
- b. A public hearing should be held on proposed changes that may have a significant impact on vessel movements or be of substantial interest to the general public. Public hearings may **not** be held without prior Commandant (G-OPT) approval.
- c. Notices of public hearings must be published in the Federal Register 30 days prior to the hearing date. In addition, local mailings and LNM publication will help to notify local residents and other interested and affected individuals.
- d. If a public hearing is held, a staff officer, military or civilian, of appropriate rank or grade, should preside. The presiding officer should briefly state the purpose of the hearing, the authority for holding the hearings, and the manner in which it will be conducted. Speakers shall not be cross-examined but the presiding officer may question them for the purpose of clarification or completeness of the record, if appropriate.
- e. Public hearings must be documented. A verbatim record of the hearing shall be made and the services of a professional court reporter or reporting service shall be retained for this purpose.

7. **Contingency Planning:**

a. **Drawtenders Strike:**

- 1) **Selective Drawbridge Closure:** In the event of a labor strike by drawtenders, railroad employees, etc., affecting the operation of drawbridges, it may be necessary for the public interest, health, and safety to allow selected bridges to remain temporarily closed rather than be left in the open position. The District Commander shall disseminate this closure information as widely as possible through the Local Notice to Mariners and local news media.
- 2) **Policy:** The District Commander can for such action close the selected bridges for up to 60 days without recourse to the Commandant (G-OPT). The Commandant (G-OPT) must approve closures beyond 60 days.

- 3) **Plan Development:** District Commanders shall examine the impact of possible drawtender's strikes and, where indicated, develop a flexible plan to:
 - (a) Determine which bridges, if any, should be left in the open or closed to navigation position;
 - (b) Require the bridge owner to identify alternate drawtenders to operate the drawbridge(s) in question; or
 - (c) Provide some alternative procedure by which such decisions might be made at the time in light of circumstances then prevailing.
- b. **Natural Disasters or Civil Disorders (33 CFR 117.33):** Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B of 33 CFR 117 or directed to do so by the District Commander.
- c. **Operation of Draw for Emergency Situations (33 CFR 117.31):**
 - 1) When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge without endangering any vessel in transit.
 - 2) When a drawtender receives notice, or proper signal as provided in 33 CFR 117.15, the drawtender shall take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw (provided this opening does not conflict with local emergency management procedures which have been approved by the cognizant Coast Guard Captain of the Port) for passage of the following:
 - (a) Federal, state, and local government vessels used for public safety;
 - (b) Vessels in distress where a delay would endanger life or property;
 - (c) Commercial vessels engaged in rescue or emergency salvage operations; and
 - (d) Vessels seeking shelter from severe weather.
8. **Record Keeping:** A record of any request for change and related documents shall be kept by the District Commander. Correspondence and data relating to a change of schedule should be kept in a project file and include, as appropriate:
 - a. Original request for the new regulation or for modification of the present regulations.

- b. Current regulations set forth in 33 CFR 117, Subpart B, governing the operation of this drawbridge, if any.
 - c. Existing regulations set forth in 33 CFR 117, Subpart B, for nearby drawbridges, if any.
 - d. Chart or map showing the location of the drawbridge and other bridges in the vicinity, if any.
 - e. A copy of the Federal Register notice, LNM, press clips.
 - f. A copy of the supplemental mailing list showing addresses to whom copies of notices were sent.
 - g. Comments from any public meetings.
 - h. Public hearing transcript, if held, with enclosures.
 - i. Drawtender's logs and other evidence of drawspan openings.
 - j. Waterway traffic analysis.
 - k. Vehicular traffic analysis.
 - l. Any other graphs, charts or statistical data that may be used in evaluating the requested change.
 - m. Any other relevant facts.
 - n. Recommended action, and actions taken by the District Commander.
 - o. If a rulemaking is initiated, appropriate documents should be transferred to the docket file, keeping copies in the program project file.
9. **Rulemaking:** All changes to operating schedules for drawbridges are normally accomplished by rulemaking. The Administrative Procedures Act (APA) (5 U.S.C. 553) sets out the requirements, and the exceptions to its requirements, for the rulemaking process. These are discussed below. When more specific guidance is needed in individual cases, consult with the district legal officer for advice or drafting assistance and with Commandant (G-OPT) for policy guidance.
- a. **Overview of Rulemaking Process:** A rulemaking normally will consist of a Notice of Proposed Rulemaking, a public comment period, and a Final Rule. Under normal circumstances the complete process takes about four to six months.
 - b. **Opening the Rulemaking Docket:** The rulemaking docket is opened at the start of the rulemaking process. Request a project docket number from the district legal officer. This number is used for all Federal Register publications

during the project. All materials related to the rulemaking should be kept in the docket file.

- c. **Notice of Proposed Rulemaking:** The notice of proposed rulemaking (NPRM) is usually the first Federal Register publication in the rulemaking process. This document provides public notice that a change is being proposed and it requests public comment on the proposal. The NPRM does not change the operating schedule of the bridge or the regulations contained in the CFR. The NPRM document should contain:
- 1) A request for public comment on the proposal and dates and times of any public meetings planned during the comment period.
 - 2) Date when comment period closes. The normal comment period for an NPRM should be at least 60 days. If the comment period must be shorter than 60 days, the preamble should explain why the shorter comment period is justified.
 - 3) A description of the bridge and its current operating schedule.
 - 4) A description of the problem or circumstances creating the need for the proposed change and a discussion of how the change will reduce or eliminate the problem.
 - 5) A discussion of the information gathered and data analysis that supports the proposed change.
 - 6) An assessment of the expected economic and environmental impact of the change on affected vessel and land traffic and on the local communities.
 - 7) The proposed text of the regulation.
- d. **Analysis of Comments:** After the close of the comment period, review all comments. Summarize the issues and suggestions contained in both the written comments and those received during any public meetings. Determine whether to revise the proposal and publish a Supplemental Notice of Proposed Rulemaking (SNPRM) or proceed to an interim or final rule. Minor changes to the proposal based on the comments received may be incorporated in the final rule without further notice and comment or in an interim rule with an additional opportunity for comment. Substantial changes to the proposal should normally be proposed in an SNPRM with a request for comments.
- e. **Final Rule:** The final rule (temporary or permanent) or interim rule is the document that changes the drawbridge operating requirement in the CFR; and informs the public of the change and its effective date. The final rule should contain:

- 1) A brief rulemaking history including citations for the NPRM and other Federal Register publications for the rulemaking and dates of public meetings held during the comment period.
 - 2) A summary of the proposal.
 - 3) A discussion of comments (comment summary) and description of any changes to the proposal that are included in the final rule.
 - 4) Good cause statement if there was no NPRM.
 - 5) The date when the change will be effective.
 - 6) If a temporary rule, the date when the temporary change ends.
 - 7) Good cause statement if rule is effective in less than 30 days.
 - 8) A discussion of the information gathered and data analysis that supports the proposed change.
 - 9) An assessment of the economic and environmental impact of the change on affected vessel and land traffic and on the local communities;
 - 10) The text of the regulation.
- f. **Additional Rulemaking Documents:** Some rulemakings may need additional steps to gather information or propose revised or new changes. The following documents may be appropriate for some rulemakings:
- 1) **Advance Notice of Proposed Rulemaking:** A Federal Register publication seeking public comment on whether a change is needed and requesting information or suggested operating alternatives for consideration.
 - 2) **Supplemental Notice of Proposed Rulemaking:** This document usually proposes changes to a previous NPRM.
 - 3) **Interim Rule:** This document has the same legal effect as a final rule - it changes the CFR and allows the bridge to change its operating schedule on the effective date of the interim rule. It is not, however, a "final" document. Publication of a Final Rule is still needed to close the rulemaking. Interim rules provide an opportunity for additional public comment before finalizing a rule. Interim rules must be preceded by an NPRM and comment period unless you have good cause.
- g. **Good Cause:**
- 1) **Notice and Comment:** The APA requires publication of notice and

opportunity for public comment for substantive changes to drawbridge rules unless there is good cause why notice and public comment are impracticable, unnecessary, or contrary to the public interest. The words "impracticable, unnecessary, or contrary to the public interest" have been defined by the courts in case law. Consult with the district legal officer to determine whether this exception applies to a project. If it is found that good cause exists to publish a final rule without first doing an NPRM and obtaining public comment, you must include a good cause statement in the preamble of the rule and the reasons. Comment periods after publication of an effective rule do not fulfill the APA requirement for an NPRM and comment period. In these instances, a rule must include a finding of good cause (e.g., Interim Rule; request for comments).

- 2) **Effective in less than 30 days:** The APA requires that a rule be published in the Federal Register at least 30 days before it becomes effective. A rule can be made effective earlier than 30 days after publication if it is determined there is good cause, but a rule cannot be effective earlier than the day it is signed by the District Commander.
- 3) **Finding of Good Cause:** A finding of good cause to make a rule effective in less than 30 days after publication in the Federal Register must be stated separately from a finding of good cause related to the NPRM and comment period. If claiming both good cause exceptions in the rule, each finding must be stated and the reasons supporting the findings. In some cases, the same reasons may be used to support both findings. Consult with the district legal officers for assistance.

10. **Deviations:** A deviation is a District Commander action authorizing a bridge owner to temporarily change the drawbridge-opening schedule without doing a rulemaking change to the schedule in the Code of Federal Regulations. Deviations are an exception to the APA requirements for rulemaking. They are, however, published in the Rules section of the Federal Register and must be published in time to give notice to the public of the changes in drawbridge operations. There are only two types of deviations authorized: (1) deviation to test a new drawbridge schedule before proposing a permanent change (33 CFR 117.43), and (2) deviation for repair or maintenance (33 CFR 117.35).

a. **Deviation for Testing Operation Schedules:**

- 1) When the needed schedule is not immediately evident, it may be necessary to test one or more schedules to determine which one best meets the needs of navigation and land traffic.
- 2) The District Commander may authorize a change in drawbridge operation schedule to seek public comment and evaluate the need for a permanent change in the regulations for a drawbridge.

- 3) A test deviation may be used for a period of 90 days or less to test a new operating schedule before deciding whether to propose a change to the permanent regulations.
- 4) When the test deviation period ends, the draw must resume the schedule in the CFR.
- 5) Deviation approval letter for test deviations. The District Commander approval letter should contain the following:
 - (a) Name and location of the bridge.
 - (b) Dates and times for which deviation is effective.
 - (c) Draw schedule during deviation period.
 - (d) Any special requirements or operating conditions that the District Commander deems appropriate, e.g., if the water level fluctuates, opening for emergency.
 - (e) Any records to be kept or data to be gathered by the bridge owner during the test period.
 - (f) Statement that at the end of the deviation period the draw will return to the schedule in the CFR.
- 6) Notice of Deviation to Test a Drawbridge Schedule:
 - (a) A notice of the District Commander's deviation authorization to test a schedule must be published in the Federal Register at least 30 days before the test schedule begins.
 - (b) The notice must contain: (1) name and location of bridge; (2) details of the test schedule; (3) a brief explanation of why a schedule is being tested; (4) the dates and times during which the deviation is effective and date when the bridge will return to its normal operating schedule; and (5) any special requirements set out in the approval letter.
 - (c) The notice must request public comment on the test schedule. If appropriate, the notice may announce a public meeting to be held during the comment period.
 - (d) The comment period should normally end from two to four weeks after the end of the test schedule.

- (e) In addition to the Federal Register notice, the deviation should be published in the Local Notice to Mariners and copies of the notice provided locally by supplemental mailing.

b. Deviation for Maintenance or Repairs:

- 1) Bridge owners should normally request closure of the draw or a change in operating schedule to perform scheduled repair or maintenance work at least 30 days in advance of the start date of the work. If a bridge owner submits a request less than 30 days before the start date of the work, the start date should be adjusted to allow publication of the notice of deviation.
- 2) When a drawbridge is damaged or in need of an unscheduled repair, the owner should notify the District Commander immediately and provide a time frame for completing the repair work.
- 3) A repair deviation may be authorized for a period of 60 days or less for drawbridge maintenance or repairs.
- 4) If the required time for maintenance or repairs is greater than 60 days, a temporary rule must be issued.
- 5) Deviation Approval Letter. The District Commander's approval letter should contain the following:
 - (a) Name and location of the bridge.
 - (b) Dates and times for which deviation is effective.
 - (c) Draw schedule during deviation period.
 - (d) Any special requirements or operating conditions that the District Commander deems appropriate, e.g., if the water level fluctuates, opening for emergency.
 - (e) Statement that at the end of the deviation period the draw will return to the schedule in the CFR.
- 6) Notice of Repair Deviation.
 - (a) A notice of the District Commander's deviation authorization for scheduled repairs should be published in the Federal Register as far in advance of the work start date as possible.
 - (b) The notice must contain: (1) name and location of bridge; (2) dates and times deviation is effective; (3) description of work to be done;

(4) any operating conditions in the deviation letter; and (5) the date on which the draw will return to schedule in the CFR.

- (c) In addition to the Federal Register notice, the deviation should also be published in the LNM.

11. General Requirements for documents to be published in the Federal Register:

- a. Documents should conform to the formatting guidance in the on-line Federal Register Drafting Guide. <http://www.nara.gov/fedreg/ddhome.html>
- b. Each document should have a district docket number and each rulemaking document should have the Drawbridge Regulatory Information Number (RIN) 1625 AA09. Notices of deviation has no RIN number.
- c. The document should be double-spaced.
- d. Pages should be numbered.
- e. The document must be signed by the District Commander or Acting District Commander. Do not sign the document "for" another person or "by direction." The signature block should be stamped or typed directly below the signature and contain the name, rank, and title of the signer.
- f. The signed original document should be mailed to Commandant (G-LRA) for certification and forwarding to the Federal Register. A copy of the final document should be forwarded to Commandant (G-OPT) (electronic version preferred).
- g. When the document is published in the Federal Register, proofread it and notify Commandant (G-LRA) by telephone or by e-mail of errors that need to be corrected.

C. Equipment

1. Radiotelephones on Drawbridges:

- a. **33 CFR 117.23:** The intent of 33 CFR 117.23 is to facilitate the timely exchange of signals and information concerning requests for opening a draw, the ability of the drawtender to comply with the request, and the exchange of information generally concerning the drawbridge. Radiotelephone communication may not replace the sound or visual signals unless otherwise prescribed. The regulation provides that a radiotelephone may be required on a drawbridge when it is determined essential for navigation or safety.
- b. **Application of 33 CFR 117.23:** For various reasons, including the cost of installation and operation of the radiotelephone equipment, application of this regulation should be restricted only to drawbridges involved in serious or

aggravated navigation problem situations, which in the opinion of the District Commander will receive positive relief, by such an installation.

c. **Federal Communications Commission (FCC) :**

- 1) The operating frequencies, licensing, and operation of the radiotelephone stations are subject to the rules and regulations of the FCC.
- 2) To the extent that it does not conflict with the rules and regulations of the FCC, the District Commander will prescribe the working range and hours of operation of the radiotelephone.
- 3) Normally, the hours of operation will be the hours during which the bridge is required to be tended or operated as prescribed in 33 CFR 117, Subpart B.
- 4) The working range of the radiotelephone is affected by a variety of factors such as power output, external electromagnetic interference, land mass effects, etc. Accordingly, the District Commander should recommend a working range distance necessary for the individual bridge situation that will provide reliable radiotelephone communication.

d. **Investigation:**

- 1) When it is brought to the attention of the District Commander by complaint of navigation interests, by his/her own review of the navigation casualty history, or by knowledge of the existence of unusual hazardous navigational conditions, the District Commander should conduct an investigation to support a determination for requiring installation of a radiotelephone station.
- 2) If it is determined that a radiotelephone should be required, the determination, along with the findings of fact, should be submitted to the bridge owner giving opportunity of 30-days within which to submit comment or objection to the proposal.
- 3) Upon receipt of the bridge owner's comment or objection or upon expiration of the 30-day period, the District Commander shall make a final determination of the matter and inform the bridge owner thereof within an additional 30 days.

e. **Voluntary Installation of Radiotelephones:**

- 1) District Commanders should encourage the voluntary installation of radiotelephone stations on drawbridges where such installations will enhance the safety or facilitate the movement of either land or water transportation.

- 2) Use of two-way radiotelephone communications does not eliminate the requirement to sound or display signals.
- f. **List of bridges equipped with radiotelephones can be found in 33 CFR 117 Appendix A:** Online, go to Coast Guard Internet site <http://www.uscg.mil/hq/g-o/g-opt/info.htm>. Each district should provide updated information to Commandant (G-OPT-1) pertaining to bridges in their area of responsibility no later than 30 April of each year for annual CFR update.

2. Signalling:

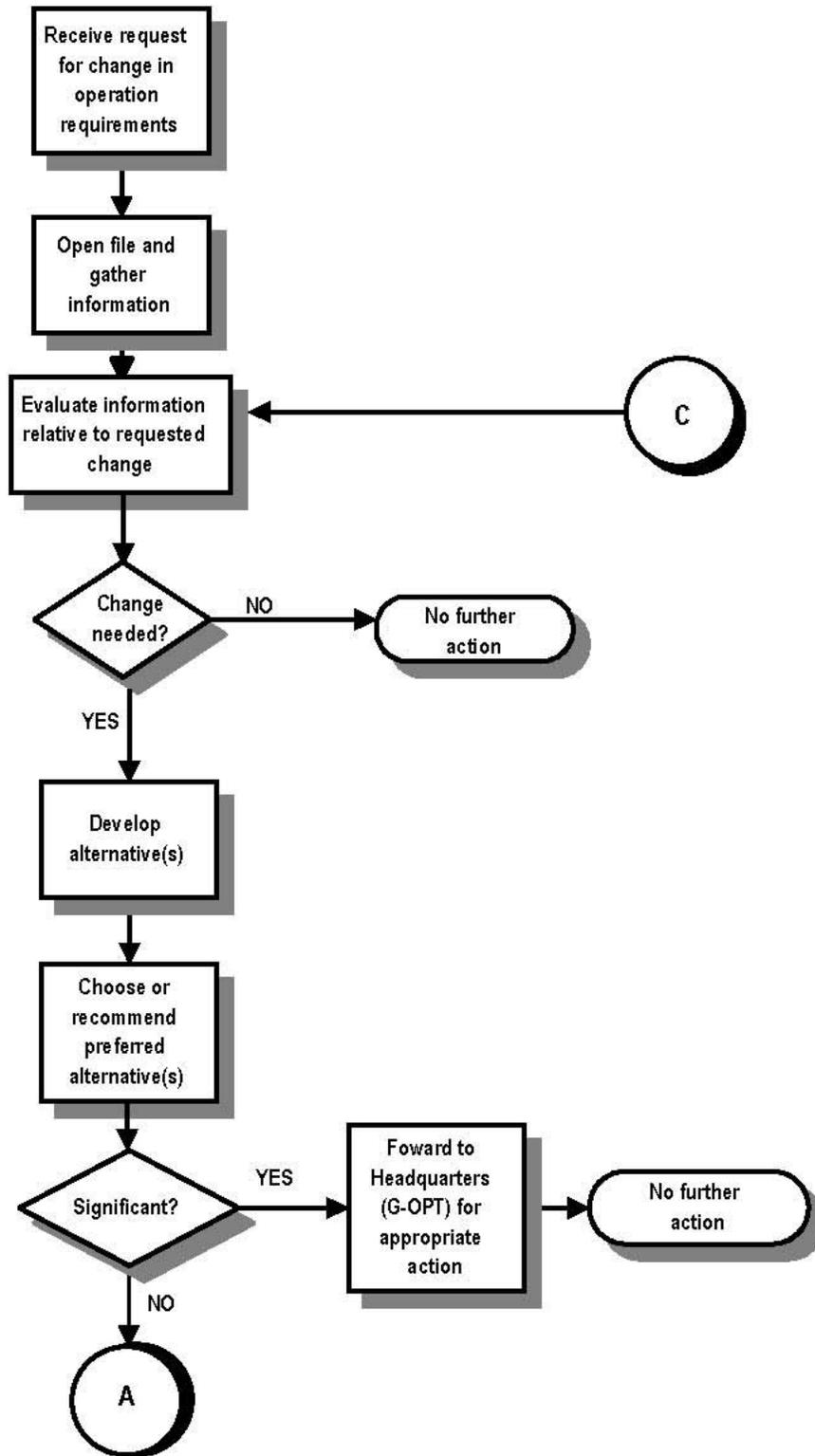
- a. **When the Draw Shall Open:** Except as otherwise required by Subpart B of 33 CFR 117, drawbridges shall open promptly and fully for the passage of vessels when a request to open has been given in accordance with 33 CFR 117.15.
- b. **Signalling for Contiguous Drawbridges:** When a vessel must pass two or more drawbridges close together, signalling must be done in accordance with 33 CFR 117.17.
- c. **Signalling When Two or More Vessels are Approaching a Drawbridge:** When two or more vessels are approaching the same drawbridge at the same time, or nearly the same time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw in accordance with 33 CFR 117.19.
- d. **Signalling for an Opened Drawbridge:** When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw (33 CFR 117.21).
- e. **Delaying Opening of a Draw:** No person shall unreasonably delay the opening of a draw after the signals required by 33 CFR 117.15 have been given.

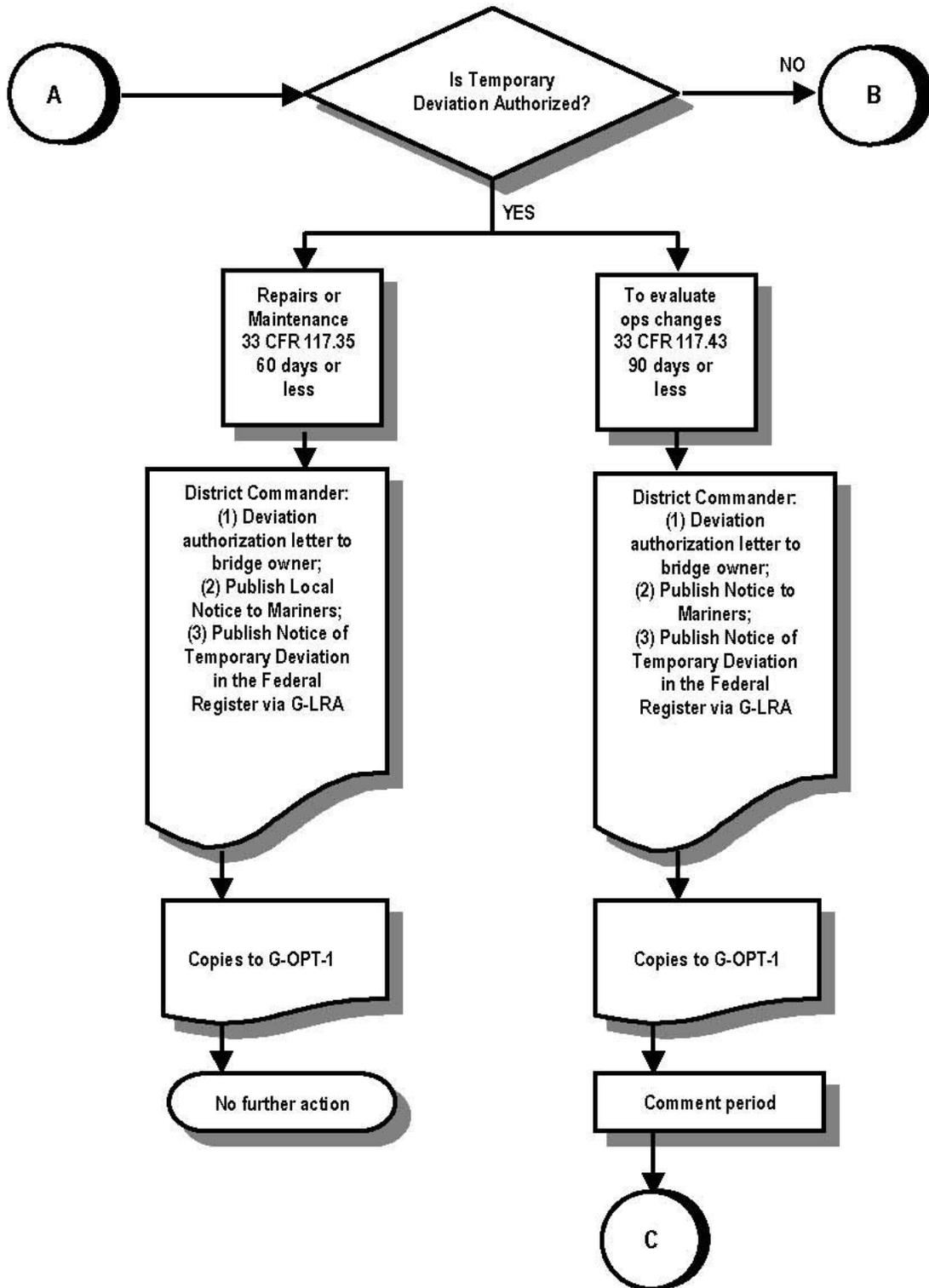
3. Radar Beacons (RACONS):

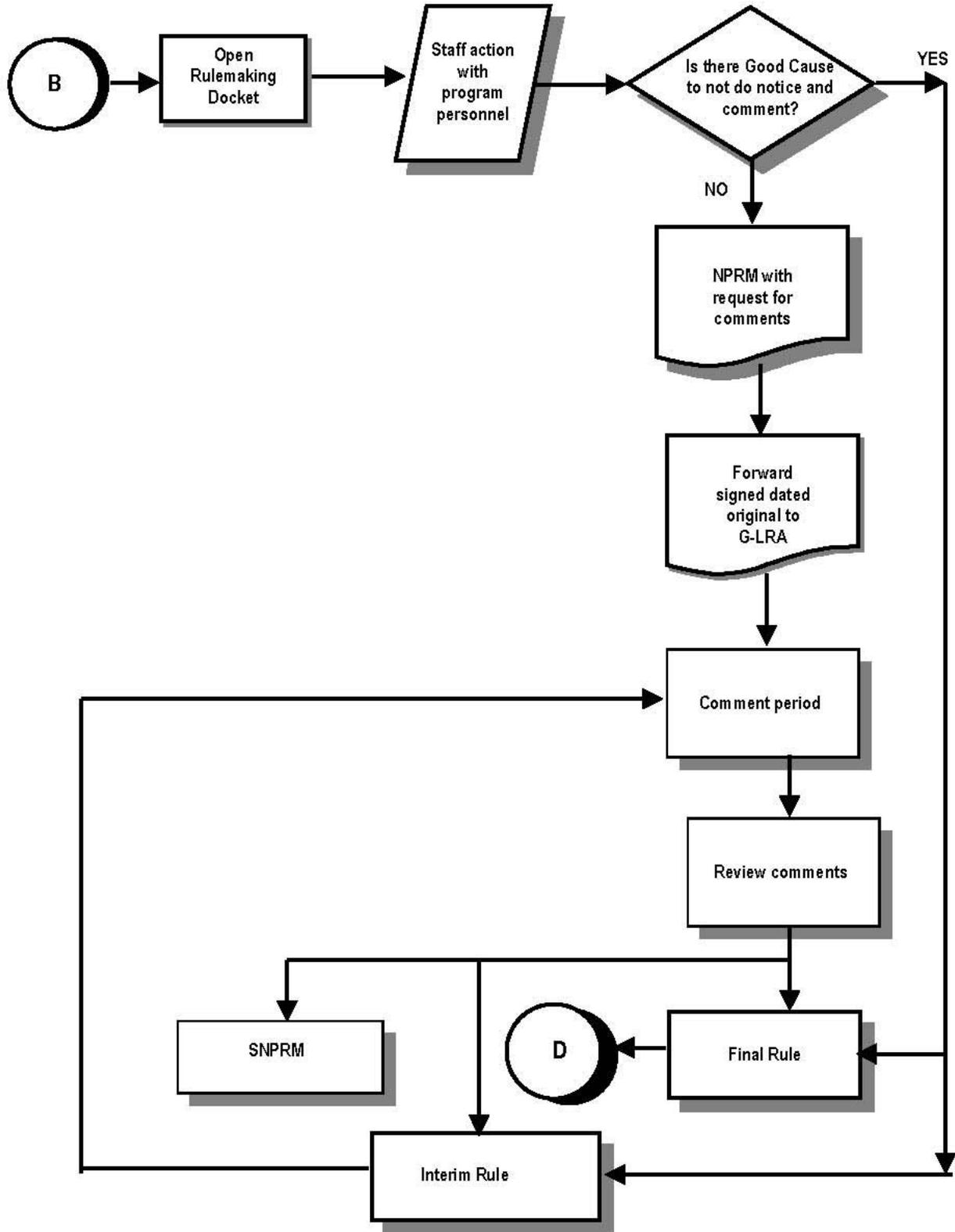
- a. A racon is an electronic device that is primarily used as an enhancement to aids to navigation, which is defined here as being any device external to a vessel that is intended to assist a navigator in determining position, safe course, or to warn of dangers or obstructions to navigation.
- b. The intent of the use of racons is to provide a coded reply to an interrogating radar so that an aid to navigation is identified on a radar display by a series of dots and dashes.

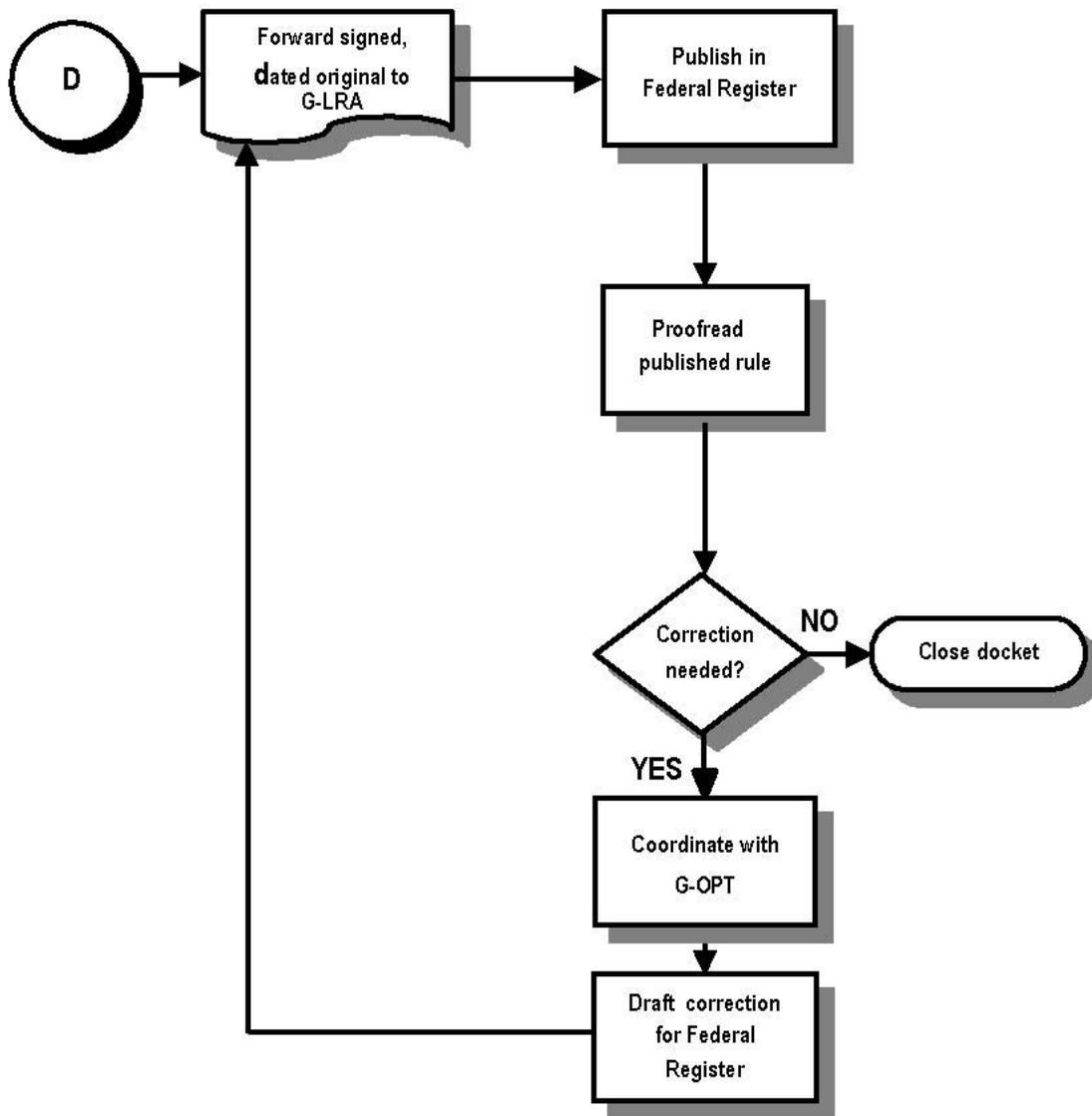
- c. When used on a bridge, the racon shows the location of the centerline of the navigation span of the bridge. Racons may enhance aids to navigation but are not mandatory (see 33 CFR 62.53).
 - d. Racons, when triggered by a radar signal, will transmit a reply in Morse Code to the interrogating radar. This reply serves to identify the location of the navigation span by exhibiting a series of dots and dashes, which appear on the radar display in a line emanating radially from just beyond the echo of the navigation span. The operator of the vessel can then set a course for safe passage through the bridge's navigation span by lining up on the racon.
 - e. The range of racons varies, but is normally usable within five to seven miles of the racon. The period and trace width and length of the signal may be adjusted, but vary as to the capabilities of the receiving radar equipment and the radar range settings. Generally, the racon is "on" for a period of 30-45 seconds each minute, with a 15-30 second silent period (so that any other radar contacts may be distinguished).
4. **Sound Signals:** Often sound signals are located on or adjacent to aids to navigation, which are sometimes affixed to bridges. When visual signals are obscured, sounds signals warn mariners of the proximity of danger. For additional information concerning sound signals, see 33 CFR 62.47.
5. **Fog Signals:** Some sound signals are equipped with fog detectors, which activate the sound signal when visibility falls below a predetermined limit. Fog signals are approved by the District Commander in accordance with 33 CFR 67.10-15. (For additional information concerning the general requirements for fog signals, see 33 CFR 67.10.)
6. **Clearance Gauges:**
- a. In accordance with 33 CFR 117.47, clearance gauges are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of the Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets. (See Chapter 4 of this manual for more information.)
 - b. Clearance gauges shall be designed, installed, and maintained according to the provisions of 33 CFR 118.160 unless otherwise specified for particular drawbridges in Subpart B of 33 CFR 117.

Figure 6-2 Drawbridge Operation: Evaluating and Effecting Changes









Example 6.1 Vehicle Traffic Statistic Format

VEHICULAR TRAFFIC STATISTICS**Number of Vehicles crossing bridge per 15-minute period**

| Time Of Day | MON | TUE | WED | THUR | FRI | MON | TUE | WED | THUR | FRI | AVG. |
|--------------------|------------|------------|------------|-------------|------------|------------|------------|------------|-------------|------------|-------------|
| 0600 | 231 | 217 | 214 | 203 | 213 | 229 | 219 | 198 | 214 | 229 | 216 |
| 0615 | 260 | 248 | 253 | 258 | 251 | 259 | 259 | 255 | 250 | 257 | 255 |
| 0630 | 268 | 264 | 249 | 263 | 268 | 271 | 268 | 254 | 260 | 259 | 262 |
| 0645 | 305 | 310 | 312 | 301 | 304 | 314 | 307 | 294 | 310 | 304 | 306 |
| 0700 | 512 | 523 | 488 | 496 | 510 | 506 | 493 | 501 | 499 | 513 | 504 |
| 0715 | 561 | 526 | 533 | 541 | 566 | 528 | 535 | 529 | 552 | 520 | 538 |
| 0730 | 580 | 588 | 593 | 574 | 566 | 583 | 560 | 549 | 577 | 560 | 571 |
| 0745 | 630 | 617 | 583 | 606 | 601 | 599 | 617 | 587 | 600 | 611 | 605 |
| 0800 | 621 | 628 | 655 | 640 | 622 | 629 | 650 | 633 | 648 | 637 | 636 |
| 0815 | 621 | 640 | 639 | 606 | 651 | 628 | 649 | 628 | 632 | 641 | 634 |
| 0830 | 644 | 661 | 655 | 648 | 644 | 630 | 628 | 641 | 659 | 651 | 646 |
| 0845 | 672 | 666 | 638 | 640 | 529 | 683 | 645 | 644 | 650 | 647 | 651 |
| 0900 | 658 | 641 | 618 | 636 | 655 | 640 | 621 | 630 | 645 | 627 | 637 |
| 0915 | 601 | 688 | 600 | 595 | 586 | 591 | 593 | 586 | 634 | 614 | 599 |
| 0930 | 517 | 540 | 528 | 531 | 555 | 531 | 548 | 530 | 542 | 551 | 538 |
| 0945 | 503 | 498 | 517 | 495 | 514 | 505 | 531 | 498 | 494 | 500 | 506 |
| 1000 | 491 | 489 | 490 | 473 | 480 | 465 | 471 | 493 | 503 | 502 | 486 |
| 1015 | 480 | 461 | 468 | 472 | 488 | 501 | 493 | 480 | 465 | 471 | 478 |
| 1030 | 466 | 489 | 460 | 463 | 500 | 460 | 458 | 463 | 477 | 475 | 471 |
| 1045 | 461 | 479 | 484 | 473 | 450 | 458 | 466 | 468 | 468 | 472 | 468 |
| 1100 | 441 | 450 | 460 | 469 | 459 | 451 | 472 | 439 | 463 | 450 | 455 |
| 1115 | 470 | 465 | 444 | 451 | 442 | 459 | 435 | 448 | 483 | 483 | 458 |
| 1130 | 465 | 460 | 458 | 451 | 478 | 467 | 457 | 481 | 448 | 460 | 463 |
| 1145 | 464 | 471 | 470 | 484 | 463 | 475 | 472 | 460 | 469 | 461 | 471 |
| 1200 | 453 | 483 | 480 | 473 | 482 | 480 | 468 | 465 | 485 | 483 | 475 |

Example 6.2 Traffic Density Graph Format

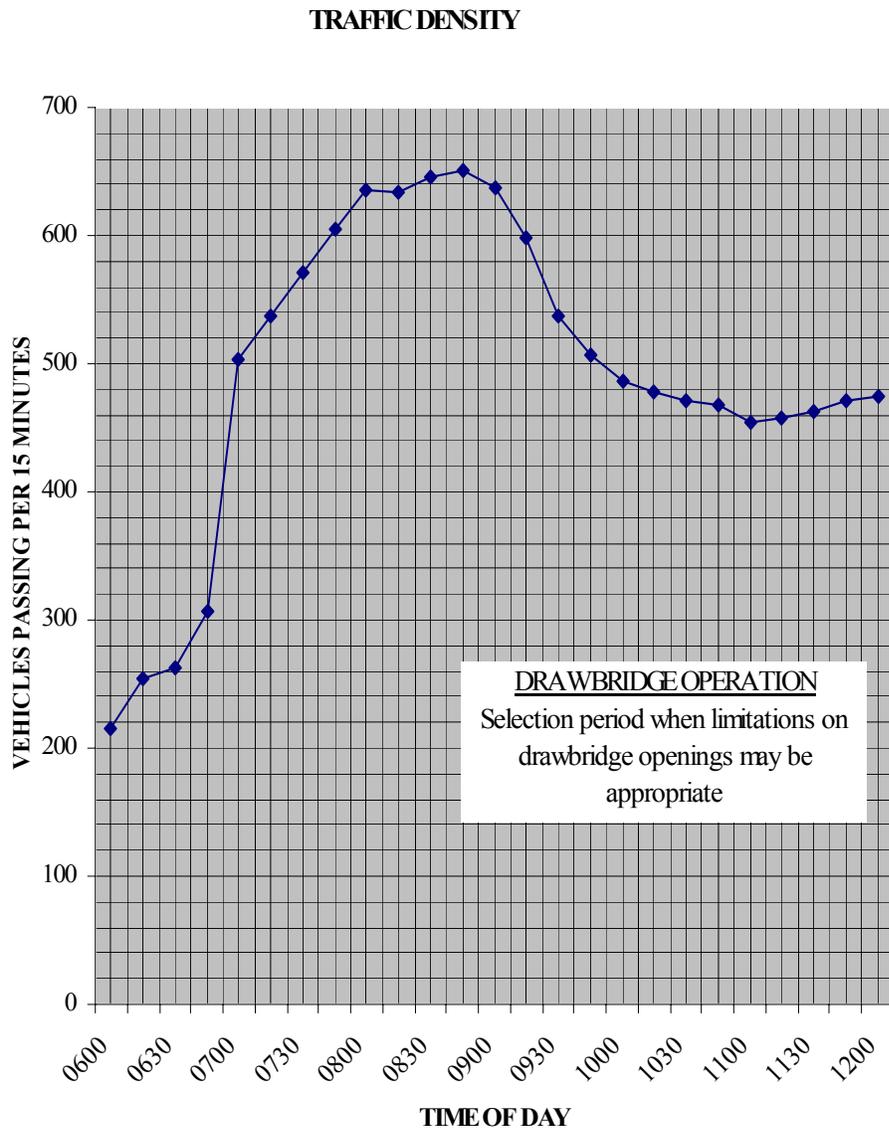


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CHAPTER 7 - ALTERATION OF UNREASONABLY OBSTRUCTIVE BRIDGES UNDER THE TRUMAN-HOBBS ACT

A. General

1. **Purpose:** This chapter outlines the authority and responsibilities of the Commandant and the district commanders with respect to unreasonably obstructive bridges and the administration of the "Truman-Hobbs Act (33 U.S.C. 511-523). This chapter also contains information on the centralization of Truman-Hobbs investigations and processes used to evaluate bridges for possible alteration under the Truman-Hobbs Act.
2. **Authority:**
 - a. Authority to order the alteration of unreasonably obstructive bridges to meet the reasonable needs of navigation, pursuant to the Truman-Hobbs Act was transferred to the Secretary of Homeland Security by Title 6 U.S.C. 552(d). This authority was subsequently delegated by the Secretary to the Commandant, by the Department of Homeland Security Delegation Number: 0170.1. The laws relating to unreasonably obstructive bridges across the navigable waters of the United States are contained in the following statutes:
 - 1) The Rivers and Harbors Appropriations Act of 1899, Section 18 (30 Stat. 1153; 33 U.S.C. 502).
 - 2) The Bridge Act of 1906, Sections 4 and 5 (34 Stat. 85; 33 U.S.C. 494-495).
 - 3) The Act of June 21, 1940, as amended (Truman-Hobbs Act) (54 Stat. 497; 33 U.S.C. 511-523).
 - b. Coast Guard regulations pertaining to the administration of these statutes are in Part 116 of Title 33, Code of Federal Regulations.
3. **Legislative History:**
 - a. Congress first exercised its power in connection with bridges unreasonably obstructing navigation by passage of the Act of 11 August 1888 (25 Stat. 424). In sections 9 and 10 of this Act the Secretary of the Army was authorized to order the alteration of bridges unreasonably obstructing navigation.
 - b. The Act of 11 August 1888 was amended and re-enacted by the Act of 10 September 1890, sections 4 and 5 (26 Stat. 453) and was superseded by the Act of 3 March 1899, section 18 (30 Stat. 1153). In cases arising under these Acts the bridge owners bore the entire cost of alterations.

- c. By the Act of 21 June 1940 (the “Truman-Hobbs Act”), Congress made its first general departure from the procedure that had been followed for 52 years. Prior to passage of the Truman-Hobbs Act, Congress had considered somewhat similar legislation. H.R. 4849 and H.R. 2188 were introduced in the 75th and 76th Congresses, respectively, to provide for apportionment of the cost of alterations between the United States and the bridge owners. Each of these bills covered railroad bridges, highway, or combined railroad and highway bridges and both failed of enactment.
 - d. S. 1989 and H.R. 9381, introduced in the 76th Congress, were similar bills to provide for apportionment of alteration costs; however, these bills eliminated highway bridges and were confined to railroad bridges or combined railroad/highway bridges. A recommendation came out of committee that whenever a railroad was required to alter or reconstruct any of its bridges or facilities, it will be reimbursed by the Federal Government for all cost thereof in excess of any direct benefit accruing to it from the change. The principle argument advanced by proponents of the legislation was to the effect that railroads should not be compelled to bear such costs attributable to the needs of navigation and of no benefit to the bridge owner but to a competing transportation mode. H.R. 9381 was passed by Congress and, upon being returned by the President with his objections on 10 June 1940, was again passed by a vote of two-thirds of the House of Representatives and the Senate on 19 June and 21 June 1940, respectively.
 - e. In June 1945, bill H.R. 2719 was introduced to the 79th Congress to amend the Truman-Hobbs Act, to make the Act applicable in the case of highway bridges owned by municipalities. The bill failed, however, Congress enacted a similar bill, H.R. 3764, introduced to the 82nd Congress, on 16 July 1952. The Act of 16 July 1952 amended the Truman-Hobbs Act by providing for the alteration of lawful railroad bridges, combined railroad/highway bridges, and publicly owned highway bridges, found unreasonably obstructive to navigation.
4. **Policy:** Coast Guard policy is to ensure that bridges, crossing the navigable waters of the United States, do not unreasonably obstruct the reasonable needs of waterway traffic. To maintain navigation safety and freedom of mobility, the Truman-Hobbs Act is administered by the Commandant to ensure that bridges provide sufficient clearances for the types of vessels that transit through the bridge site. In implementing this policy and in determining what action may be appropriate, use the following general guidelines:
- a. All bridges constructed across the navigable waters of the United States are considered obstructions to navigation tolerated only so long as they serve the needs of land transportation while still providing for the reasonable needs of navigation.

- b. Only the location and vertical and horizontal navigation clearances of a bridge's navigational opening(s) affect its eligibility for alteration under the Truman-Hobbs Act. The structural integrity of a bridge or its adequacy for land transportation, while valid concerns of a bridge owner, have no bearing on the determination that a bridge unreasonably obstructs navigation.
- c. The Truman-Hobbs Act applies only to actively used bridges. Bridges that have been abandoned or which are no longer being used for transportation purposes should be removed at the expense of the owner (33 CFR 116).
- d. The Coast Guard may determine a bridge to be unreasonably obstructive to navigation if the navigational benefits that would accrue as a result of altering the bridge equal or exceed the cost of the bridge alteration.
- e. The Commandant (G-OPT) is responsible for overall management of the alteration program for unreasonably obstructive bridges, i.e., planning, programming and budgeting, legal interpretations whenever such questions arise, and technical engineering assistance necessary in any portion of the program. The Commandant (G-OPT) personnel are available to assist the district at any stage (preliminary and detailed investigations, public hearing) in the processing of an unreasonably obstructive bridge case, and this assistance should be requested whenever necessary. The Commandant (G-OPT) personnel will visit the district and bridge site as deemed necessary to aid in the investigation. District personnel will not be required to perform any engineering duties in these matters, the Headquarters staff being provided for this purpose.
- f. On 1 October 1999, the effort for conducting Truman-Hobbs investigations was centralized in the St. Louis, Missouri, bridge office (CGD8(obr)) to maximize the use of limited program resources. A CGD8(obr) Truman-Hobbs (T-H) Team is responsible for administering Truman-Hobbs investigations nationwide in conjunction with district support and policy guidance from and oversight by the Commandant (G-OPT). Investigations will be prioritized by using the average point scoring system in paragraph A.5. of this chapter. Each district should maintain an open line of communication with the T-H Team and the Commandant (G-OPT) concerning specific bridges that are candidates for Truman-Hobbs investigation.
- g. The Coast Guard's review and analysis of Truman-Hobbs cases shall always be complete and in accordance with applicable laws and established policy and procedures. Although unreasonably obstructive bridge cases may vary in both complexity and time required to execute an investigation, each case will be given the time necessary to ensure a thorough and complete investigation, including appropriate documentation. However, it is essential to process all bridge complaints in a timely manner. This is particularly true in the preliminary investigation stage.

Time and effort should not be spent on a complaint, if the complainant is unable to provide evidence to support an allegation that a bridge appears to be unreasonably obstructive to navigation.

- h. Complaints by land transportation interests concerning delays or impediments to highway or rail traffic are not valid complaints under the provisions of the Truman-Hobbs Act, and may not be used as reasons to declare a bridge an unreasonable obstruction to navigation.
- i. Even when there are no specific complaints that a bridge is an unreasonable obstruction to navigation, the district commander may decide that a bridge's accident history warrants initiating a preliminary investigation.

5. Investigation Criteria:

- a. The Commandant (G-OPT) will solicit district bridge office input for a Truman-Hobbs Backlog Priority List that ranks bridges as potential candidates for investigation and alteration under the Truman-Hobbs Act by using an average point scoring system with the following criteria:
 - 1) Complaints, i.e., type and number.
 - 2) Allisions, i.e., number of hits, amount of monetary damages. In the absence of complaints, the district may use its discretion whether a bridge's allision history warrants initiating a preliminary investigation.
 - 3) Economic Value, i.e., vessel transit times and the cost, kind, and tonnage of products or services that transit the bridge.
 - 4) Clearance, i.e., adequacy of vertical and horizontal navigation clearances, angle of navigation span, bridge channel width, and pier locations.
 - 5) Critical Waterway, i.e., significance of the waterway's role in the national transportation infrastructure in terms of the economy, intermodal safety, and/or national security.
 - 6) Water Flow, i.e., currents, tides, snowmelts.
 - 7) Geographic Location, i.e., in relation to bends and/or nearby bridges and difficulty in transit lineups.
 - 8) Vessels, i.e., specific types, amounts and/or their size.
 - 9) Cargo Type, i.e., types of cargo and their tonnage.
- b. Should your district have unique issues that are not mentioned, those remarks should be included so that they can be duly considered.

- c. In formulating your district bridge list, give consideration to areas where an investigation of one or more bridges might be conducted simultaneously. The more information available to assess the priority of prospective Truman-Hobbs cases will produce a list of bridges where the most benefits will be derived by navigation. The T-H Team will only investigate unreasonably obstructive bridges from the predetermined priority list. The list will be updated and prioritized as new bridges are identified as candidates for investigation or factual situations change.

B. Overview of the Investigation Process

1. Upon receipt of complaints that a bridge is unreasonably obstructive, or based on the bridge's allision history, the district will determine which bridges to recommend to the Commandant (G-OPT) for further study under the Truman-Hobbs Act. The district's opinion as to whether or not the complaint warrants additional study will be formed through informal discussions with the complainant, users of the affected waterway, and other interested parties.
2. All decisions to conduct, or not conduct, a preliminary investigation shall be based on the criteria outlined in paragraph A.5.a. of this chapter by Commandant (G-OPT). The bridge in question will be added to a Truman-Hobbs Priority Backlog List. This priority list is used by the T-H Team for further investigation as available resources permit.
3. Before conducting a preliminary investigation, the T-H Team will notify the district commander and coordinate with the district bridge office for assistance as needed. When the preliminary investigation is complete, the report will be signed by the preparer (Chief, T-H Team) and submitted by the district to the Commandant (G-OPT). (See Example 7.1 for preliminary investigation report format and content.) If there is insufficient reason for pursuing a more detailed investigation, the Commandant (G-OPT) will inform the T-H Team and the concerned district, who will inform the complainant. The district will also make the complainant aware of the appeals process available.
4. The Commandant (G-OPT) will review the preliminary investigation report, giving due consideration to the district's recommendation, to determine whether there is sufficient reason for the T-H Team to pursue a more detailed investigation, including a public hearing. The district bridge office will continue to assist the T-H Team as needed.
5. When the detailed investigation is complete, the report will be signed by the preparer (Chief, T-H Team) and submitted by the district to the Commandant (G-OPT). (See Example 7.1 for detailed investigation report format and content.) The Commandant (G-OPT) will analyze the detailed investigation report, giving due consideration to the district's recommendation, to determine whether the navigation benefit to be obtained from altering the bridge in question will support a benefit/cost ratio equal to or greater than 1.00:1.00. If so, the

Commandant (G-OPT) will provide the bridge owner with written notification of a pending Order to Alter. The bridge owner will have 60 calendar days to provide the Commandant (G-OPT) with written reasons in opposition to an Order to Alter. If the bridge owner objects, the Commandant (G-OPT) has 90 calendar days to reevaluate and make a decision based on additional information submitted by the bridge owner.

6. The Commandant signs the Order to Alter. The original document will be hand-delivered to the bridge owner by the T-H Team leader.
7. After the Order to Alter is served on the bridge owner, the Commandant (G-OPT) will provide the bridge owner with a letter of technical engineering instructions in accordance with paragraph F.2.a. of this chapter.
8. The Commandant (G-OPT) supervises the bridge alteration project through completion.

C. Preliminary Investigation

1. **Process:** The preliminary investigation process requires analyzing the navigation problems associated with a bridge in order to identify the navigation benefits (in dollars) that will be derived if the bridge is altered. In order to justify alteration of a bridge, the navigation benefit must equal or exceed the cost of alteration. This involves:
 - a. Analyzing the existing bridge to determine if the navigational clearances are unreasonably restrictive and to what extent.
 - b. Using maps and/or navigational charts to describe the waterway in the vicinity of the bridge in order to establish circumstances, area, and location of the bridge in question and any aspects of the environment which may impact navigation.
 - c. Collecting data on bridge openings in order to establish amount of use, type of vessel, direction of traffic, type of cargo, etc.
 - d. Collecting allision information whether attributed to restrictive navigational clearances or to human error, if any, and the associated costs.
 - e. Collecting other cost data associated with the need to alter for the benefit of navigation (e.g., the costs of “double-tripping” and helper boats).
 - f. computing the Navigation Benefits (i.e., Transit Time Savings [TTS] + Waterway Accident Reduction Savings [WARS] + Certain Other Savings [COS] (See Example 7.2.), including risk avoidance savings (See Example 7.3.)) and recommending a course of action.

- g. When the process is concluded, the report is sent to the Commandant (G-OPT) to determine if there is sufficient cause to proceed with a detailed investigation.
2. **District's Report and Recommendation:** A successful Truman-Hobbs study depends upon the cooperation of the bridge owner, waterway users, and the Coast Guard to develop an accurate navigation benefit. If sufficient data cannot be obtained within six months of the start of the study, the T-H Team will notify the district and the Commandant (G-OPT), and a decision will be made to cease the study at that time. The study may be resumed with the receipt of additional supportive data.
- a. **Insufficient Evidence:**
 - 1) The T-H Team submits the preliminary investigation report to the district for review to verify that all navigation problems were considered. Discussions between the T-H Team and the district will develop areas that need additional data or areas that, if changes occur, will result in significant additional benefits (e.g., navigation increases 20% due to the reopening of a facility upstream of the bridge). The discussions will result in the district understanding the report and why it failed to meet the desired levels of benefits. The study will be held in abeyance and can be reopened if changes in waterway issues result. The districts are responsible for notifying the T-H Team when these changes occur so the studies may be reopened.
 - 2) When the preliminary investigation indicates that further investigation is not warranted, the district informs the complainant that there is not sufficient evidence to warrant further investigation and takes no further action. The Commandant (G-OPT) shall be advised of these facts and the complainant shall be given sufficient information to understand the reason for the district's decision and informed of the appeal process available. (See paragraph E. of this chapter.)
 - b. **Sufficient Evidence:**
 - 1) The T-H Team submits the preliminary investigation report to the district for review to verify that all navigation problems were considered. Discussions between the T-H Team and the district will ascertain whether there is a need for additional data or areas that, if changes occur, will result in significant additional benefits. The discussions will result in the district understanding the report and why it, lacks, meets or exceeds the necessary levels of benefits.
 - 2) When the preliminary investigation indicates that the bridge may be unreasonably obstructive, including those bridges about which there may be reasonable doubt, the district will submit a preliminary report to

the Commandant (G-OPT), which shall include a description of the nature and extent of the unreasonable obstruction, the changes believed necessary to meet the reasonable requirements of existing and prospective waterborne traffic, and the type and volume of such traffic. The report will be signed by the preparer (Chief, T-H Team) and submitted by the district to the Commandant (G-OPT). The Commandant (G-OPT) will review the preliminary report and make a preliminary decision. The Commandant (G-OPT) then notifies the T-H Team and the district of his/her decision to undertake a detailed investigation.

3. Preliminary Decision by Commandant (G-OPT):

- a. Should the Commandant (G-OPT) conclude that the preliminary investigation report does not support the contention that the bridge is an unreasonable obstruction to navigation, the district commander and the T-H Team will be notified of this determination, and the case is closed. The case may be reopened at any time if changes in navigation occur or additional information is provided.
- b. If The Commandant (G-OPT) determines that there is sufficient evidence to proceed, the district commander and the T-H Team are advised that a detailed investigation and public hearing is authorized. The public hearing may not be held without Headquarters approval.

D. Detailed Investigation

1. **Process:** During the course of the detailed investigation, the district shall develop a comprehensive report regarding the unreasonably obstructive character of the bridge and the impact of the bridge upon navigation. Pertinent data, including the information obtained at the public hearing, shall be developed and compiled in the report to determine the type of alteration required to meet the needs of navigation and to substantiate the need and the justification for the proposed alteration.
2. **Public Hearing and Notice:**
 - a. A public notice will be issued by the district to all known interested parties (including the bridge owner), stating it has been determined that the bridge is an unreasonable obstruction to navigation. The notice will state the time, date, and place of the hearing and that its purpose is to give the bridge owner, waterway users, and other interested parties the opportunity to be heard and to offer evidence as to whether any alterations are required to provide reasonably free, safe, and unobstructed passage for waterborne traffic. Public hearings may **not** be held without prior Commandant (G-OPT) approval.
 - b. The public notice will not specify the changes required but will state that the objective of the hearing is to develop all the facts pertaining to the cost for

repairing vessels which have struck the bridge, the lost time for such repairs, cost of repairs to the bridge caused by vessel allisions, savings due to reduction or elimination of delays to waterborne traffic, potential for use of larger vessels in the waterway or for more efficient operation of present vessels, horizontal and vertical clearance desired to accommodate present and future navigation, the preferred location of the navigation opening, any effect the alteration will have on the human environment, hazardous cargo, etc.

- c. Notice of public hearings must be published in the Federal Register at least 30 days before the hearing date. Interested parties should be advised that, although oral statements will be heard, all important facts and arguments should be submitted in writing to insure the accuracy of the record. (See Example 7.4 Federal Register excerpt.)
 - d. The T-H Team leader, his designee, or district program chief will serve as the presiding officer at the public hearing. The presiding officer will briefly state the purpose of the hearing, the authority for holding the hearing, and the manner in which it will be conducted. Speakers will not be cross-examined but the presiding officer may question them for the purpose of clarification or completeness of the record, especially regarding the clearances required by navigation and the location of the navigation opening.
 - e. Public hearings must be documented. A verbatim record of the hearing shall be made and the services of a professional court reporter or reporting service shall be retained for this purpose. Three copies of the transcript will be prepared for Coast Guard use. Additional copies to meet the requests of parties interested in the hearing and its subject matter may be furnished at a reasonable cost to the public by the reporting service.
 - f. In the case of a Congressional declaration of unreasonable obstruction, the public hearing is held to determine what navigation clearances are needed.
3. **District's Recommendation:** When the detailed investigation is complete, the report will be signed by the preparer (Chief, T-H Team) and submitted by the district to the Commandant (G-OPT). In the case of a Congressional declaration of unreasonable obstruction, a detailed investigation is not necessary. However, the district must still provide information as follows:
- a. Description of navigational problems encountered at the bridge.
 - b. Summary of views of interested parties including those expressed at the public hearing. Include a complete transcript of the hearing as an enclosure.
 - c. Recommended navigation clearances.
 - d. Environmental considerations.

- e. Special conditions that should be included with the Order to Alter.

4. Evaluating the Detailed Investigation Report:

- a. The Commandant (G-OPT) examines the detailed investigation report and prepares a Decision Analysis with a Benefit/Cost Analysis. If the navigation benefit equals or is greater than the cost of the bridge alteration, then the bridge is declared to be an unreasonable obstruction to navigation and, therefore, becomes eligible for federal funding under the Truman-Hobbs Act.
- b. If the Commandant (G-OPT) finds that subject bridge is not an unreasonable obstruction to navigation, he/she so informs the T-H Team and the concerned district.
- c. When Congress declares a bridge to be unreasonably obstructive, the Decision Analysis is prepared to document the needed vertical and horizontal clearances.
- d. The Commandant (G-OPT) will give a 60-day advance notification to the bridge owner. The bridge owner may then comment on the Commandant's (G-OPT) determination.
- e. In the event a third party (e.g., private business or government) will benefit from the alteration, the Commandant may require an equitable contribution from this third party as a condition precedent to issuing the Order to Alter.

5. Order to Alter:

- a. The Order to Alter is signed by the Commandant. (See Examples 7.5 and 7.6.)
- b. The original signed Order to Alter and a letter of instruction will be forwarded to the T-H Team leader with instructions to serve promptly on the bridge owner. When required, a letter of special conditions, setting forth safeguards to protect the environment and/or to provide for any special needs of navigation, may be issued concurrently with the Order to Alter.
- c. Photo static copies of the Order, as served, with an affidavit attached thereto, executed by the person serving the Order and showing on whom, where, and when the service was made, will be returned to the Commandant (G-OPT) and the district.

E. Appeals Process

Should the district commander consider that the complaint is not valid or the bridge is not an unreasonable obstruction to navigation, the complainant is advised. No further action is taken. The Commandant (G-OPT) shall be advised of these facts, and the complainant shall be provided with sufficient information to understand the reason for the district's

decision and should be informed of the appeal process available to him/her. The complainant may then appeal the district's decision to the Commandant (G-OPT). The appeal must be submitted in writing to the U.S. Coast Guard, Chief, Office of Bridge Administration (G-OPT), 2100 Second Street SW., Washington, DC 20593-0001, within 60 calendar days of the district commander's decision. The Commandant (G-OPT) will take action on the appeal within 90 calendar days of its receipt. The Commandant's (G-OPT) determination shall constitute final agency action.

F. Bridge Alteration

1. **Permit Modification:** The Order to Alter, accompanied by Coast Guard approved plans and specifications, serves as an order as well as a legal sanction to modify the existing bridge permit. For expedience, an approved permit type drawing showing the modified bridge may substitute for the plans and specifications for permit purposes.
2. **Letters of Instructions:**
 - a. **Letter of Technical Engineering Instructions:** To provide pertinent instructions pursuant to Section 4 of the Truman-Hobbs Act, as amended, regarding the submission of plans and specifications, the Commandant (G-OPT) will prepare a "Letter of Technical Engineering Instructions," which will be forwarded to the bridge owner by the Commandant (G-OPT) after the Order to Alter is served. This letter will inform the bridge owner of his/her responsibilities and explain policy, practice and procedures to be followed in administering the design phase of the alteration. The enclosure to this letter, "Design Phase Guidelines", will set forth the time schedule and steps for submission of plans and specifications.
 - b. **Revised Letter of Instructions:** If the progress or status of a project is encumbered by lack of cooperation by the bridge owner, lack of funding, complicating circumstances involving third parties such as operators using the bridge, questions regarding applicability of law to the project or of other unusual conditions, the Commandant (G-OPT) will issue a "Revised Letter of Instructions."
3. **Supervision of Bridge Alteration Project:**
 - a. If there are no significant environmental issues, after the Order to Alter is served, the project is ready for design work to commence as soon as the Order to Alter is issued and funding becomes available.
 - b. After the Order to Alter is issued, the Commandant (G-OPT) will handle all matters and correspondence with the USACE, bridge owner, design consultants, contractors, state highway agencies and all local representative agencies relating to the bridge alteration project and will administer all engineering, construction, and contractual aspects of the project. The district

commander will be kept abreast of all major events during the bridge alteration process. The Commandant (G-OPT) is also responsible for the following:

- 1) Issuing a letter informing the bridge owner of procedures to follow in obtaining the services of a consultant engineer. The early issuance of such guidance enables the bridge owner to have selected the consultant and be ready to enter into a contract for design services soon after the Order to Alter is served and funding becomes available.
- 2) Discussing with the bridge owner the Preliminary Engineering Report prepared by the Coast Guard and providing detailed instructions and guidelines to the bridge owner concerning:
 - (a) Acquisition of architect/engineer (A/E) service.
 - (b) Procedure to be followed during the Design Phase.
 - (c) Procedure to be followed during the Construction Phase.
 - (d) Procedure to be followed in preparing bills and method of reimbursement.
 - (e) Principles of the Truman-Hobbs Act regarding the Apportionment of Cost (AOC).
- 3) Review of the bridge owner's submitted A/E proposal negotiating engineering fees when appropriate, and approving the A/E proposal.
- 4) Review of the bridge owner's submission of the Outline Plans, Design Criteria, and AOC, and conditionally approving them for further development.

Note: The bridge owner's share of the alteration cost is that part which is attributable to the direct and special benefits which will accrue to the bridge owner, including the expected savings in repair or maintenance costs, costs attributable to the requirements of land traffic, costs for increased carrying capacity of the bridge, and capital cost associated with the used life of the existing bridge.

- 5) Review and approval of the bridge owner's preparation and submission of Detailed Plans, Specifications, and AOC.
- 6) Monitoring progress of design and authorize payment as the design work progresses.
- 7) Review and approval of the final plans and specifications to insure that the clearances, location of navigation opening, and bridge fender

system will meet the needs of navigation, and that the scheme of alteration is consistent with environmental considerations.

Note: The Commandants (G-OPT) approval will be required for any changes to the approved plans, which may **impact** navigation clearances, project costs, construction schedule, or the environment. Any changes to the approved plans affecting navigation normally will be coordinated with the district.

- 8) Review and approval of the final design phase AOC.
- 9) Providing the district with a full size set of general plans and specifications for reference and files.
- 10) Coordinating all matters concerning installation of radiotelephones, operating and navigational lights, traffic control systems or clearance gauges with the district.
- 11) Coordinating all matters concerning suitable river closure periods with the district, including issuance of a Local Notice to Mariners and dissemination of pertinent construction information to navigation interests in order to minimize impacts on navigation.
- 12) Ensuring that the project is adequately funded through the Coast Guard budget process.
- 13) If sufficient federal funds are available, authorizing the bridge owner to advertise and take bids.
- 14) Coordinating the bridge owner's advertisement and opening of bids.
- 15) Review of the bridge owner's revision of the AOC in accordance with the low bid, guarantee of construction cost, and recommendation for the contract award.
- 16) Preparing the Order of AOC for signing by the Commandant.
- 17) Forwarding the signed Order of AOC to the bridge owner for signature, and authorizing the owner to award the contract.
- 18) Coordinating with the bridge owner to arrange a pre-construction conference and authorizing the owner to issue the contractor a notice to proceed with the construction.
- 19) Notifying the district when construction begins.
- 20) Coordinating all matters concerning actual river closure, establishment of a safety zone, duration of span change-out operation, and removal of

all parts of the existing unreasonably obstructive bridge with the specific Marine Safety Office or Captain of the Port having jurisdiction over the area for river closures.

- 21) Monitoring construction progress, review project for compliance and conformance with approved plans and specifications, recommend payment of billings, and approving construction changes, extra work, and time extensions. Also, hold periodic construction meetings with the bridge owner and the contractor to assess work progress, authorizing payments, and resolving all contract disputes, delays, and claims.
- 22) Notifying the district when construction is completed.
- 23) Preparing BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES COMPLETION REPORT (CG-4599) (Rev. 6-97) for signature by Commandant (G-OPT).
- 24) Making a request to the DOT Inspector General for an audit at the completion of the project.
- 25) Following the completion of the audit, preparing the final AOC, making the final payment, obtaining concurrence and release from the bridge owner, and closing the project.

4. **Environmental Considerations:**

- a. **Compliance:** All bridge alteration actions must comply with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321), as amended, and the other environmental laws. The environmental documentation will be prepared in accordance with Chapter 3 of this manual.
- b. **Water Quality Certification:**
 - 1) The bridge owner will obtain a Water Quality Certification, pursuant to Section 401 of the Federal Water Pollution Control Act (P.L. 92-500), as amended by the Clean Water Act of 1977 (P.L. 95-217) from the appropriate state water pollution control agency and also apply for a Section 404 permit from the USACE.
 - 2) Application by the bridge owner for certification of a Section 401 permit should be submitted to the appropriate state agency as soon as the scheme of alteration is adopted and necessary data pertaining to water quality have been developed. It is anticipated that this will normally occur by the time the outline plans are approved.
 - 3) The district will monitor the progress being made regarding the granting of the certification. When the Water Quality Certification is granted, it will be forwarded to the Commandant (G-OPT).

- c. **Coastal Zone Management (CZM):** All bridge actions require compliance with Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451), as amended; 15 CFR 930, which implements the CZM Act; and the Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501), as amended; and Coastal Zone Management, Federal Consistency Procedures, COMDTINST M16004.2 (series). (See Chapter 3 of this manual for additional information.)

Example 7.1: Report Format and Contents

Preliminary Investigation Report

Cover Letter will be signed and dated by the report preparer (Chief, T-H Team) and submitted by the district commander to the Commandant (G-OPT) with the district commander's approval and recommendation, and the estimated annual navigation benefit. The preliminary investigation report is included as an enclosure.

Title Pages will state the name of the bridge and the waterway it crosses, at what mile point, at or near what city/town or in what county/parish, in what state and will give the name and address of the district bridge office with jurisdiction over the bridge in question and the date the report was completed/approved by the district commander.

Table of Contents (self explanatory)

List of Enclosures (self explanatory)

Executive Summary including the authority for the study, the purpose and extent of the study, a brief description of the existing bridge (i.e., clearances, use, type), the land and waterway traffic using the bridge, the surrounding area (including major industries and products), the annual navigation benefit, and the district commander's recommendation.

Summary of Complaint(s) All views received on the navigational obstructiveness of the bridge.

Description of Bridge including the existing bridge clearances, use, type, live load capacity, year built, and present owner.

Description of Navigational Problems encountered at the bridge and photographic evidence of the existing bridge and navigation showing the unreasonably obstructive features of the bridge.

Description of Waterway in Vicinity of Bridge including local maps and charts and any physical features that affect navigation such as authorized or anticipated waterway improvements by the USACE, existing or planned commercial development, importance of the waterway to the nation, national defense considerations, and environmental navigational costs in case of accidents. List other bridges in the vicinity of the bridge under study or having an effect on the type of navigation on the waterway.

Data on Bridge Openings to establish the amount of vessel use and type, amount, and value of commerce/cargo (e.g., grain, chemicals, fuel, gravel) that transits through the bridge, and other costs associated with the need to alter for the benefit of navigation (e.g., the costs of "double-tripping" and helper boats).

Data on Allisions attributed to restrictive navigational clearances documented over a period of at least 10 consecutive years with damage estimates for both the bridge and the vessels involved. Include the commerce affected, and all other costs associated

Example 7.1: Report Format and Contents (cont'd)

with allisions (including costs of all damages resulting from hazardous materials), and accidents attributed to human error (if any).

Computation of Benefits (TTS, WARS, and COS)

District Recommendation whether bridge is considered unreasonably obstructive and, if so, the type of bridge and proposed clearances needed.

Enclosures:

- (1) Photos of existing bridge and navigation showing the unreasonably obstructive features of the bridge and examples of the commerce that passes through the bridge site.
- (2) Charts and Maps
- (3) Satellite Images (if available)
- (4) Engineering Studies (reserved for Commandant (G-OPT))
- (5) Cost Estimates (reserved for Commandant (G-OPT))
- (6) Environmental Documentation
- (7) Letters of Complaint
- (8) Other Documents

Detailed Investigation Report

Follows the same format and content as the Preliminary Investigation Report with these exceptions: (1) **Summary of Complaints** includes reference to and briefly summarizes the public hearing; (2) the public hearing transcript is submitted as an enclosure; and (3) **Commandant (G-OPT) Determination** will follow the district commander's recommendation.

Example 7.2: Navigation Benefit and Benefit to Cost Ratio

1. **Navigation Benefit:** The total Navigation Benefit will be determined by summing the tangible annual savings related to navigation that would be realized by removal of the unreasonably obstructive features of the bridge. The benefits related to existing, reasonably imminent and projected navigation will be added together in order to ascertain the total navigation benefits. The benefit will be in three categories, namely:
 - a. Elimination of commercial and recreational vessel delays, resulting from limited bridge clearances (or Transit Time Savings [TTS], resulting from a reduction in time to clear the bridge zone.
 - b. Elimination of allision damage (or Water Accident Reduction Savings [WARS]) resulting from accidents caused by the limited navigation clearances of the bridge and which includes the cost of damages resulting from pilot error (that did not involve recklessness, substance abuse, or mechanical failure) and damages caused by escaped hazardous materials.
 - c. Certain Other Savings (COS) to navigation, such as:
 - 1) Elimination of a need for extra pilots, crew, and tugs;
 - 2) Elimination of environmental delays (i.e., tide, wind, currents, darkness, and visibility) or unsafe conditions for navigation directly attributable to the limited clearance of the bridge itself;
 - 3) Elimination of multiple trips, because the size of the barges is no longer limited;
 - 4) Elimination of environmental costs—if quantifiable—involving oil, chemicals, and hazardous cargo; and/or
 - 5) Elimination of certain dockage costs for vessel delays attributable to the bridge.
 - d. These savings may then be applied to current traffic projections for the waterway. Projections should be made for a period of 50 years.
2. **Benefit to Cost Ratio:** Following established Coast Guard procedure the district commander determines the annual navigation benefits to be accrued from altering the unreasonably obstructive bridge. Concurrently, the Commandant (G-OPT) estimates the present construction costs of altering the unreasonably obstructive bridge by applying the principles of cost apportionment as outlined in the Truman-Hobbs Act. The Commandant (G-OPT) also estimates the Federal Government's share (i.e., percentage) of the project cost. Using the government's share of the cost of construction, the Commandant (G-OPT) derives the annual government amortization based on the current discount rate of interest over a period of 50 years, the expected life of the bridge. This rate of discount is established annually by the U.S. Army Corps of Engineers (USACE) in accordance with Section 80 of P.L. 93-251 and is used in the evaluation of water and related land

Example 7.2: Navigation Benefit and Benefit to Cost Ratio (cont'd)

resources plans for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis. To arrive at the benefit to cost ratio, the annualized navigation benefit is divided by the annualized government cost of the bridge alteration. If this ratio is equal to or greater than 1.0, the Commandant (G-OPT) declares the bridge unreasonably obstructive.

3. Calculations:

- a. **Navigation Benefit (NB):** The Navigation Benefit is the sum of the total annual benefits derived from Transit Time Savings (TTS) for each class of vessel passing the bridge zone, Water Accident Reduction Savings (WARS), and Certain Other Savings (COS). Therefore:

$$\mathbf{NB = TTS + WARS + COS}$$

1) Transit Time Savings (TTS):

- (a) **General:** Increased bridge clearances normally result in a transit time reduction within the bridge zone. This in turn reduces the operating expenses within the bridge zone.

$$\mathbf{TTS = P(t_b - t_a)C}$$

Where:

P = existing as well as projected number of passages per year per class vessel.

t_b = hours per passage through present bridge zone.

t_a = hours per passage (estimated) after bridge alteration.

C = operating cost per hour per each class of vessel.

“**P**” may be derived from information obtained through navigation interests and the USACE. Information can be verified by sampling the drawtender’s logs and, where possible, should be ascertained by taking actual field counts.

“**t_b**” may be obtained by taking on-site measurements of and querying vessel owners for the time required for vessels to transit the bridge zone. The distance on the waterway within which the vessel operating speed is influenced by transiting the bridge, is considered the bridge zone.

Example 7.2: Navigation Benefit and Benefit to Cost Ratio (cont'd)

“**t_a**” may be determined by taking readings of the time vessels require to pass a clear reach of the waterway, equal in length to the bridge zone, or “**t_b**” and may be computed from the vessel’s velocity, in miles per hour. Time measurements should be taken for up bound and down bound traffic where currents exist.

“**C**” may be obtained by collecting data from waterway operators and by contacting the Commandant (G-OPT). The operating costs of barges in tow may be summed up and added to the operation cost of the towboat upon determination of the average number of barges in each type of tow.

- (b) **Special Considerations – Multiple Tripping:** The time (**t_b**) required for multiple tripping (tows too large to transit the existing bridge in a single tow unit) is:

$$t_b = \frac{(p)(d)}{v} + (n)(t_m)$$

Where:

t_b = hours per passage before bridge alteration.

p = number of passages between barge tie-off positions.

d = distance between barge tie-off positions (in miles).

n = number of times barges are broken-down and made-up at tie-off positions.

v = velocity (speed in m.p.h.) of towboat during double tripping.

t_m = estimated time (in hours) for dropping off or picking up barges and making up the tow.

- (c) **Recreational Vessel Benefits:** Recreational vessel benefits are determined using the same procedures, which are applicable to commercial vessels. On-site surveys and drawtender logs are utilized to determine the amount and type of traffic flow of recreational vessels passing through the bridge. These vessels are categorized, and then the annualized number of bridge transits and average delay time per transit are calculated for each recreational vessel.
- (d) **Operating Cost Information Collection:** Operating cost information is collected for each recreational vessel class, which includes:

Example 7.2: Navigation Benefit and Benefit to Cost Ratio (cont'd)

Annual fuel costs.

Annual marina docking and haul-out costs.

Annual maintenance and repair costs.

Annual insurance costs.

Annual depreciation costs of vessels, assuming a 10-year life.

- (e) **Average Hourly Annual Operating Costs:** The average annual operating cost derived is then translated to an average hourly operating cost for each recreational vessel class. This cost information is collected from boat owners or operators, marina, operators, boat repair professionals, insurance agents, new/used boat salespersons, and others. Typical methodology for data collection includes personal interviews, postcards surveys, and letter inquiries.
- (f) **Annualized Recreational Vessel Transits:** The annualized number of bridge transits, average delay time per transit in hours, and average hourly operating cost for each recreational vessel class are then utilized to calculate the annualized recreational vessel benefits.

2) **Waterway Accident Reduction Savings (WARS):**

- (a) **General:** The damages to the bridge, its fenders, and to vessels will be greatly reduced by increasing the navigation clearances through the bridge. The benefits may be estimated from previously recorded information on the cost and frequency of accidents. The savings are:

$$\text{WARS} = (f)(D)$$

Where:

f = Percentage of accidents assumed to be eliminated after the bridge alteration.

D = Statistical median cost of all recorded accidents at the bridge for a statistically valid time period.

- (b) **Median Cost:** The median cost “D” will include the expense of any rerouting of trains and/or highway traffic while the bridge is inoperable as a result of an accident and the cost to vessels waiting while repairs to the bridge are being effected. When computing the average repair costs of

Example 7.2: Navigation Benefit and Benefit to Cost Ratio (cont'd)

the bridge and vessels, recorded data should be selected for a statistically valid time period of 20 years, but not less than 10 years if information is not available for a longer period. Costs normally will be updated to present-day prices using this structure; index of price trends for Federal-Aid Highway construction computed by the Federal Highway Administration.

(c) **“f” Factor:** The factor “f” may be assumed to equal 95%.

3) **Certain Other Savings (COS):**

(a) **General:** Additional cost to navigation resulting from the restricted navigation opening should be examined and savings may be expressed in the following form:

$$\text{COS} = S_1 + S_2 + \dots S_n$$

Where:

S = the individual savings item.

(b) **Savings Examples:** Examples of savings derived from the elimination of certain costs after alteration include but are not limited to:

Extra pilots, crew, or tugs required.

Environmental delays (tide, wind, currents, darkness, visibility) directly attributable to the bridge itself.

(c) **Loss of Life Due to Vessel-Bridge Allisions:** In accordance with the Department of Transportation General Counsel Memorandum of April 29, 1996, the interim value of human life for economic analysis purposes has been established at \$2.7 million.

(d) **Risk Avoidance Savings:** Savings due to avoidance of risk of a catastrophic bridge-ship allision with the potential costs of human lives lost, disruption of marine traffic, and personal and property damage resulting from the accidental release of hazardous substance(s). This savings can be computed by first establishing the Acceptable Annual Frequency of Collapse (AAF) and then computing the Probability of Annual Frequency of Collapse (AF). If AF is less than or equal to the AAF, this savings is zero. If the AF is greater than AAF, then the savings due to this needs to be calculated. (See modified version of AASHTO Guide Specification and Commentary for Vessel Collision Design of Highway Bridges, Example 7.3.)

Example 7.2: Navigation Benefit and Benefit to Cost Ratio (cont'd)

- (e) **Increased Trips:** Restrictive bridge clearances prohibit use of larger barges.
- (f) **Environmental Costs:** Resulting from navigational accidents, such as oil, chemical, and hazardous cargo cleanup costs.
- (g) **Certain Dockage Costs:** For vessel delays attributable to bridge navigation clearances.

Example 7.3: Savings Due to Avoidance of Risk

1. **Acceptable Annual Frequency of Collapse (AFF):** The following is an example of how the Acceptable Annual Frequency (AAF) may be calculated as described in AASHTO Guide Specification and Commentary for Vessel Collision Design of Highway Bridges and modified for BAP purposes.
 - a. The AAF of total bridge collapse is determined as 0.0001 for critical bridges and as 0.001 for regular bridges.
 - b. The AAF of total bridge collapse as determined above shall be distributed over the number of pier and span elements located within the waterway.
2. **Probability of Annual Frequency of Collapse (AF):** The possible collapse of the bridge: This is determined by determining the Annual Frequency (AF) of each bridge element and multiplying them as follows:

$$AF = (N)(PA)(PG)(PC)$$

Where,

AF = Annual Frequency of bridge element collapses due to vessel allisions.

N = the annual Number of vessels classified by type, size, and loading condition which can strike the bridge element.

PA = the Probability of vessel Aberrancy.

PG = the Geometric Probability of an allision between an aberrant vessel and a bridge pier or span.

PC = the Probability of bridge Collapse due to an allision with an aberrant vessel.

- a. AF shall be computed for each bridge element and vessel classification. The summation of all elements AF equals the annual frequency of collapse for the entire bridge structure.
- b. The most accurate method of determining PA for a particular bridge site is based on historical data on vessel allisions, rammings, and groundings in the vicinity of the bridge, and the number of vessels transiting the waterway during the period of accident reporting.
- c. In lieu of the above method, PA can be estimated for the bridge/waterway location by the following equation:

(Equation 7-1)
$$PA = (BR)(R_B)(R_C)(R_{XC})(R_D)$$

Where,

PA = Probability of Aberrancy.

BR = aberrancy Base Rate.

R_B = correction factor for bridge location.

Example 7.3: Savings Due to Avoidance of Risk (cont'd)

R_C = correction factor for current acting parallel to vessel transit path.

R_{XC} = correction factor for cross currents acting perpendicular to vessel transit path.

R_D = correction factor for vessel traffic density.

- d. Based on historical data in several U.S. waterways, the aberrancy Base Rate (BR), can be estimated as 0.6×10^{-4} for ships and 1.2×10^{-4} for barges.
- e. The correction factor for bridge location, R_B , can be estimated based on the relative location of the bridge in either of three waterway regions as shown in Figure 7.3-1.
- 1) **Straight Region.** For a bridge located in a straight region:

$$R_B = 1.0$$

- 2) **Transition Region.** For a bridge located in a transition region, R_B can be computed with the following equation:

$$R_B = \left(1 + \frac{\theta}{90}\right)$$

Where:

θ = angle of the turn (in degrees)

- 3) **Turn/Bend Region.** For a bridge located in a turn or bend region, R_B can be computed with the following equation:

$$R_B = \left(1 + \frac{\theta}{45}\right)$$

- f. The correction factor, R_C , for currents acting parallel (i.e., along track) to the vessel transit path in the waterway can be estimated with the following equation:

$$R_C = \left(1 + \frac{V_C}{10}\right)$$

Where:

V_C = the current component parallel to the vessel path (in knots)

- g. The correction factor, R_{XC} , for cross currents acting perpendicular to the vessel transit path in the waterway can be estimated with the following equation:

$$R_{XC} = (1 + V_{XC})$$

Example 7.3: Savings Due to Avoidance of Risk (cont'd)

Where:

V_{xc} = the current component perpendicular to the vessel path (in knots)

- h. The correction factor for vessel traffic density, R_D , in the waterway in the immediate vicinity of the bridge can be estimated by determining whether the bridge is in either a low, medium, or high density area as defined below:
- 1) Low Density, $R_D = 1.0$: vessels rarely meet, pass, or overtake each other in the immediate vicinity of the bridge.
 - 2) Average Density, $R_D = 1.3$: vessels occasionally meet, pass, or overtake each other in the immediate vicinity of the bridge.
 - 3) High Density, $R_D = 1.6$: vessels routinely meet, pass, or overtake each other in the immediate vicinity of the bridge.
3. **Geometric Probability (GP):** The GP is defined as the conditional probability that a vessel will hit a bridge pier or span given that it has lost control (i.e., it is aberrant) in the vicinity of the bridge.
- a. Based on a review of bridge allision data for fifteen bridges, it is reasonable to use a normal distribution to model an aberrant vessel's sailing path near a bridge as shown in Figure 7.3-2.
 - b. The standard deviation of this normal distribution will be one-half (0.5) of the Length Over All (LOA) dimension of a "design vessel" selected according to the Method 1 Criteria listed in paragraph 3.d.1. below. The LOA value is the same as that used for impact speeds and impact distributions.
 - c. The mean of the standard distribution used for GP calculations shall be located on the centerline of the intended vessels sailing path.
 - d. In computing the AF, first compute GP for all vessel classification intervals using beam width (B_M)_F and the LOA of a "design vessel" selected using the following Method I Criteria:
 - 1) **Critical Bridges:** The Design Vessel Size (DVS) is determined such that the annual number of passages involving vessels with LOAs greater than the DVS is a maximum of 50 or 5% of the total number of vessels per year, that could impact the bridge element, whichever number is smaller.
 - 2) **Regular Bridges:** The DVS is determined such that the annual number of passages involving vessels with LOAs greater than the DVS is a maximum of 200 or 10% of the total number of vessels per year that could impact the bridge element, whichever is smaller.

Example 7.3: Savings Due to Avoidance of Risk (cont'd)

- e. Critical vs. Regular Bridges: For the purposes of determining savings due to avoidance of risk, bridges shall be classified as follows:
- 1) **Critical Bridges:** These bridges are critical from the social/survival and defense/security point of view. The following bridges are considered critical:
 - (a) Bridges which provide direct and continuous routes for emergency situations such as civil defense, police, fire department, or public health agencies to respond to an emergency situation which might exist on the opposite side of the waterway.
 - (b) Bridges which serve as important links in the security/defense transportation network such as connecting routes to important military installations, medical supply centers, emergency depots, major airports, defense industries, refineries, fuel storage and distribution centers, major railroad terminals, rail heads, docks/ports, major power facilities or other considerations linked to the national defense.
 - (c) Bridges which are important to the well being of the community. These bridges carry high volumes of traffic and provide routes to schools, arenas, power installations, and water treatment plants.
 - (d) Bridges which carry transportation routes to essential facilities such as hospitals, police and fire stations, and communication centers.
 - 2) **Regular Bridges:** All other bridges are classified as regular bridges.
- f. As shown in Figure 7.3-2, the value of GP for a pier represents the area in the normal distribution bounded by the pier width and the width of the vessel on each side of the pier.
4. **Probability of Collapse (PC):**
- a. The probability of bridge collapse, PC, once a bridge element has been struck by an aberrant vessel is a function of many variables, including vessel size, type, forepeak ballast and shape, speed, direction of impact, and mass. It is also dependent on the ultimate lateral strength of the pier and the span to resist allision impact loads. Based on collision damage sustained during ship-ship accidents, which has been correlated to the bridge-ship allision situation, PC shall be computed by the Commandant (G-OPT).
 - b. If the AF for a bridge is less than or equal to the AAF, no further analysis is required. But, if the AF is greater than the AAF, then the savings needs to be computed.
 - c. The cost savings due to risk avoidance of a catastrophic bridge-ship allision is the disruption cost.

Example 7.3: Savings Due to Avoidance of Risk (cont'd)

This cost can be computed as follows:

$$\mathbf{DC = MIC + PIC}$$

Where:

DC = Disruption Cost.

MIC = Marine traffic Inconvenience Cost

PIC = Port Interruption Cost

- d. Additional costs (e.g., environmental, business, social, and loss of life costs) may often be incurred in a catastrophic bridge collapse; however, these costs are usually subjective and therefore difficult to estimate. They are normally not included in computing DC.
- e. Marine traffic Inconvenience Costs (MIC) include costs incurred by marine traffic, which would be forced to use a detour route for the period of bridge outage.

Estimates of MIC require identification of detour routes, collection of traffic volume data, and calculation of incremental vessel operating costs using standard methodologies. In some cases, the MIC can be quite large particularly if there is no nearby alternative route, or if the bridge repair time is lengthy.

- f. Port Interruption Costs (PIC) include costs associated with the temporary closure of port facilities caused by bridge debris collapsed in the navigable ship/barge channel. Interruption of port commerce in a busy U.S. waterway for even a short period of time can cause very large disruption costs. The computation of PIC requires knowledge of merchant shipping operation limitations, marine transport cost structures, cargo values, and the capabilities of alternative port facilities. Factors to be included in estimating PIC are:
 - 1) The duration of navigable channel blockage (i.e., how long it would take to clear wreckage and reopen the channel);
 - 2) The number of vessels, carrying what cargoes, that would be delayed or trapped due to the bridge collapse, and for what length of time;
 - 3) What cargoes would be foregone (i.e., rerouted to other ports, or shipped by alternative modes); and
 - 4) What opportunities exist for establishing a temporary channel under adjacent undamaged spans of the bridge, and if so, which vessels could and would use such a channel.

Figure 7.3-1: Waterway Regions for Bridge Location

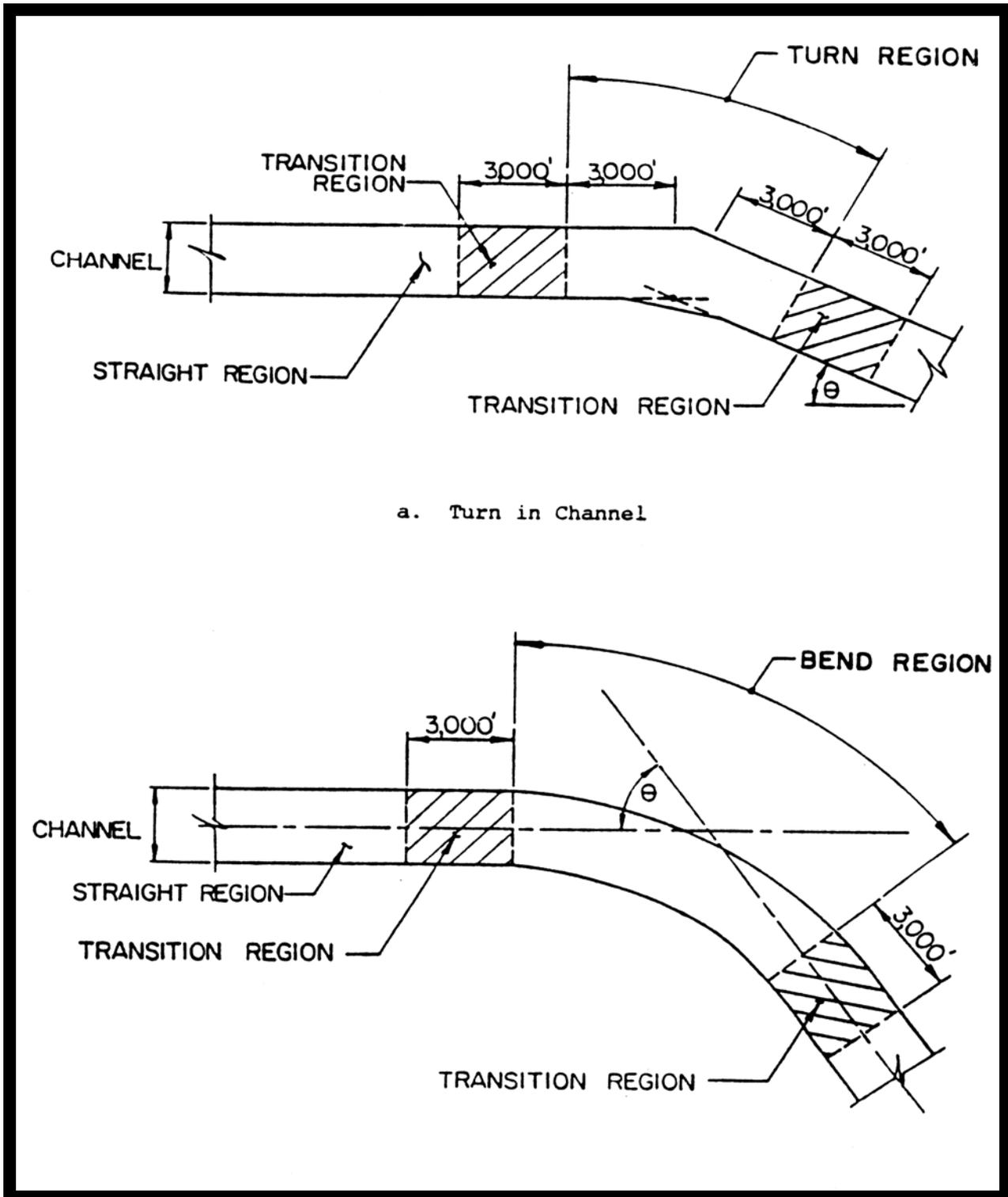
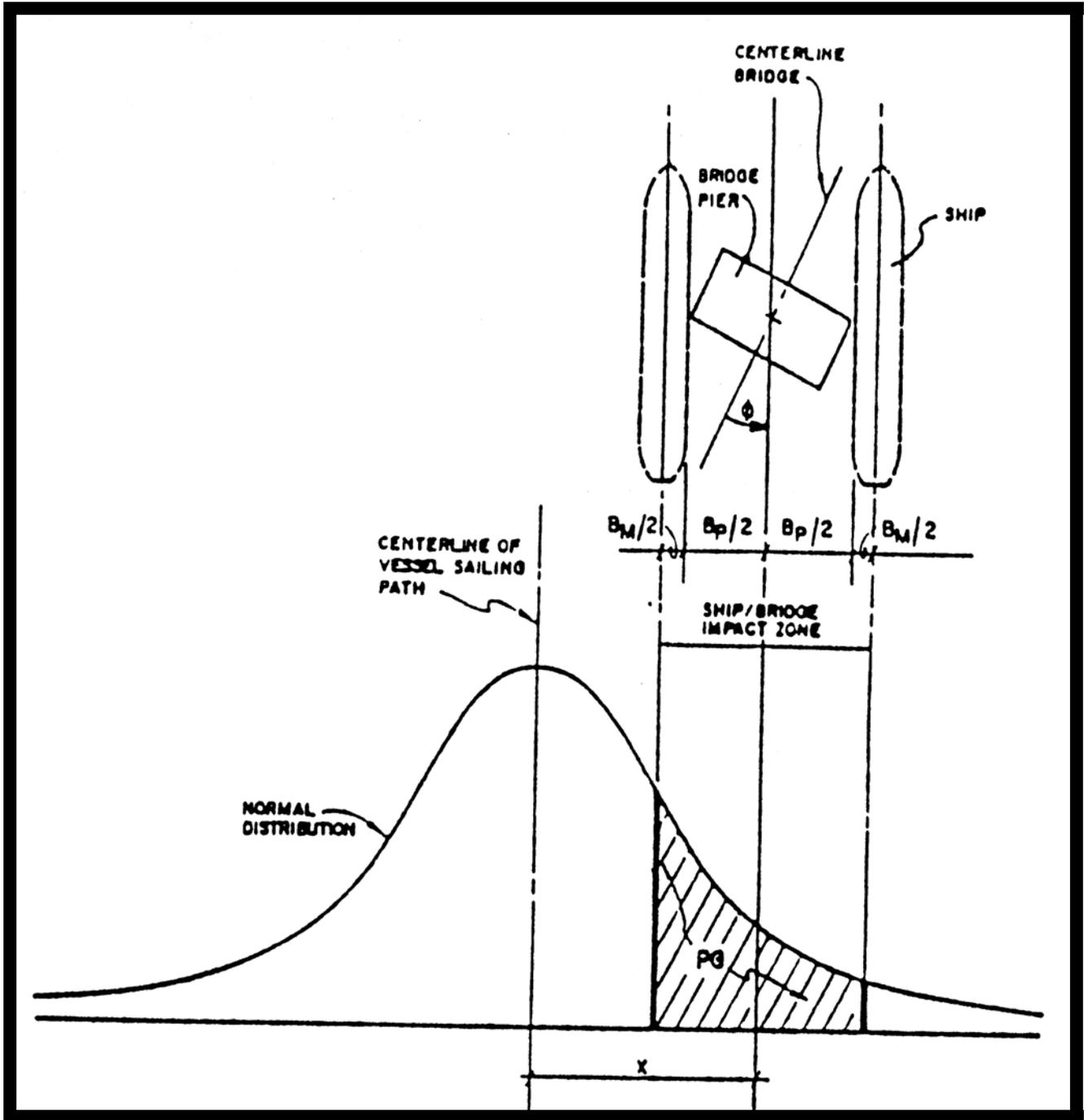


Figure 7.3-2: Geometric Probability of Pier Allision



Example 7.4: Federal Register Excerpt

12872

Federal Register / Vol. 62, No. 52 / Tuesday, March 18, 1997 / Notices

Comments should be filed no later than April 17, 1997. Comments must be in English and provided in 20 copies to Peter Collins, Deputy Assistant U.S. Trade Representative for Services and Investment, Office of the United States Trade Representative, Room 301, 600 17th Street, Washington, D.C. 20508. Non-confidential information received will be available for public inspection by appointment, in the USTR Reading Room, Room 101, Monday through Friday, 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. For an appointment call Brenda Webb on 202-395-6186. Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.
[FR Doc. 97-6802 Filed 3-17-97; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard**

[CGD08-97-006]

Notice of Public Hearing on the Canadian Pacific Railroad Drawbridge Across the Upper Mississippi River, Mile 699.8, at Lacrosse, WI

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: The U.S. Coast Guard announces a forthcoming public hearing for the presentation of views concerning the alteration of the Canadian Pacific Railroad Drawbridge, at LaCrosse, Wisconsin.

DATES: The hearing will be held at 1 p.m., April 22, 1997.

ADDRESSES: (a) The hearing will be held in the Conference Room of U.S. Fish and Wildlife Resource Center, 555 Lester Avenue, Onalaska, Wisconsin 54650.

(b) Written comments may be submitted to and will be available for examination from 8 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Director Western Rivers Operations, Bridge Branch, 1222 Spruce Street, St. Louis, Missouri 63103-2398.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Wiebusch, Director Western Rivers Operations, Bridge Branch, 1222 Spruce Street, St. Louis, Missouri 63103-2398.

SUPPLEMENTARY INFORMATION: The Coast Guard has received numerous comments from the public indicating the bridge is unreasonably obstructive to navigation. Information available to the Coast Guard indicates there were 269 marine collisions with the bridge since 1980. These collisions have caused moderate to heavy damage to the bridge. Based on this information, the bridge appears to be a hazard to navigation. This may require increasing the horizontal clearance on the bridge to meet the needs of navigation. All interested parties shall have full opportunity to be heard and to present evidence as to whether any alteration of this bridge is needed, and if so, what alterations are needed, giving due consideration to the necessities of free and unobstructed water navigation. The necessities of rail traffic will also be considered.

Any person who wishes, may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Director Western Rivers Operations, Bridge Branch, 1222 Spruce Street, St. Louis, Missouri 63103-2398, Telephone: 314-539-3900 Ext 378, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the hearing record. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Director, Western Rivers Operations, Bridge Branch. Transcripts of the hearing will be made available for purchase upon request.

Authority: 33 U.S.C. 513; 49 CFR 1.46(c)(3).

Dated: March 6, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander,
Eighth Coast Guard District.

[FR Doc. 97-6736 Filed 3-17-97; 8:45 am]

BILLING CODE 4910-14-M

[CGD 96-063]

Incineration of Solid Waste Aboard U.S. Coast Guard Cutters, Environmental Assessment and Finding of No Significant Impact

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The Coast Guard has prepared an Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) of marine incinerators on board its certain classes of cutters (vessels larger than 65 feet in length) for the purpose of burning shipboard solid waste to mitigate its accumulation. A notice of availability of the EA and the FONSI was placed in the Federal Register of 26 November 96 to invite comments from the public. No comments were received during the 30-day comment period. This notice announces the availability of the final EA and FONSI to concerned agencies and the public.

ADDRESSES: Requests to receive a copy of the EA and FONSI should be mailed to the Commanding Officer (ELC code 024), 2401 Hawkins Point Road, Baltimore, MD 21226-5000. The documents may also be picked up from the same address between 8 a.m. and 3 p.m. EST, Monday through Friday, except Federal Holidays, by contacting Mr. Hari Bindal at telephone (410) 762-6732, and FAX (410) 762-6868.

FOR FURTHER INFORMATION CONTACT: Mr. Hari Bindal, Environmental Protection Specialist, Engineering and Logistics Center, Equipment Management Division (ELC 024), at (410) 762-6732.

Background

U.S. Coast Guard operates a fleet of boats and cutters on the U.S. domestic and international waters to accomplish its major missions of Law Enforcement, Defense Operations, Search and Rescue, Ice Operations, Marine Science, Pollution Response, and Aids to Navigation. The cutters going long voyages (5 days and more) and having a large crew (over 50), face problems with shipboard generated solid waste (trash, garbage), and waste oil. To comply with the International Convention for the Prevention of Pollution from Ships (MARPOL) and the U.S. Act to Prevent Pollution from Ships (APPS), which prohibit disposal of plastics anywhere at sea and restrict discharge of other waste to certain distances from shore, and to comply with other U.S. and international environmental laws and regulations, the Coast Guard considered several alternatives of handling the shipboard generated solid waste and waste oil. After evaluating the pro and cons of all considered alternatives, Coast Guard proposed incineration as the means to handle the shipboard solid waste and waste oil.

An environmental assessment (EA) was prepared pursuant to the National Environmental Policy Act (NEPA) of

Example 7.5: Coast Guard Order to Alter



Commandant
U. S. Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPT
Phone: (202) 267-0368
FAX: (202) 267-4046

ORDER TO ALTER

WHEREAS by an act of Congress approved June 21, 1940, entitled "The Truman-Hobbs Act," as amended (Title 33 U.S.C. §§ 511-523), the Secretary of Homeland Security, by operation of Title 6 U.S.C. 552(d), was authorized to order the alteration of certain bridges across navigable waters of the United States which have been determined to be unreasonable obstructions to navigation;

WHEREAS the Secretary of Homeland Security has delegated the authority of that act to the Commandant, U. S. Coast Guard, by the Department of Homeland Security Delegation Number: 0170.1;

WHEREAS in conformity with the provisions of the Bridge Alteration Act, notice was given to interested parties and a public hearing was held on July 12, 1989, at Burlington, Iowa, for the purpose of obtaining testimony as to whether the Burlington Northern Railroad Bridge, across the Upper Mississippi River, mile 403.1, at Burlington, Iowa, is an unreasonable obstruction to the free navigation;

WHEREAS after giving consideration to the testimony and the facts presented at the public hearing and to the investigations made, the Commandant has determined that this bridge is an unreasonable obstruction to navigation; and,

WHEREAS the Burlington Northern Railroad Company is the owner of the bridge;

NOW THEREFORE, the Commandant directs the Burlington Northern Railroad Company to alter this bridge by reconstructing it on the same general alignment as the existing bridge subject to the following conditions:

1. The movable span shall provide a horizontal clearance of no less than 300 feet measured normal to the channel and a vertical clearance of no less than 52 feet above the two percent flow line or 60 feet above normal pool, whichever is greater, in the open position. These clearances are necessary for the reasonable needs of navigation.

2. No deviation from the approved clearances may be made either before or after completion of the structure unless the modification of said clearances has previously been submitted to and received the approval of the Commandant.

3. All actions undertaken by the Burlington Northern Railroad Company pursuant to this Order must satisfy the requirements of all federal, state and local laws and regulations pertaining to the protection of the environment.

Example 7.6: Congressional Order to Alter

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
U. S. Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPT
Phone: (202) 267-0368
FAX: (202) 267-4046

ORDER TO ALTER

WHEREAS by an act of Congress approved June 21, 1940, entitled "The Truman-Hobbs Act," as amended (Title 33 U.S.C. §§ 511-523), the Secretary of Homeland Security, by operation of Title 6 U.S.C. 552(d), was authorized to order the alteration of certain bridges across navigable waters of the United States which have been determined to be unreasonable obstructions to navigation;

WHEREAS the Secretary of Homeland Security has delegated the authority of that act to the Commandant, U. S. Coast Guard, by the Department of Homeland Security Delegation Number: 0170.1;

WHEREAS by Section 18 of Public Law 100-448, dated September 28, 1988, Congress has determined that the swingspan railroad bridge across the Upper Mississippi River, mile 309.9, at Hannibal, Missouri, is an unreasonable obstruction to navigation; and

WHEREAS the Norfolk and Western Railway Company, a subsidiary of Norfolk Southern Corporation, is the owner of the bridge;

NOW THEREFORE, the Commandant directs the Norfolk and Western Railway Company, a subsidiary of the Norfolk Southern Corporation, to alter this bridge by reconstructing it on the same general alignment as the existing bridge subject to the following conditions:

1. The movable span shall provide a horizontal clearance of no less than 300 feet measured normal to the channel and a vertical clearance of no less than 52.0 feet above the two percent flow line in the open position. These clearances are necessary for the reasonable needs of navigation.
2. No deviation from the approved clearances may be made either before or after completion of the structure unless the modification of said clearances has previously been submitted to and received the approval of the Commandant.
3. All actions undertaken by the Norfolk and Western Railway Company, a subsidiary of the Norfolk Southern Corporation, must satisfy the requirements of all federal, state and local laws and regulations pertaining to the protection of the environment.

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CHAPTER 8 - THE INVESTIGATION

A. Introduction

1. The purpose of this chapter is to provide information of a general nature to aid the investigator in carrying out duties and in developing an adequate administrative record for enforcement of any violation of the bridge laws and regulations.
2. The primary purpose of an investigation is to uncover the facts and gather evidence relating to an event or occurrence in order to reconstruct the event or occurrence and determine whether there is any violation(s) of the federal bridge laws or regulations. Based upon the findings of an investigation the Coast Guard may assess a civil penalty or, in the event of a criminal violation, refer the case to the U.S. Attorney. The Coast Guard does not investigate to fix liability between private litigants. Instead, investigations are a means to enforcement of the bridge statutes in the interest of safety of life and property and to protect the environment.
3. Investigative cases include civil penalties for signaling for a drawbridge unnecessarily, delaying the opening of a draw after proper signal, and for failure to keep a bridge in proper repair; criminal penalties for deviation from approved plans without prior Coast Guard approval for bridges constructed prior to the Bridge Act of March 23, 1906, and failure to maintain lights on bridges; or the assessment of civil or criminal penalties for violation of drawbridge operation regulations or deviation from approved plans without prior Coast Guard approval for bridges constructed after the Bridge Act of March 23, 1906; and construction of bridges without prior Coast Guard approval, failure to comply with any specific condition to the approval deemed necessary in the interest of public navigation, and failure to install and maintain any prescribed lights and other signals.

B. Definitions

1. "Investigation" has been defined as:
 - a. The inquiring into a matter with systematic attention to detail and relationship.
 - b. An attempt to acquire an accurate picture of a prior event.
 - c. A planned search for facts and evidence through: interviews; observations; record examinations; and proper interpretations of physical evidence.

Note: The technique of investigation is an art for which only general rules and a few guiding principles can be outlined.

2. A "successful investigation" is one in which: the evidence is competently handled; witnesses are intelligently questioned; all leads are fully developed; and the case report is comprehensive while remaining concise, clear, and accurate.

C. Legal References: The investigator will be exposed to numerous legal references, terms

and phrases in the normal course of an investigation. Most of the terms and phrases are common ones, and a working knowledge of them should be mastered. Utilize the knowledge and personnel experience of other investigating offices in the understanding of the terms.

1. **Black's Law Dictionary:** Black's Law Dictionary, by Henry Campbell Black (West Publishing Company), is an excellent source for definitions of common legal terms and phrases, which are likely to be encountered. This handy one-volume ready reference offers quick and convenient access to the meanings of legal terms and phrases of American and English jurisprudence and should be used by all investigating officers.
2. **Frequently Encountered Citations:**

| <u>CITATION:</u> | <u>TITLE</u> |
|------------------|--|
| 33 U.S.C. 495 | Violations of order respecting bridges and accessory |
| 33 U.S.C. 499 | Regulations for drawbridges |
| 33 U.S.C. 502 | Alteration, removal, or repair of bridge or accessory obstructions to navigation |
| 33 U.S.C. 533 | Penalties for violation |
| 33 CFR 114 | General |
| 33 CFR 115 | Bridge locations and clearances; administrative procedures |
| 33 CFR 116 | Alteration of unreasonably obstructive bridges |
| 33 CFR 117 | Drawbridge operation regulation |
| 33 CFR 118 | Bridge lighting and other signals |

D. Investigative Fundamentals

1. **Purpose:** The primary purpose of an investigation is to uncover the facts and, thus, gather evidence relating to an event or occurrence in order to reconstruct the event or occurrence and determine whether there is any violation(s) of the applicable federal bridge laws or regulations.

2. **Coast Guard Responsibility:**

- a. **Penalties:** Based upon the findings of an investigation, the Coast Guard may assess a civil penalty or, in the event of a criminal violation, refer the case to the U.S. Attorney.
- b. **Liability Between Private Litigants:** The Coast Guard does not investigate to fix liability between private litigants. Instead, investigations are a means to enforce the bridge statutes in the interest of safety for life and property and to protect the environment.

3. **Investigative Cases:**

- a. Investigative cases include civil penalties for: signaling for a drawbridge unnecessarily; delaying the opening of a draw after proper signal; or failure to keep a bridge in proper repair.
- b. Investigative cases include criminal penalties for: deviation from approved plans without prior Coast Guard approval for bridges constructed prior to the Bridge Act of 1906, or failure to maintain lights on bridges.
- c. Investigative cases include civil/criminal penalties for: violation of drawbridge operation regulations; deviation from approved plans without prior Coast Guard approval for bridges constructed after the Bridge Act of March 23, 1906; construction of bridges without prior Coast Guard approval; failure to comply with any specific condition to the approval deemed necessary in the interest of public navigation; or failure to install and maintain any prescribed lights and other signals.

4. **Procedure:**

- a. Every investigation involves several basic procedural steps of analysis. They are: preliminary analysis; verifying completeness/comprehensiveness of the preliminary analysis; outlining; fact-finding; verification and evaluation; and conclusions and recommendations.
- b. The fundamental precept in conducting any investigation is the finding of answers to the questions: WHO?, WHAT?, WHERE?, WHEN?, HOW?, and WHY?
 - 1) **Preliminary Analysis:**
 - (a) The investigator will have certain material available as a starting point for his/her inquiry. The nature and extent of this information varies according to the manner in which the investigation originates. The information must be analyzed to determine what is involved and what is necessary to complete an investigation. (See Section "E." of this chapter for "Sources of Information.")

- (b) After receiving information, the information must be carefully and intelligently evaluated, both as to jurisdiction and as to whether the alleged facts (if proved) would constitute a violation of law or regulations.
 - (c) Information, which is nonspecific or does not in itself appear to justify investigation prior to abandoning should be carefully scrutinized. Important results may follow from information, which at first appears to be of little or no value, but the investigator may accumulate sufficient information to warrant an investigation at a later date, or receive information which (when supported by information already on hand) will justify an investigation. If the information relates to a matter within the jurisdiction of another agency, the investigator should refer it to that agency without delay.
- 2) **Verifying Completeness and Comprehensiveness of the Preliminary Analysis:**
- (a) After review of the information or documentation has been acquired, the investigator should include a determination as to whether all available related files and records have been obtained and, if not, initiate an action to obtain them.
 - (b) Action to request information from Headquarters, other Coast Guard units, or other agencies should be initiated if previous experience or information in the record indicates a need.
- 3) **Outlining:**
- (a) One may find it desirable or necessary to outline the essential elements pertinent to the type of investigation(s) involved, as well as the conduct of the investigation. The preparation of an outline, prior to beginning an outside inquiry, will (when properly used) better equip the investigator to save valuable time while conducting a more thorough and effective investigation. For example, witnesses or source materials, which are in the same general area, can be contacted or gathered with little loss of travel time. Further, by outlining the elements involved, one may avoid pursuing irrelevant tangents.
 - (b) When preparing and developing an outline, three things should be considered: the evidence required; the possible sources of information and evidence; and the methods you will use to obtain the necessary information and evidence.
- 4) **Fact Finding:** Fact-finding is the means whereby sufficient information and evidence is acquired to support or disprove case information. It involves the gathering of informative material not especially descriptive of

another person's experience but more tangible in nature (i.e., photographs, vessel data, navigation on the waterway data, geography and hydrology of the waterway data, drawtender's logs, vessel logs, official reports, and weather information).

5) **Verification and Evaluation:**

- (a) Throughout the course of the investigation it is important to practice quality control. Check the information and evidence obtained against the general plan or outline of the investigation. This will help the investigator to determine whether sufficient evidence has been obtained to prove each of the elements required to establish the violation or to resolve the matters in dispute; and test the adequacy of the investigative efforts. During this process, one must evaluate the testimony of witnesses; the credibility of witnesses; and the accuracy and authenticity of the various records and documents.
- (b) When the testimony is conflicting (as pertaining to a material matter), try to resolve the conflict by obtaining additional evidence from other competent witnesses or by resorting to other pertinent records.
- (c) In evaluating the testimony of witnesses, the investigator should take into account their: interests, biases, prejudices, integrity, reputation, sense deficiencies, and the manner in which they acquired their information.
- (d) In evaluating information obtained from records or documents, one must take into account: the source of the record or document, how it was prepared, who prepared it, for what purpose it was prepared, who supplied the original information, and whether the record or document in question is an original or secondary entry, etc.

6) **Conclusions and Recommendations:**

- (a) After accumulating and sifting through all the data, the investigator must decide the most efficient and thorough course of action for completing and closing the case. Support your conclusions by the facts developed. State the cause and the contributing factors (if any).

Note: If sufficient facts cannot be gathered, state that the cause cannot be determined, but also state what the investigating agency considers the most probable cause. In addition, any conflicting versions should be resolved as material facts (if possible).

- (b) When making recommendations, one must remember that they must flow logically from the facts and the investigator's conclusions. In order to be helpful and informative, limit recommendations to such remedial action as is indicated in the particular case. In some cases, the recommendations that "no further action be taken and the case be closed" will suffice. In other cases, recommendations for specific measures or for further investigation may be in order.

E. Sources of Information

1. The investigator has numerous sources of information available for determining whether or not an investigation is warranted. These sources may include (but are not limited to): a vessel owner, operator, or passenger; shipping company; pilot association; union; maritime organization; marina; bridge owner or operator; vehicle operator or passenger; police; environmental groups; radio or television newscasters; local newspapers; other federal agencies, such as the U.S. Army Corps of Engineers; the National Oceanic and Atmospheric Administration/National Ocean Survey; the Federal Emergency Management Agency; the Fish and Wildlife Service; the National Marine Fisheries Service; the National Park Service; the Environmental Protection Agency; state agencies; and local government agencies.
2. Coast Guard Headquarters, other district staff elements, or other district field units may provide the initial information needed to begin an investigation.

F. Coordination with Other Coast Guard Activities

1. Establish liaison with other Coast Guard activities and commands.
2. Notify appropriate units when a case or other information is received concerning matters that may be of concern to them.
3. Utilize other Coast Guard facilities whose resources may prove useful in developing the case.
 - a. Commanding Officers of other Coast Guard units generally honor requests for assistance by investigating officers commensurate with their immediate workload and situation.

- b. One must NOT hesitate to use the services of the district legal officer or others for expert advice on technical matters.

G. Cooperation with Other Agencies:

1. Liaison:

- a. Liaison is often best achieved by having a particular person (or persons) act as the bond or link for the coordination of activities between agencies.
- b. The importance of cooperation and coordination between the Coast Guard and other federal, state, and local agencies should be recognized.
- c. Remember, liaison is reciprocal, and it is essential that the investigating agency cooperate with other agencies in their continued assistance.

2. Diplomacy:

- a. Use tact and discretion in developing and maintaining sources of information.
- b. The investigator should know those sources available in their area.
- c. Develop new sources at every opportunity.
- d. Do not impair ready access to sources already developed.
- e. Effective personal relationships with individuals from whom investigative information is procured cannot be over emphasized. Make particular effort to develop key contacts in critical agencies.

H. Jurisdiction

1. For Bridge Administration Purposes:

- a. One of the first elements to consider prior to starting any investigation is whether the Coast Guard has jurisdiction in the case.
- b. For Bridge Administration purposes, the Coast Guard has the jurisdiction to investigate any apparent violation of laws or regulations pertaining to bridge operation, lighting, signaling for opening, construction, maintenance, and modification of conditions for approval to work in the navigable waters of the United States.
- c. Failure to challenge the issue of jurisdiction does not bar the raising of the issue during an appeal.

2. Delineation:

- a. The investigator's jurisdiction does not extend beyond the limits of the Coast

Guard's jurisdiction as provided by the laws it administers and enforces. For that reason, you must confine your activities within the limits of your authority.

- b. However, it is important to cooperate with other investigative agencies of the Federal Government and with the investigating officials of state and local authorities.
- c. For example, the investigating agency may come upon evidence of a federal offense that is within the jurisdiction of another agency. The investigator should not attempt to develop the lead him/herself, because they would be encroaching on the jurisdiction of the other agency and, in addition, might carry the investigation to a point that would embarrass or hinder the further proper development of the case by the other agency. In this situation one should submit a full report of the offense through the chain of command to the office or agency with jurisdiction.

I. Conduct and Ethics

1. Attitude:

- a. **Key to Public Cooperation:** The investigator should recognize the importance of maintaining their dignity and self-control, even under the most advanced provocation. The attitude with which the investigator exercises their authority is best defined by the word "courtesy." This is the key to achieving public cooperation, which is so essential in their performance.
- b. **Think Ahead:**
 - 1) Attitude must not reflect a narrow, rigid, or arbitrary application of the law.
 - 2) Take no action without due consideration of its probable impact on the image of the Coast Guard.
 - 3) Show unmistakable respect for the dignity of every human being.
- c. **"Target:"**
 - 1) The proper target is the violation, not the person.
 - 2) Do not condone violations of the laws you have sworn to uphold.
 - 3) Respecting the person's dignity (including legal rights) and (to the extent possible) sparing the person's feelings is bound to generate additional respect in return.

d. **Coast Guard Policy Execution:**

- 1) Manifest public confidence in the Coast Guard by the manner in which the investigator executes policies.
- 2) It is important that the investigator believes in and supports the policies of the Coast Guard as the best way to enforce the intent of the Bridge Administration laws.

e. **Professionalism:**

- 1) Foster and maintain a professional attitude toward your work.
- 2) Investigations are a continuous learning process, frequently presenting new and difficult problems. The investigation should be completed in such a manner that both the investigator and the Coast Guard may take pride in their accomplishments.
- 3) Remember, any job worth doing is worth doing well.

f. **Public Assistance and Cooperation:**

- 1) The investigators' personality and approach should enable them to make and keep friends with various members of the general public. Therefore, one must endeavor at all times to be courteous, fair, and impartial -- without sacrificing personal dignity or integrity.
- 2) Remember, the Coast Guard is dependent upon the law-abiding public for valuable information that can only be secured in an atmosphere of mutual assistance, cooperation, and trust.

g. **Cooperation with Other Government Agencies:** It is not only important that the investigator has a knowledge of the functions of other federal, state, and local agencies, but that they be cooperative at all times when dealing with those agencies.

2. **Impartiality:**

a. **DOs:**

- 1) DO maintain a fair and impartial attitude toward the matter under investigation.
- 2) DO remain open-minded throughout the investigation to ascertain and report the pertinent facts on both sides.
- 3) DO avoid jumping to conclusions based on evidence obtained early on in the investigation even when the evidence points strongly to a certain conclusion.

b. **DO NOTs:**

- 1) DO NOT permit yourself to be influenced by political, religious, or racial prejudices and considerations.
- 2) DO NOT formulate a theory and then try to develop evidence that coincides with or supports those ideas.

(Note: It is, of course, necessary to weigh the evidence and to exercise judgment in appraising it for the purpose of determining what additional investigation is necessary.)

- 3) DO NOT close your mind to evidence that points to a different conclusion.
- 4) DO NOT place yourself or the Coast Guard in a position of appearing to either "get the person!" or to "whitewash" an investigation.

3. **Discretion:**

a. **Avoid Conduct that Appears Unfair:**

- 1) Conduct yourself and the investigation in such a way that these qualities are readily apparent to all with which you come in contact. It is not sufficient that you, as an investigator, be fair-minded or impartial.
- 2) Do not display favor or discrimination for or against any subject, and keep in mind the potential for misinterpretation of your remarks, acts, and motives.

b. **Confidentiality:**

- 1) Investigations are not regarded as strictly confidential; investigative information is open to the general public. However, if the information source requests confidentiality, you must protect the source identity from disclosure.
- 2) While engaged in official business, do not allow unauthorized or unnecessary persons to accompany you during the investigation. You cannot gain respect and confidence through a "cloak and dagger" attitude of secrecy.
- 3) Never engage in loose or careless talk regarding a case with other personnel and particularly with persons outside the Coast Guard.
- 4) However, it may at times be advantageous to discuss the conduct of an investigation with another investigator, especially one who is or has been engaged in similar investigations.

- 5) When the investigation is complete and the investigators have completed their report, the information is ready for public release under the Freedom of Information Act.

c. **Other Government Agencies:**

- 1) Apply the foregoing rules discreetly with respect to cooperating with other government agencies that may have an interest in an investigation being conducted by the Coast Guard.
- 2) Be courteous and considerate and give prompt attention to authorized requests from representatives of other law enforcement and recognized investigative agencies.

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CHAPTER 9 - GENERAL PENALTY PROCEDURES

A. Introduction

1. This chapter contains policy and guidance for District Commanders, Hearing Officers, and Bridge Administration staff concerning the disposition of reported violations of the applicable bridge laws and regulations.
2. These guidelines have been developed to provide a consistent approach, nationwide, to bridge penalty actions.
3. The purpose of "general penalty procedures" is to facilitate the safe passage of vessels through bridges by deterring any inconvenience or impediment to navigation, which may result from the location, construction, modification, maintenance, and/or operation of bridges across navigable waters of the United States.
4. The procedures for conducting civil penalty proceedings are designed to be simple and flexible. However, you must observe certain rules and guidelines in the interest of having an orderly framework and a record of what was done in the administrative process.

B. Reviewing and Forwarding Cases

1. You may receive information concerning violations of bridge administration laws and regulations from sources other than Coast Guard personnel.
 - a. **External Report of Alleged Violation:** Local law enforcement agencies, other federal agencies, navigation interests, or private citizens may report (via telephone or in writing) alleged:
 - 1) illegal bridge construction;
 - 2) deviation from approved plans; and/or
 - 3) failure to open a drawbridge, etc.
 - b. **Forwarding of Report:** The report is forwarded to the Bridge Administration Program Manager in the district in which the violation allegedly occurred;
 - c. **Prima Facie Case:** Upon receipt of the report, the district Bridge Administration Program Manager conducts an investigation to determine if there is sufficient evidence to establish a "prima facie" case. (This means that the file must contain proof of all elements of the violation, including jurisdiction.)

- d. **Cautionary Notice:** If the material then available indicates that there is not a prima facie case, yet a violation appears imminent, the district Bridge Administration Program Manager may issue a cautionary notice by letter or telephone. (A cautionary notice is a "forward-looking" communication with a potential violator reminding him/her that a violation is imminent.)
2. The following policies should be followed when attempting to informally achieve compliance:
 - a. It is Bridge Administration Program policy to achieve compliance on an informal basis at the lowest practicable level of administration whenever possible. It is considered in the best interest of the Coast Guard and the general public to avoid unnecessary paperwork and time expenditure.
 - b. A representative from the district Bridge Administration staff shall make a reasonable effort to achieve compliance and correct the issue informally.
 - c. Notes of the attempt to resolve the issue informally shall be prepared in sufficient detail to allow for a full understanding of the effort undertaken.
 - d. This is consistent with the need to develop accurate, relevant, timely, and complete violation histories.
 3. The district Bridge Administration Program Manager may close any violation case at any stage of the proceedings prior to the forwarding of the case to the hearing officer or the U. S. Attorney. Cases should be dismissed under any of the following circumstances:
 - a. The evidence does not establish that a violation occurred.
 - b. There is insufficient evidence that the party charged has committed the alleged offense.
 - c. Penalty action is dropped against one party and initiated against another.
 - d. There is an extraordinary situation where an injustice would result if penalty action was taken.
 - e. The complaint is false, petty, trivial, harassment, or otherwise unworthy or inconsequential.
 4. The district Bridge Administration Program Manager ensures that any originating unit, agency, or individual is advised of the disposition of all cases forwarded to him by that unit, agency, or individual and the reasons for disposition.
 5. If the district Bridge Administration Program Manager determines that sufficient evidence exists, he/she determines whether to:
 - a. Issue a warning letter.

- b. Recommend to the Hearing Officer an appropriate penalty assessment, following the procedure in Section "G." of this chapter.

C. Activity Files

1. **Receipt of Violation Report:** When the district Bridge Administration Program Manager receives a violation report, he/she establishes and maintains an activity file.
2. **Marine Information for Safety and Law Enforcement:**
 - a. **Effective 1 December 2001:** All marine safety related civil penalty violations, including those related to bridges, are required to be entered into, tracked, and maintained on the Marine Information for Safety and Law Enforcement (MISLE) data system. MISLE requires that an investigation be completed in the data system prior to recommending an enforcement action. Once the investigation is referred to enforcement, MISLE will generate a case number.
 - b. **Case Number:** MISLE will automatically assign a case number to each violation after the investigation has been referred for enforcement. This numbering system replaces the numbering system outlined in previous editions of the bridge manual:
 - 1) **Concurrent Violations:** A "case" may consist of one or more violations detected and reported at the same time and charged to one person, vessel, bridge owner, or bridge operator, as appropriate.
 - 2) **Nonconcurring Violations:** A "case" may also consist of several violations committed by one person, vessel, bridge owner, or bridge operator occurring over a period of time revealed by investigation and the results reported to the action authority.
 - c. **Prior Violations and Recommended Actions:** MISLE provides the violation history of party and subject bridge for cases handled after 1 December 2001 and has an archive with MSIS data. This information may be retrieved by the use of the case number or enforcement activity number that is generated by MISLE. Entries into MISLE are currently maintained indefinitely.
 - d. **Case History:** For each case, prepare a case history with entries relating to the steps taken.
 - e. **Closed Case:** When a violation is closed, submit a copy of the letter assessing the penalty to the Commandant (G-OPT). When a violation case is closed, disposition of the case should be recorded in the Quarterly Report and identified as a warning or penalty.

Note: To expedite the preparation of statistical reports, files of the closed cases may be maintained separately from those that are pending.

- f. **Closed Case without Penalty:** Violation reports, which are closed without penalty action, may be filed under the **MISLE** case number for administrative purposes (e.g., when preliminary review by the District Commander or the Hearing Officer discloses that no violation occurred or that the report was issued in error). Cases closed without penalty should be reported in the Quarterly Report for workload and measurement purposes.
3. **Letter of Warning:** A Letter of Warning to the offender, sent by the district Bridge Administration staff, constitutes an enforcement action, and will be filed in MISLE since a violation must be established before such a letter is issued. Letters of warning should be reported in the Quarterly Report for workload and measurement purposes.

D. District Bridge Administration Program Manager Letter Of Warning

1. The district Bridge Administration Program Manager Letter of Warning expedites the processing of minor violations. Use of this Letter of Warning avoids overtaxing the formal hearing process and simplifies the handling of minor cases. It allows the district Bridge Administration Program Manager to make official admonitions in cases where the recommended action (if the case were referred to a hearing officer) would be a "Letter of Warning." See example 9.1, District Bridge Administration Program Manager Letter at the end of this chapter.
2. The district Bridge Administration Program Manager Letter of Warning is used when official notification of the alleged violator is considered sufficient to obtain compliance and when a monetary penalty assessment is not appropriate to the circumstances of the case. The Letter of Warning may be issued only after:
 - a. The investigation by the district Bridge Administration Program Manager has been completed, following the procedures in Chapter 8 of this manual.
 - b. The district Bridge Administration Program Manager possesses prima facie evidence that a violation did occur.
3. Every reasonable effort shall be made to determine the responsible party to whom the letter shall be addressed. This party has a time limit of 30 days in which to contest the letter. In some instances, vessel operators or bridge owners may not be able to respond to a district Bridge Administration Program Manager Letter of Warning within the time allowed. For example, the violation may have occurred at some distant bridge location and the owner may require additional time in order to investigate the circumstances giving rise to the violation. The violator may request a reasonable extension of time, and it is within the discretion of the Program Manager whether or not to grant the request.
4. If the alleged violator contests the Letter of Warning, given new evidence of rebuttal, the district Bridge Administration Program Manager shall rescind the letter, if it is determined that the violation did not occur. If the district Bridge Administration Program Manager determines that the violation occurred, the letter stands as is.

Also, the district Bridge Administration Program Manager shall notify the alleged violator of his/her course of action. Repeated violations of the same type generally shall result in submitting the case to a Hearing Officer.

5. A district Bridge Administration Program Manager Letter of Warning is an official record, which states that a violation was committed and is considered in future civil penalty actions as part of a violation history. Therefore, be sure to delete letters, which have been rescinded from case records. A copy of each letter issued shall be forwarded to District (o) and to Commandant (G-OPT).

E. Hearing Officer's Responsibilities

1. Once a case is forwarded (including all case file documentation and the recommendation for the appropriate penalty assessment) to a Hearing Officer, the Hearing Officer is solely responsible for the decision in deciding each case on the basis of the case file, and the applicable laws, regulations, and agency interpretations. However, when forwarding a case to the Hearing Officer, the district Bridge Administration Program Manager may request that, if the alleged violator subsequently presents evidence, the district Bridge Administration Program Manager be given an opportunity for rebuttal.
2. The Hearing Officer will normally take the following actions in accordance with 33 CFR 1.07:
 - a. Examine the preliminary file and, if necessary, return it to the district Bridge Administration Program Manager with a written statement of reasons for the return (e.g., a need for additional investigation).
 - b. Issue (sign) a Letter of Notification of the violation(s) to the apparent responsible party. The letter indicates the amount of the penalty that appears to be appropriate based on the material available and the required elements listed in 33 CFR 1.07-20(b).
 - c. Resolve preliminary matters such as providing a copy of the case file, dealing with requests for delays, etc.
 - d. Conduct a hearing, if one is requested or desired.
 - e. Evaluate all evidence, including oral or written comments presented in the hearing or received by mail.
 - f. Decide that a violation requiring a Hearing Officer Letter of Warning or a penalty assessment was committed and assess the appropriate penalty.
 - g. Handle all appeal documents and conduct any further proceedings, which may be required.

Note: For further information, contact the district Hearing Officers or district legal offices.

F. Access to Evidence

1. **Alleged Violator Requests:** The alleged violator may receive a free copy of all the written evidence in the case file upon request, except material that would disclose or lead to the disclosure of the identity of a confidential informant. Other evidence or material (e.g., blueprints, sound or videotapes, and photographs) may be examined at the district office.

(Note: The Coast Guard may provide for examination of evidence at other locations if there are adequate safeguards to prevent loss or tampering.)

2. **Documentation of Alleged Violator Requests:** The district Bridge Administration Program Manager documents whether or not a copy of evidence has been provided to the alleged violator. Also, the district Bridge Administration Program Manager records the reasons for not providing a copy of or access to any material requested by the alleged violator.
3. **Withholding of Evidence and Other Material:** In addition to withholding evidence, which would disclose or lead to the disclosure of the identity of a confidential source, certain other material may (and in some cases, must) be withheld from the public and the alleged violator. Where withholding is required by law, the investigator and/or the district Bridge Administration Program Manager (or any other person who is aware of the fact that the material is protected) should conspicuously mark the document or item to prevent its inadvertent release. Any other person may make a request that certain material be treated as confidential on the basis that the information contained is:
 - a. Confidential financial information, trade secrets, or other material exempt from disclosure by the Freedom of Information Act (5 U.S.C. 552).
 - b. Required to be held in confidence by 18 U.S.C. 1905.
 - c. Otherwise exempt by law from disclosure.
4. **Confidential Treatment:** The person desiring confidential treatment must submit the request to the district Bridge Administration Program Manager in

writing and state the reasons justifying nondisclosure. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

Note: Any questions concerning consideration or releasability of information [i.e., confidential information, etc.] may be referred to the district legal officer for advice.

- G. The Appropriate Penalty Amount:** Example 9.2 is a schedule of recommended civil penalty amounts for various violations authorized under 33 U.S.C. 495, 499, 502, and 533. The range of assessed penalties for each violation is based upon the comparative severity of each violation. The maximum civil penalty amount in the Bridge Statutes is listed as \$1,000/day/occurrence, however an inflationary increase adjustment of \$100.00 occurred in 1997 bringing the maximum penalty amount to \$1,100/day/occurrence. The charge and all associated specifications are listed in the MISLE Cite Builder, 33 CFR 27 and specified in Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5 (series).
- H. Reports of Violations Involving Criminal Penalty Provisions**
1. **General:** Certain statutes administered and enforced by the Coast Guard contain both civil and criminal penalties, while others contain only criminal penalties (i.e., fine and imprisonment). When violations are reported for which criminal penalties are authorized, weigh the facts submitted and determine whether or not the imposition of a criminal penalty is warranted. If it appears that the evidence is sufficient and that the circumstances are such that a criminal penalty is indicated, refer the case to the U. S. Attorney for action.
 2. **Cases Involving Both Civil and Criminal Penalty Provisions:**
 - a. A dual penalty example would be 33 U.S.C. 494, Drawbridge Operation Regulations, which provides for the imposition of a civil penalty and for criminal prosecution for violation of the act. These types of cases vary in gravity. Accordingly, some are appropriately referred to the Department of Justice for criminal prosecution, while others are better handled by civil penalty procedures.
 - b. The district Bridge Administration Program Manager takes appropriate action on all reports of such penalty violations in accordance with the following procedures:
 - 1) All willful violation cases are carefully evaluated to determine whether the facts, circumstances, and evidence available in the case warrant referral to the U. S. Attorney for criminal prosecution.
 - 2) Flagrant cases or cases involving repeated offenses may be referred to the U. S. Attorney for criminal prosecution if the facts warrant such action.
 - 3) When the cases described above are referred to the U. S. Attorney for prosecution, and prosecution is declined, the district Bridge Administration Program Manager may then decide to institute civil penalty proceedings.
 - c. When an alleged violation may subject a violator to both a criminal and civil penalty, the district Bridge Administration Program Manager notifies the owner

of the bridge or vessel and the individual who has allegedly committed the violation and cites the statute(s), which the evidence indicates, has been violated.

- d. Also, the district Bridge Administration Program Manager states that no action will be taken to institute administrative civil penalty proceedings for the same offense until a determination has been made by the U. S. Attorney to institute criminal proceedings.
- e. In addition, interested parties should be advised that, regardless of the outcome of any criminal proceedings instituted, they still may be subject to the civil penalties set forth in the statutes apparently violated.

3. **Cases Involving Criminal Penalty Provisions Only:**

- a. An example of a statute with only criminal penalties is 14 U.S.C. 84 (Interference with Aids to Navigation).
- b. The district Bridge Administration Program Manager carefully evaluates all reports of such violations to determine whether the facts, circumstances, and evidence available warrant referral to the U. S. Attorney for criminal prosecution.

4. **Cases Referred to the U. S. Attorney for Action:**

- a. If it is desired to refer a case to the U. S. Attorney, consult with the district legal officer (dl) and with the Commandant (G-OPT).
- b. A decision to refer a criminal case to the appropriate U. S. Attorney is subject to the approval of the Commandant (G-OPT).
- c. When criminal prosecution is contemplated, it is especially important that the investigation fully develop the violator's side of the story as well as the Coast Guard's.
- d. Information Required by U. S. Attorney:
 - 1) When a case is referred to the U. S. Attorney for criminal prosecution, the case file shall be transmitted with a letter stating relevant facts and considerations that would be helpful to the U. S. Attorney.
 - 2) Identify the statute(s) or regulation(s) violated and make specific recommendations concerning the proceedings to be instituted.
 - 3) In particular, include information on local conditions, which may have a bearing on the violation (e.g., implications with respect to local compliance, the previous record of the offender, or the general state of compliance in the locality).

Example 9.1: District Bridge Administration Program Manager Letter of Warning

Re: (Name of Bridge) across MISLE Case No. _____(Waterway) at/near (Location)
(and Vessel as appropriate)

Date of Alleged Violation:

Dear (Name of Violator):

Based on a complete review of available evidence, I am issuing this Letter of Warning to you. I find that the materials before me establish that you have committed the following violations:

(State violation with U.S.C./CFR citations, as appropriate.)

In considering the nature of this violation and your violation history, I believe that this Letter of Warning is appropriate, rather than pursuing further civil penalty action. However, you are urged to prevent a repetition of this occurrence.

Unless you contest this Letter of Warning, I will assume that you do not deny either the alleged violation or your responsibility for it. Given this, the Coast Guard will maintain a record of this letter and the violation. We will consider this violation in the event future violations occur.

You may contest this letter to me in writing within 30 days. If, upon review of any new evidence that you submit, I determine that the violation did not occur, I will rescind this letter. However, if I still believe that the violation occurred and that you are responsible for it, I will withdraw this letter and forward the violation case to the District Commander for appropriate action. Such action may include referral to the District Civil Penalty Hearing Officer and could result in a determination to dismiss the case, issue a warning, or assess a civil penalty. If you do not contest this letter within 30 days, the Coast Guard will consider this a final action.

District Bridge Administration Program Manager

Copies to: District (o)

Example 9.2: Schedule Of Recommended Civil Penalty Amounts

| Approved Location and Plans (33 U.S.C. 401, 491 and 495) | |
|---|-----------------|
| Construction or modification of bridges without Coast Guard approval (33 CFR 115.50) | \$550-1,100/day |
| Deviation from approved plans without prior Coast Guard approval (33 CFR 115.50) | \$550-1,100/day |
| Bridge Permit Conditions (33 U.S.C. 525(b)). | |
| Deviation from approved plans for a temporary bridge | \$275-550/day |
| Failure to display and maintain clearance gauges (33 CFR 117.47) | \$165-495/day |
| Construction of false work, cofferdams, or other obstructions without prior Coast Guard approval | \$220-1,100/day |
| Timely notice not given of construction or modification events affecting navigation | \$220-1,100/day |
| Channels through the structure not cleared of construction obstructions within time limit | \$220-1,100/day |
| Failure to remove existing bridge, which will not be replaced when no longer used for transportation purposes, to specific elevation within time limit | \$550-1,100/day |
| Failure to remove temporary bridge to specific elevation and clear waterway within time limit | \$550-1,100/day |
| Failure to remove existing, to be replaced, bridge to specific elevation and clear waterway within time limit | \$550-1,100/day |
| Violation of other permit conditions not enumerated above (except failure to report alternate design chosen or commence and complete construction or modification within time limits - these render the permit null and void) | \$220-1,100/day |
| Proper Bridge Maintenance (Repair) (33 U.S.C. 494 and 495) | |
| Failure to install and keep bridge lights and other signals in working order (33 CFR 118) | \$330-825/day |
| Failure to keep drawbridge machinery in operable condition (33 CFR 117.7(B)(2)) | \$660-1,100/day |
| Failure to keep pier protection (fender system) in good repair | \$880-1,100/day |
| Other instances of unreasonably obstructing or making hazardous the free navigation of a waterway by failure to keep a bridge and accessory works in proper repair not enumerated above | \$110-1,100/day |
| Drawbridge Operations (33 U.S.C. 499) (per occurrence) | |
| Vessel owner or operator signaling a drawbridge to open for a nonstructural vessel appurtenance unessential to navigation or easily lowered (33 CFR 117.11) | \$220-550 |
| Unreasonable delay in operating a draw opening after signal (33 CFR 117.9) | \$550-1,100 |
| Violation of general drawbridge regulations (33 CFR 117.1) | \$550-1,100 |
| Unreasonably Obstructive Bridges | |
| Failure to alter an unreasonably obstructive bridge within time limit (33 U.S.C. 494, 502, and 513) | \$550-1,100/day |
| Failure to remove obstructive bridge to specific elevation within time limit (33 U.S.C. 494, 502, and 519) | \$550-1,100/day |

TABLE OF ENCLOSURES

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**U.S. Coast Guard/Federal Highway Administration
Memorandum of Understanding on Coordinating the
Preparation and Processing of Environmental Documents**

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to avoid unnecessary duplication of effort by the Coast Guard and the Federal Highway Administration (FHWA), both agencies of the Department of Transportation (DOT), in the preparation and processing of environmental documents pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332(2)(c)) and other federal environmental statutes and orders for bridge projects requiring approvals of both the FHWA and the Coast Guard. The NEPA requires the Secretary of Transportation to make explicit analyses of environmental consequences of proposed major federal actions under DOT jurisdiction and prepare detailed statements which analyze and consider the impact of these proposed actions upon the environment. The procedures set forth in this MOU will be utilized to strengthen the early coordination between the Coast Guard and FHWA prior to and during the development of the highway section and environmental processing.

II. Definition

The definitions contained in the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508) are applicable to this MOU as well as the following:

1. Bridge: The term "bridge and its approaches," as used in 33 CFR 114.05, should be defined in each case by applying proper engineering sense to the facts of the case. The term may be defined generally as including all work integral to the structure itself. For example, if a bridge deck's grade is the same as the grade of the highway approach to it, the point where the abutment terminates would be considered the limit of the bridge. In a case where the bridge deck is at a higher elevation than the approach highway leading up to it, with a change in grade required to reach that elevation, the point where a change in grade in the approach highway occurs would be considered the limit of the bridge. Other bridges, whether highway, railroad, industrial conveyors, pipelines, etc., excepting aerial transmission lines, which are reconstructed, removed, relocated, or otherwise involved in the federal assistance project requiring approval of the location and plans by the Commandant, U.S. Coast Guard, are included in this definition.
2. Bridge Permit: The approval of location and plans of a bridge, pursuant to the provisions of 33 U.S.C. 401, 491 et seq., 511 et seq., 525 et seq., and 535, and Acts of Congress authorizing the construction of bridges, including international bridges.
3. Coast Guard: This shall mean the Commandant of the Coast Guard; Assistant Commandant for Operations; Chief, Office of Bridge Administration; or Commander of a Coast Guard District to the extent of the authority delegated. However,

throughout sections IV and V of this MOU, unless otherwise stated, Coast Guard shall mean the Commander of a Coast Guard District.

4. FHWA: This shall mean the Administrator, Federal Highway Administration; the Regional Federal Highway Administrator; or Division Administrator (Division Engineer for direct federal highway projects) to the extent of the authority delegated. However, throughout sections IV and V of this MOU, unless otherwise stated, FHWA shall mean the Division Administrator.
5. Highway Agency (HA): The agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of bridges and highways. For bridges and highways financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For bridges and highways financed with other funds, such as National Forest, and National Park roads and highways, etc., the HA will be the appropriate Federal or State agency.
6. Federally Aided Highway Project: Highway and bridge projects constructed with the assistance of the FHWA-administered funds, including projects financed from funds transferred to the FHWA from other agencies.
7. Navigable Waters of the United States: For purposes of bridge administration, "navigable water of the United States" means the following (unless specifically declared otherwise by Congress):
 - a. The territorial sea.
 - b. Internal waters subject to tidal influence.
 - c. Internal waters not subject to tidal influence, which:
 - (1) Are or have been used, or are or have been susceptible for use, by themselves or in connection with others, as highways for substantial interstate or foreign commerce, notwithstanding obstructions that require portages; or
 - (2) A governmental or nongovernmental body having expertise in waterway improvement determines or has determined to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with others, highways for substantial interstate or foreign commerce.

III. **Lead Agency for Environmental Processes**

Except as provided for in Section 144(h) of Title 23, United States Code, the Coast Guard must approve (issue a permit for) the location and plans for highway bridges crossing navigable waters of the United States. A significant number of these bridges are constructed with the assistance of federal funds administered by the FHWA.

The actions by the FHWA and the Coast Guard require an evaluation under NEPA, as implemented by the CEQ Regulations (40 CFR 1500-1508), DOT Order 5610.1C, applicable parts of the operating agencies' directives (FHPM 7-7-2 and Commandant Instruction M16475.1C), and other federal environmental statutes and orders. The CEQ regulations strongly encourage that a single agency (lead agency) be designated to handle the NEPA responsibilities where related actions by several federal agencies are to be taken. The lead agency, in such instances, assumes the responsibility for consultation with other agencies, coordinating necessary environmental studies and evaluations, and preparation of any NEPA-related determination or document for review by the cooperating federal agencies prior to making it available for public review.

The Coast Guard and the FHWA agree that, when a highway section requires an action by both FHWA and the Coast Guard, the FHWA will normally serve as the lead agency for the preparation and processing of environmental documents.

IV. **Responsibility of the FHWA**

A. FHPM 7-7-2 defines three classes of actions which prescribe the level of documentation required in the NEPA process. These are:

1. Class I (EIS's) - Actions that require an EIS.
2. Class II (Categorical Exclusions) - Actions that do not individually or cumulatively have a significant effect on the environment.
3. Class III (Environmental Assessments) - Actions in which the significance of the impact on the environment is not clearly established. All actions that are not Class I or Class II are Class III. For these actions, an Environmental Assessment (EA) must be prepared culminating in a decision to prepare an EIS or a Finding of No Significant Impact (FONSI).

The above documents shall demonstrate, where applicable, consideration of and compliance with the requirements of other federal environmental statutes and orders, including but not limited to:

23 U.S.C. 138 and 49 U.S.C. 1653(f) (Section 4(f) of the Department of Transportation Act of 1966);

16 U.S.C. 461, et seq., Archeological and Historic Preservation Act and 23 U.S.C. 3054;

16 U.S.C. 662, Section 2 of the Fish and Wildlife Coordination Act;

16 U.S.C. 1452, 1456, Sections 303 and 307 of the Coastal Zone Management Act of 1972;

16 U.S.C. 1536, Section 7 of the Endangered Species Act of 1973;

33 U.S.C. 1251, et seq., Clean Water Act of 1977;

42 U.S.C. 300(f), et seq., Safe Drinking Water Act of 1974;

42 U.S.C. 4371, et seq., Environmental Quality Improvement Act of 1970;

42 U.S.C. 4601, et seq., Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

42 U.S.C. 4901, et seq., Noise Control Act of 1972;

42 U.S.C. 7401, et seq., Clean Air Act;

42 U.S.C. 2000(d)-(d)4, Title VI of the Civil Rights Act of 1964;

Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991, dated May 24, 1977;

Executive Order 11593, Protection and Enhancement of the Cultural Environment, dated May 13, 1971, implemented by DOT Order 5650.1, dated November 20, 1972;

Executive Order 11988, Floodplain Management, dated May 24, 1977, implemented by DOT Order 5650.2, dated April 23, 1979;

Executive Order 11990, Protection of Wetlands, dated May 24, 1977, implemented by DOT Order 5660.1A, dated August 24, 1978.

- B. It is the intent of this MOU that the data developed and the evaluation of impacts upon the human environment set forth in the appropriate environmental document will satisfy the requirements of both FHWA and the Coast Guard. In order to achieve this result, it is incumbent upon FHWA to initiate early and to maintain continuing coordination with the Coast Guard throughout the NEPA phase of project development. Accordingly, it is the responsibility of FHWA to take the following actions:
1. As the lead agency, FHWA shall be responsible for the preparation of the appropriate documentation for Class I, II, or III projects in accordance with the requirements of FHPM 7-7-2.
 2. The FHWA shall consult with the Coast Guard prior to determining that any project which may require a Coast Guard bridge permit is a Class I, II, or III action.

3. For each project that may require a Coast Guard bridge permit and is to be processed as a Class I or Class III action, FHWA will request that the Coast Guard become a cooperating agency.
4. For Class I projects, FHWA will continue to consult with the Coast Guard during the preparation of both the draft and final EIS.
5. For Class II projects, FHWA will provide the Coast Guard with information which documents that a project is a categorical exclusion.
6. For Class III projects, FHWA will consult with the Coast Guard during the preparation of both the environmental assessment, and if so determined, the FONSI.
7. The FHWA will consult with the Coast Guard relative to the need for highway and Coast Guard public hearing opportunities and consider a joint public hearing where appropriate.
8. If FHWA determines, pursuant to Section 144(h) of Title 23, United States Code, that a project is exempt from a Coast Guard permit, it shall so notify the Coast Guard of same if FHWA believes that sufficient navigation exists to require the establishment, maintenance, and operation of lights and signals as required under 14 U.S.C. 685.
9. When a difference of opinion arises between the FHWA Division Administrator and the Coast Guard District Commander relative to the proper class of action or adequacy of environmental documentation, the FHWA Division Administrator shall meet with the Coast Guard District Commander and attempt to resolve the issue. If the issue is not resolved, the FHWA Division Administrator shall so notify the FHWA Regional Administrator who, in turn, shall consult with the District Commander. If the issue is not resolved at the FHWA Regional Office level, the Regional Administrator shall refer it to the FHWA Associate Administrator for Right-of-Way and Environment for appropriate handling.
10. The FHWA will ensure that the environmental documentation submitted to the Coast Guard with the permit application is complete with respect to satisfying NEPA and other federal environmental statutes and orders.

V. Responsibility of the Coast Guard

It is the responsibility of the Coast Guard to take the following actions:

1. The Coast Guard shall cooperate with and provide guidance to FHWA and the HA during the determinations of class of actions and in the preparation of appropriate environmental documentation relative to its areas of jurisdiction.
2. The Coast Guard will furnish names of waterway organizations to FHWA and the HA with whom consultation should be made during the development of environmental studies and to whom copies of the draft environmental documents should be sent for review.
3. Provided coordination has been accomplished in accordance with this MOU, the Coast Guard will ordinarily accept FHWA's environmental documentation as satisfactory compliance with NEPA for the purpose of processing the bridge permit application.
4. Where it is necessary for the Coast Guard to hold a hearing or public review of the navigational aspects of the proposal, the Coast Guard notice will make reference to the approved FHWA environmental documentation. It is not the intent of the Coast Guard notice to invite review and comment on approved FHWA environmental documentation.

Concur R. A. BARNHART /S/
Federal Highway Administrator

Concur J. B. HAYES /S/
Commandant, U.S. Coast Guard

Date ----- 27 April 1981 -----

Date ----- 6 May 1981 -----

Coast Guard/FHWA Procedures for Projects Which Require a Coast Guard Bridge Permit

| <p align="center">Federal Highway Administration (FHWA/State) Activities</p> | <p align="center">U.S. Coast Guard Activities</p> |
|--|---|
| <p>1. <i>System Planning Activities</i> – Notify Coast Guard of projects on plan or Transportation Improvement Program that may require a bridge permit. (optional)</p> | |
| <p>2. <i>Project Initiation Activities</i></p> | |
| <p>3. <i>Preliminary Environmental/Location Studies</i> - Assess potential for Bridge Permit and Coast Guard involvement early in the project development process.</p> | <p>3. Become involved early in process at FHWA's request.</p> |
| <p>3(a) <i>Data gathering</i> - Establish a Coast Guard contact (usually a Coast Guard District Office) and compile applicable information regarding location of potential crossing, i.e. waterway opening, waterway characteristics, type of waterway navigation, etc.</p> | |
| <p>3(b) <i>Determine if a Coast Guard permit is required</i> - Make 23 U.S.C. 144 (h) determination based on information obtained in 3(a) and through coordination with Coast Guard as per 23 CFR 650.805-807 (Subpart H).</p> | <p>3(b) Timely consult with FHWA/HA on permit jurisdictional issues. District will respond to FHWA/HA consultations within 30-days.</p> |
| <p>3(c) <i>Permit Pre-Application Consultation</i> - Coordinate with Coast Guard to determine information needed for meeting requirements of a Bridge Permit. Information needed by Coast Guard could include a description of overall project, proposed bridge design concepts, waterway location, opening and height clearances, presence and disposition of existing bridge(s), etc. and preliminary environmental information.</p> | <p>3(c) Assess navigational needs and assist FHWA/State with draft EIS or EA; consider, as appropriate, preliminary public notice of project locations and evaluation of possible effects on waterway. Advise FHWA/State whether the proposed project meets the reasonable needs of navigation or is controversial.</p> |

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| <p>3(d) <i>Determine the Level of NEPA Environmental Documentation (CE, EA, or EIS)</i> – Based on project information, determine appropriate environmental class of action. For projects involving historic bridges, apply the provisions of Section 106 and Section 4(f) and the FHWA/Coast Guard guidance MOU of January 7, 1985. Coordinate with the Coast Guard using applicable guidelines. For multi-state bridge projects make sure that all of the affected State DOTs and responsible jurisdictions and oversight agencies carry out appropriate coordination efforts.</p> | <p>3(d) Become involved early in the process upon FHWA’s request. Cooperate with FHWA in determining appropriate level of environmental documentation. Coast Guard will normally accept a FHWA CE provided it does not conflict with FHWA/Coast Guard guidance MOU of January 7, 1985 or other guidance.</p> |
| <p>3(e) <i>Bridge Permit Coordination</i> - Continue coordination with Coast Guard regardless of level of environmental class of action. For EIS projects formally request Coast Guard to be cooperating agency as per CEQ Regulations. FHWA will advise FHWA headquarters if there is a problem coordinating with Coast Guard field representative.</p> | <p>3(e) Coast Guard will meet and cooperate with the FHWA and the HA whenever requested to resolve problems and avoid unnecessary project delays.</p> <p>Coast Guard will serve as a cooperating agency when requested and will so advise FHWA within 30 days of receiving request.</p> |
| <p>4(a) <i>Environmental Documentation</i> - Prepare necessary environmental documentation based on project analysis. Include discussion of Bridge Permit application information as established in 3(d), potential impacts to the environment, and a discussion of results of ongoing coordination with the Coast Guard.</p> | <p>4(a) Comment on environmental documentation concentrating on the bridge(s) and approaches, with particular emphasis on adequacy of proposed clearances.</p> |
| <p>4(b) <i>Joint FHWA/State and Coast Guard Public Involvement</i> – Coordinate with the Coast Guard to determine if joint efforts for public notices, meetings, and hearing(s), especially in controversial projects, are applicable.</p> | <p>4(b) Participate in joint public notice and hearing(s): Where requested by FHWA/State When sufficient information is available on a given bridge to avoid separate Coast Guard hearing.</p> <p>Coast Guard will hold/issue joint public hearings/notices whenever sufficient information is provided on bridge location and clearances.</p> |

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| <p>5. <i>Environmental Documentation</i> – Continue environmental analysis, select preferred alternative and complete environmental documentation, furnish preliminary environmental documentation to Coast Guard for review, as appropriate, respond to comments received on navigation and environmental aspects of highway bridges. If the Coast Guard has not provided comments on the bridge permit related aspects, contact the Coast Guard and obtain their views on the adequacy of the current bridge permit information including navigational clearances.</p> | <p>5. Upon request, assist in preparing responses to any navigational issues received on environmental document.</p> <p>Review preliminary final EIS or FONSI and comment, as appropriate.</p> |
| <p>6. <i>FHWA approval of Final environmental documentation</i> - Complete permit application as required. Coordinate with Coast Guard to ensure adequacy of Permit information. If Programmatic Section 4(f) is utilized, provide Coast Guard with the supporting information for determining its applicability, including alternatives, mitigation measures, and Section 106 FHWA/SHPO MOA coordination.</p> | <p>6. If bridge impacts are adequately addressed in environmental documentation, Coast Guard will adopt bridge related portions of EIS, prepare own FONSI based on applicant prepared EA, and concur with any FHWA Programmatic Section 4(f). Coast Guard field bridge staff will cooperate with FHWA/HA to ensure bridge impacts are adequately addressed.</p> |
| <p>7. <i>Permit Application</i> – Whenever practicable submit application for Coast Guard Bridge Permit. (Permit application(s) may include alternate bridge designs.) Resolve any outstanding issues.</p> | <p>7. When permit application is included, review for completeness and issue formal public notice.</p> |

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| <p>8. <i>Permit Application</i> – If permit application has not been previously submitted, apply for permit as soon as practicable.</p> | <p>8(a) For applications submitted after approval of final EIS or FONSI, District reviews application and issues formal public notice.</p> <p>8(b) District concurs in resolution of any outstanding issues; forwards permit application with recommendation to Washington Headquarters or acts on permit application where appropriate.</p> |
| <p>9. <i>Complete bridge design</i> - If alternate designs result, notify Coast Guard of alternate design within 30 days of bid award.</p> | <p style="background-color: #cccccc;"> </p> |



 FREDERICK SKAER
 Director, Office of National Environmental
 Policy Act Facilitation
 Federal Highway Administration
 Date: 12-10-2001



 N. E. MPRAS
 Chief, Office of Bridge Administration
 U. S. Coast Guard
 By direction of the Commandant
 Date: DEC - 6 2001



 JAMES D. COOPER
 Director, Office of Bridge Technology
 Federal Highway Administration
 Date: 12-16-01

U. S. Coast Guard/Chief of Engineers

Memorandum of Agreement

1. Purpose and Authority:

A. The Department of Transportation Act, the Act of October 15, 1966, P.L. 89-670, transferred to and vested in the Secretary of Transportation certain functions, powers and duties previously vested in the Secretary of the Army and the Chief of Engineers. By delegation of authority from the Secretary of Transportation (49 CFR 1.46(c)) the Commandant, U.S. Coast Guard, has been authorized to exercise certain of these functions, powers and duties relating to bridges and causeways conferred by:

(1) the following provision of law relating generally to drawbridge operating regulations: Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499);

(2) the following law relating generally to obstructive bridges; The Act of June 21, 1940, as amended (Truman-Hobbs Act)(54 Stat. 497; 33 U.S.C. 511 et seq.);

(3) the following laws and provisions of law to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States:

(a) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401);

(b) The Act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.); and

(c) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.) except Sections 502(c) and 503.

B. The Secretary of the Army and The Chief of Engineers continue to be vested with broad and important authorities and responsibilities with respect to navigable waters of the United States, including, but not limited to, jurisdiction over excavation and filling, design flood flows and construction of certain structures in such waters, and the prosecution of waterway improvement projects.

C. The purposes of this agreement are:

(1) To recognize the common and mutual interest of the Chief of Engineers and the Commandant, U.S. Coast Guard, in the orderly and efficient administration of their respective responsibilities under certain federal statutes to regulate certain activities in navigable waters of the United States;

(2) To clarify the areas of jurisdiction and the responsibilities of the Corps of Engineers and the Coast Guard with respect to:

- (a) the alteration of bridges;
 - (1) in connection with Corps of Engineers waterway improvement projects; and
 - (2) under the Truman-Hobbs Act;
 - (b) the construction, operation and maintenance of bridges and causeways as distinguished from other types of structures over or in navigable waters of the United States;
 - (c) the closure of waterways and the restriction of passage through or under bridges in connection with their construction, operation, maintenance and removal; and
 - (d) the selection of an appropriate design flood flow for flood hazard analysis of any proposed water opening.
- (3) To provide for coordination and consultation on projects and activities in or affecting the navigable waters of the United States.

In furtherance of the above purposes the undersigned do agree upon the definitions, policies and procedures set forth below.

2. Alteration of Bridges in or Across Navigable Waters Within Corps of Engineers Projects:

A. The Chief of Engineers agrees to advise and consult with the Commandant on navigation projects contemplated by the Corps of Engineers which require the alteration of bridges across the waterways involved in such projects. The Chief of Engineers also agrees to include in such project proposals the costs of alterations, exclusive of betterments, of all bridges within the limits of the designated project which after consultation with the Commandant he determines to require alteration to meet the needs of existing and prospective navigation. Under this concept the federal costs would be furnished under the project.

B. The Commandant of the Coast Guard agrees to undertake all actions and assumes all responsibilities essential to the determination of navigational requirements for horizontal and vertical clearances of bridges across navigable waters necessary in connection with any navigation project by the Chief of Engineers. Further, the Commandant agrees to conduct all public proceedings necessary thereto and establish guide clearance criteria where needed for the project objectives.

3. Alteration of Bridges Under the Truman-Hobbs Act:

The Commandant of the Coast Guard acknowledges and affirms the responsibility of the Coast Guard, under the Truman-Hobbs Act, to program and fund for the alteration of bridges which, as distinct from project related alterations described in paragraph 2 herein, become unreasonable obstructions to navigation as a result of factors or changes in the character of navigation and this agreement shall in no way affect, impair or modify the powers of duties conferred by that Act.

4. Approval, Alteration and Removal of Other Bridges and Causeways:

A. General, Definitions. For purposes of this Agreement and the administration of the statutes cited in 1.A.(3) above, a "bridge" is any structure over, on or in the navigable waters of the United States which (1) is used for the passage or conveyance of persons, vehicles, commodities and other physical matter, and (2) is constructed in such a manner that either the horizontal or vertical clearance, or both, may affect the passage of vessels or boats through or under the structure. This definition includes, but is not limited to, highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways and conveyors, overhead pipelines and similar structures of like function together with their approaches, fenders, pier protection systems, appurtenances and foundations. This definition does not include aerial power transmission lines, tunnels, submerged pipelines and cables, dams, dikes, dredging and filling in, wharves, piers, breakwaters, bulkheads, jetties and similar structures and works (except as they may be integral features of a bridge and used in its construction, maintenance, operation or removal; or except when they are affixed to the bridge and will have an effect on the clearance provided by the bridge) over which jurisdiction remains with the Department of the Army and the Corps of Engineers under Sections 9 and 10 of the Act of March 3, 1899, as amended (33 U.S.C. 401 and 403). A "causeway" on both sides of the road, and which is constructed in or affects navigation, navigable waters and design flood flows.

B. Combined Structures and Appurtenances. For purposes of the Acts cited in 1.A.(3) above, a structure serving more than one purpose and having characteristics of either a bridge or causeway, as defined in 4.A., and some other structure, shall be considered as bridge or causeway when the structure in its entirety, including its appurtenances and incidental features, has or retains the predominant characteristics and purpose of a bridge or causeway. A structure shall not be considered a bridge or causeway when its primary and predominant characteristics and purpose are other than those set forth above and it meets the general definitions above only in a narrow technical sense as a result of incidental features. This interpretation is intended to minimize the number of instances which will require an applicant for a single project to secure a permit or series of permits from both the Department of Transportation and the Department of the Army for each separate feature or detail of the project when it serves, incidentally to its primary purpose, more than one purpose and has features of either a bridge or causeway and features of some other structure. However, if parts of the project are separable and can be fairly and reasonably characterized or classified in an engineering sense as separate structures, each such structure will be so treated and considered for approval by the agency having jurisdiction thereover.

C. Alteration of the Character of Bridges and Causeways. The jurisdiction of the Secretary of Transportation and the Coast Guard over bridges and causeways includes authority to approve the removal of such structures when the owners thereof desire to discontinue their use. If the owner of a bridge or causeway discontinues its use and wishes to remove or alter any part thereof in such a manner that it will lose its character as a bridge or causeway, the Coast Guard will normally require removal of the structure from the waterway in its entirety. However, if the owner of a bridge or a causeway wishes to retain it in whole or in part for use other than for operation and maintenance as a bridge or causeway, the proposed structure will be considered as coming within the jurisdiction of the Corps of Engineers. The Coast Guard will refer requests for such uses to the Corp of Engineers for consideration. The

Corps of Engineers agrees to advise the Commandant of the receipt of an application for approval of the conversion of a bridge or causeway to another structure, no residual jurisdiction over the structure will remain with the Coast Guard. However, if the Corps of Engineers does not approve the proposed conversion, then the structure remains a bridge subject to the jurisdiction of the Coast Guard.

5. Closure of Waterways and Restriction of Passage through or under Bridges:

Under the statutes cited in Section 1 of this Memorandum of Agreement, the Commandant must approve the clearances to be made available for navigation through or under bridges. It is understood that this duty and authority extends to and may be exercised in connection with the construction, alteration, operation, maintenance and removal of bridges, and includes the power to authorize the temporary restriction of passage through or under a bridge by use of falsework, piling, floating equipment, closure of draws, or any works or activities which temporarily reduce the navigation clearances and design flood flows, including closure of any or all spans of the bridge. Moreover, under the Ports and Waterways Safety Act of 1972, Public Law 92-340, 86 Stat. 424, the Commandant exercises broad powers in waterways to control vessel traffic in areas he determines to be especially hazardous and to establish safety zones or other measures for limited controls or conditional access and activity when necessary to prevent damage to or the destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States. Accordingly, in the event that work in connection with the construction, alteration or repair of a bridge or causeway is of such a nature that for the protection of life and property navigation through or in the vicinity of the bridge or causeway must be temporarily prohibited, the Coast Guard may close that part of the affected waterway while such work is being performed. However, it is also clear that the Secretary of the Army and the Chief of Engineers have the authority, under Section 4 of the Act of August 18, 1894, as amended, (33 U.S.C. 1), to prescribe rules for the use, administration and navigation of the navigable waters of the United States. In recognition of that authority, and pursuant to Section 102(c) of the Ports and Waterways Safety Act, the Coast Guard will consult with the Corps of Engineers when any significant restriction of passage through or under a bridge is contemplated to be authorized or a waterway is to be temporarily closed.

6. Coordination and Cooperation Procedures.

A. District Commanders, Coast Guard Districts, shall send notices of applications for permits for bridge or causeway construction, modification, or removal to the Corps of Engineers Divisions and Districts in which the bridge or causeway is located.

B. District Engineers, Corps of Engineers, shall send notices of applications for permits for other structures or dredge and fill work to local Coast Guard District Commanders.

C. In cases where proposed structures or modifications or structures do not clearly fall within one of the classifications set forth in paragraph 4.A above, the application will be forwarded with recommendations of the reviewing officers through channels to the Chief of Engineers and the Commandant of the Coast Guard who shall, after mutual consultation, attempt to resolve the questions.

D. If the above procedures fail to produce agreement, the application will be forwarded to the Secretary of the Army and Secretary of Transportation for their determination.

E. The Chief of Engineers and the Commandant, U. S. Coast Guard, pledge themselves to mutual cooperation and consultation in making available timely information and data, seeking uniformity and consistency among field offices, and providing timely and adequate review of all matters arising in connection with the administration of their responsibilities governed by the Acts cited herein.

DATE: ----- 03/21/73 -----

SIGNED: C. R. BENDER /S/

DATE: 18 APRIL 1973

SIGNED: F. J. CLARKE /S/

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Memorandum of Understanding
for
Employment of the U. S. Coast Guard Auxiliary
in Support of
the Coast Guard's Bridge Administration Program

OBJECTIVE: Through mutual involvement and commitment, expand the involvement of the Coast Guard Auxiliary in a dynamic "Team Coast Guard" approach which actively engages Auxiliarists as "full partners" in aggressively supporting the Coast Guard's Bridge Administration Program (BAP).

DISCUSSION: The mission of the BAP is to protect the human environment and ensure the freedom of navigation with a balanced approach to total transportation systems.

The strategic goals include:

- 1) Ensure safe and reasonably unobstructed navigation under or through bridges or causeways of the U.S. as required by statute, while balancing from an intermodal perspective the reasonable needs of all modes which interface with the maritime mode.
- 2) Ensure that operating regulations of existing drawbridges provide for the reasonable needs of navigation and land transportation (intermodal) as required.
- 3) Identify unreasonably obstructive bridges, order their removal or alteration.
- 4) Ensure timely bridge engineering design and construction for bridge removal or alteration projects, and to eliminate unreasonable obstructions to navigation with due consideration for land traffic needs and the environment.
- 5) Require bridge lighting and pier protection fendering systems for the safety of navigation and land traffic for every bridge crossing waterways that carry significant night time navigation and waterborne commerce.
- 6) Optimize resources to best meet growing workload and internal/external customer needs.
- 7) Ensure all BAP actions are in compliance with the bridge statutes, the National Environmental Policy Act, and the applicable environmental control laws.

To accomplish these goals, the principles of quality management require us to leverage resources, detect and respond to problems

proactively, and take a balanced approach to supporting the BAP. The Coast Guard Auxiliary Business Description and Direction (ABD&D) requires identification of non-traditional areas in which trained Auxiliarists may participate in direct support of Coast Guard missions. The business plan for the Office of Bridge Administration has identified key areas in which Auxiliarists can contribute significantly to the BAP.

EFFECTIVENESS MEASUREMENT

To determine if their efforts are meeting the objective of improving waterway safety and navigation, the BAP must support plans to implement accurate effectiveness measurement strategies. Effectiveness measurement will indicate if intended outcomes are occurring, and will help us adjust program strategies. The Auxiliary can contribute significantly to effectiveness measurement efforts by focusing on the parameters set by the BAP Program Manager to monitor customer needs and expectations.

These include:

- 1) Bridge fendering, bridge lighting, unauthorized construction activity in waterway and drawbridge operation regulation violations.
- 2) Smaller Truman-Hobbs backlog (bridges that need to be surveyed).
- 3) Bridge information gathering for the national bridge recording system.
- 4) Bridge outages due to floods, hits, or other disasters.

FIELD SUPPORT

Auxiliary augmentation of field operations supports the "Team Coast Guard" concept and will significantly enhance the achievement of joint program goals. The Auxiliary can act as a significant force multiplier to support the administrative and operational needs of the BAP field unit activities. The Auxiliary can be a key administrative and operational force multiplier during contingencies affecting bridges such as natural disasters and significant catastrophic events that affect safety and navigation on the nation's waterways.

Specific examples of field support/augmentation include:

- 1) Bridge survey - Provide district (obr) staff with input to the BRIDGIS program system. That is, provide or verify, during bridge survey inspections in the area of responsibility (AOR), horizontal and vertical clearance, lighting, fendering, and other data on bridges located in areas remote from regular CG field unit locations.

- 2) Investigations for (act as eyes and ears for field offices):
 - a) Bridge obstructions to waterways.
 - b) Navigation light outages.
 - c) Complaints of violation of drawbridge operating regulations.
 - d) Minor bridge strikes.
 - e) Damage to fenders.
 - f) Bridge construction or maintenance activities which unreasonably impede navigation past the bridge site.
 - g) Type and size of commercial waterborne commerce and recreational boating which transit particular bridge sites, to establish and document type of navigation using a particular reach of a navigable waterway in order to determine appropriate bridge clearances or special operating regulations.
- 3) As needed, provide district bridge program staff and other Coast Guard personnel with marine and air transportation to and from bridge sites for construction inspections, preapplication site examinations, and following major casualties involving bridges, etc.
- 4) Provide assistance in implementing safety zones during Truman-Hobbs bridge alterations, such as marine traffic control duties to ensure safe navigation past bridge construction, alteration, or removal activities.

EDUCATION

Education plays a significant role in the implementation of a balanced strategy to effectively support the BAP. Education's role is to raise the overall standard of care by favorably modifying human behavior. Education provides essential knowledge of bridge administration standards and requirements to Auxiliarists. By integrating the BAP message into existing Auxiliary education programs, member training courses, and publications, the Auxiliary has the opportunity to affect the behavior of a large number of recreational boaters and take a leading role in preventing loss of life and damage to property.

PERSONNEL RESOURCE DEVELOPMENT

The importance of sound personnel and fiscal management cannot be overemphasized. District (obr) should identify the number of Auxiliarists needed to assist in accomplishing BAP workload at the field level. District (obr) can then work with the director of Auxiliary to train and qualify a sufficient number of Auxiliarists to augment and support district field units.

FUNDING

The Chief Director, Auxiliary has overall funding responsibility for the administrative management and basic organizational support of the Auxiliary program to include overall policy development, maintenance of administrative and IRM functions, new member acquisition, and basic organizational support and entry level training for the Auxiliary. The benefiting Program Manager and/or its district counterpart is expected to provide (subject to funding availability) additional incremental funding for program specific administrative, operational, and training requirements.

AGREEMENT

AGREEMENT: The Chief Director, Auxiliary and the Chief, Office of Bridge Administration hereby establish this **Memorandum of Understanding (MOU)** and the attached **Joint Action Plan** which institutionalizes Auxiliary involvement in the Coast Guard Bridge Administration Program. The Chief, Permit Division and the Chief, Auxiliary Operations Division are designated action officers for the purposes of coordinating and implementing the action plan. The action plan establishes a dynamic framework by which both programs identify joint macro level objectives and identify priorities and responsibilities for achieving the objectives. Action officers shall treat the action plan as a living document, reviewing and updating it to reflect changing priorities and initiatives. The action plan is a binding element joining program resources and supporting agencies in actions to improve safety and navigation on the Nation's waterways. Action officers shall jointly identify processes and set action agenda priorities. Action officers shall maintain an up-to-date copy of the Joint Action Plan for reference and review. Action officers shall keep office/division chiefs and appropriate Auxiliary and Bridge Administration Program offices advised of progress.

This memorandum of understanding will remain in effect until cancelled in writing by either party.

G-OCX

G-OPT



A. A. SARRA
Captain, U. S. Coast Guard
Chief Director, Auxiliary



N. E. MPRAS
Chief, Office of
Bridge Administration

Date: 29 FEB 96

FEB 29 1996

Date: _____

ACTION ITEMS

1. - Develop a strategic marketing plan consistent with the National Commodore's vision of a more proactive use of the Auxiliary as a force multiplier for the Bridge Administration program (BAP).
2. - Widely distribute signed copies of this Memorandum of Understanding (MOU) and Joint Action Plan.
3. - Identify specific BAP topics that can be incorporated into or augment internal Auxiliary training programs as well as external public education courses.
4. - Identify the number of Auxiliarists needed to augment each BAP field office.
5. - Identify headquarters/district funding needed to train and/or support Auxiliary participation in the BAP.
6. - Train and qualify Auxiliarists to support specific field activities for the BAP.

Action Item # 1

- Develop a strategic marketing plan consistent with the National Commodore's vision of a more proactive use of the Auxiliary as a force multiplier for the BAP.

Discussion: As the concept of "Team Coast Guard" gains additional momentum, it is incumbent on both the Office of Bridge Administration and the Auxiliary to aggressively market the Auxiliary as a true force multiplier for the BAP. Both offices should develop a joint marketing strategy that will result in a cultural change within the Auxiliary and the Coast Guard that allows for full use of the Auxiliary in an active support role for the BAP.

Lead: G-OPT, G-OAX-2
Contributing: Auxiliary DC-O
Funding: G-OPT/G-OAX
Target Dates: First Qtr, FY97

Action Item # 2

- Widely distribute signed copies of this Memorandum of Understanding (MOU) and action plan.

Discussion: To facilitate the marketing plan as outlined in Action Item # 1, G-OCX will distribute this MOU and Joint Action Plan to each district "o," for further distribution to "oax" and "obr" components and appropriate Auxiliary leadership.

Lead: G-OCX-2

Contributing: DC-O

Funding: G-OCX

Target date: When MOU is signed

Action Item # 3

- Identify specific BAP topics that can be incorporated into or augment internal Auxiliary training programs as well as external public education courses.

Discussion: Auxiliarists that are not active participants in the BAP but do participate in other operations may benefit from training concerning the safe and effective conduct of missions around bridge structures. For example, supporting SAR operations that occurred near Mobile, AL, in 1995 when a barge struck the bridge over Bayou Canot causing an AMTRAK train derailment. A greater safety educational need exists for recreational boaters who operate near bridge structures. Topics could cover an understanding of currents around bridge support structures and recognition of hazards that might otherwise be overlooked (i.e., loose pilings, collision damage, etc). District (oax) and (obr) should work closely with the district staff officers for Member Training (DSO-MT) and Public Education (DSO-PE).

Lead: NAVCO-RBS

Contributing: DC-E, G-OPT, District (O), (obr), DSO-MT, DSO-PE

Funding: No cost

Target date: Upon revision of courses

Action Item # 4

- Identify the number of Auxiliarists needed to augment each BAP field office.

Discussion: Commandant (G-OPT) shall work with each district (obr) and director of Auxiliary to identify the desired numbers of Auxiliarists needed to augment BAP forces. The force level of Auxiliarists should reflect the proper balance that optimizes program goals and manpower employment.

Lead: Commandant (G-OPT)

Contributing: District (obr), District (oax)

Funding: District (obr) - staff funding for identification of billet shortfalls.

Target Dates: AS soon as practicable

Action Item # 5

- Identify headquarters/district funding needed to train and/or support Auxiliary participation in the BAP.

Discussion: District (obr) should identify funding needed to train and qualify the force level of Auxiliarists needed to support the district BAP. The bulk of BAP training conducted for Auxiliarists will be on the job (OJT). The type, place, and structure of the training for Auxiliarists will be determined by need and budgetary constraints. As more formal training sessions become available, Auxiliarists should be afforded access based on their level of participation in and support of the Bridge Administration program.

Lead: District (obr), Commandant (G-OPT)

Contributing: District (oax)

Funding: District (obr), Commandant (G-OPT)

Target Dates: As soon as practicable

Action Item # 6

- Train and qualify Auxiliaries to support specific field activities for the BAP.

Discussion: Directors of Auxiliary shall work with district (obr) to establish appropriate training programs using the most convenient Coast Guard training available.

As "TEAM COAST GUARD" continues to refine its force structure throughout the coming years, it is incumbent upon the Program Manager, Commandant (G-OPT), and the Auxiliary to strive toward inclusion of Auxiliaries in any formalized training program, be it district wide or national in scope. As funding permits, key Auxiliary personnel involved in the program should be provided the opportunity to attend national Bridge Administration sponsored seminars/conferences.

Lead: District (obr), District (oax)
Contributing: Commandant (G-OPT)
Funding: District (obr), Commandant (G-OPT)
Target Dates: As soon as practicable

Guidance for Determining the Proper Environmental Document When Assessing the Impacts on Historic Bridges

1. On March 21, 1984, the Coast Guard requested policy guidance from the Secretary's office regarding the proper level of environmental documentation required for the various degree of impacts on historic bridges. The memorandum from the Deputy Assistant Secretary for Policy and International Affairs, dated June 18, 1984, is a response to that request.
2. The subject guidance memorandum affirms that, ordinarily, if a proposed action is determined to have a "significant effect" on an historic resource, the proper National Environmental Policy Act document is an Environmental Impact Statement (EIS). The following guidance is provided for determining whether removal of an historic bridge will cause a significant effect and require preparation of an EIS.
 - a. Demolition of an Historic Bridge. In order to assess the significance of the impacts associated with the demolition of an historic bridge (listed or eligible for inclusion in the National Register of Historic Places), for the purpose of determining the appropriate level of the environmental documentation required, the following procedure is applicable.

Demolition of an historic bridge will require the preparation of an EIS unless the bridge is not considered important for preservation. Acceptable documentation to show importance could include any of the following:

- (1) The bridge is not identified on a completed historic bridge inventory approved by the State Historic Preservation Officer (SHPO) as a bridge important for preservation.
- (2) The bridge is not identified as important for preservation in a state historic bridge preservation plan approved by the SHPO.
- (3) An evaluation is performed by the Coast Guard or the Federal Highway Administration (FHWA), as appropriate, in consultation with the SHPO. The FHWA shall coordinate this evaluation with the Coast Guard on projects requiring bridge permits pursuant to the Memorandum of Understanding (MOU) dated 1981. This evaluation should identify similar types of historic bridges and conclude that demolition of the bridge in question will not cause a substantial depletion of the resource.

If the Coast Guard or the FHWA, as appropriate, in consultation with the SHPO, judges that an historic bridge is not important for preservation for

reasons of its relationship to other similar bridge resources, then the proper NEPA documentation for the demolition of the bridge could be other than an EIS. The supporting environmental documentation would then refer to the appropriate category of information listed above.

- b. Alteration and Modification of Historic Bridges. The responsible official should make a case-by-case decision as to whether an EIS is required for alteration or modification of an historic bridge based on whether the action constitutes a "significant effect" on the property or its surroundings.
3. Other environmental factors could require an EIS in individual cases. Therefore, each case must be assessed on an individual basis with proper weight given to particular circumstances.
4. For all projects which affect historic bridges, the Section 4(f) and Section 106 procedures must be followed.
5. Consultation with Headquarters staff is recommended when field offices cannot reach agreement.

/s/ 7 Jan 1985
J. M. SEABROOKE
Captain, U. S. Coast Guard
Chief, Bridge Administration Division
By direction of the Commandant

/s/ 7 Jan 1985
Eugene W. Cleckley
Chief, Environmental Programs
Division
Federal Highway Administration



Homeland
Security



UNITED STATES COAST GUARD
OFFICE OF BRIDGE ADMINISTRATION



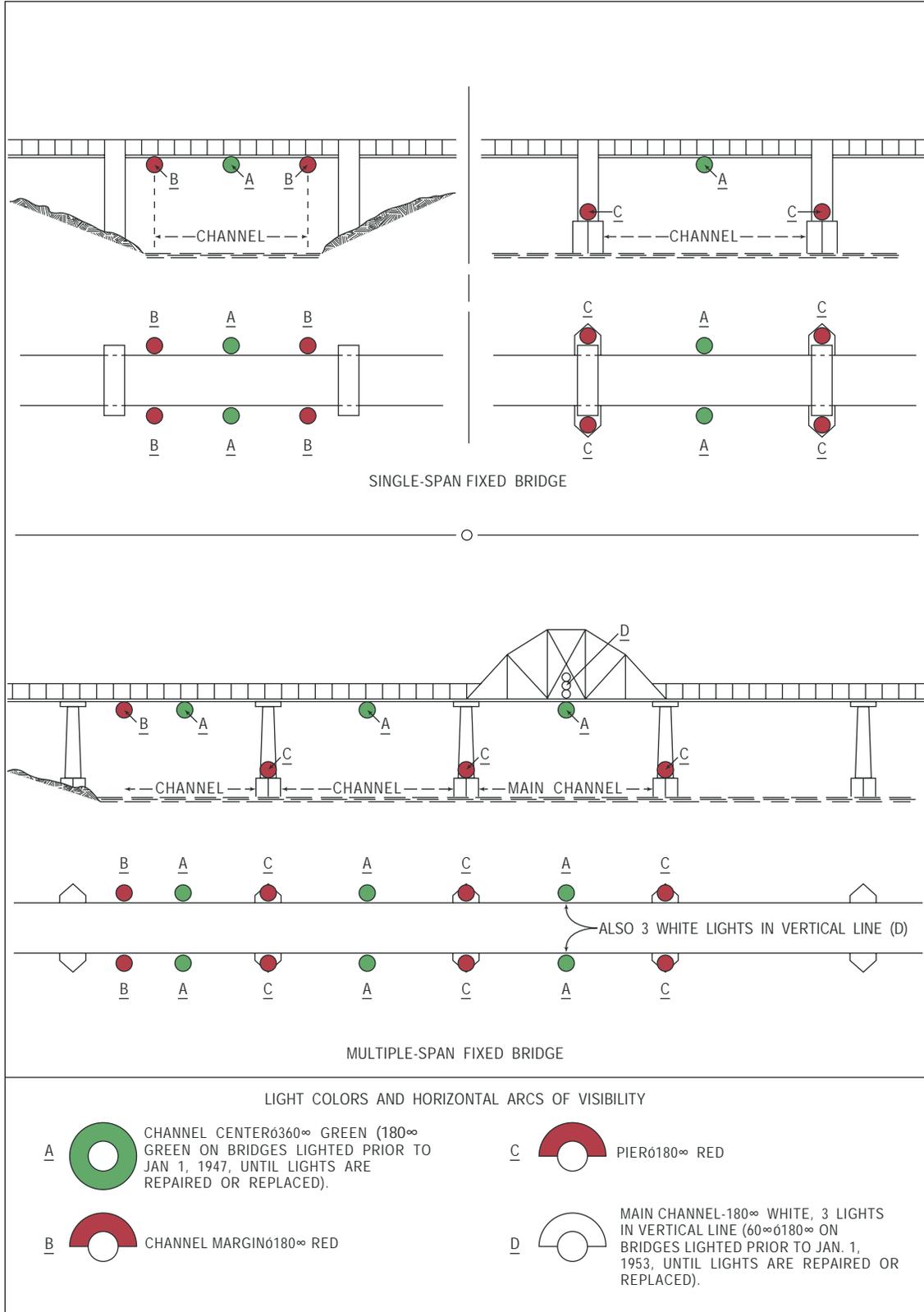
BRIDGE LIGHTING AND OTHER SIGNALS

ENCLOSURE 6

COMDTINST M16590.5(Series)
BRIDGE ADMINISTRATION MANUAL



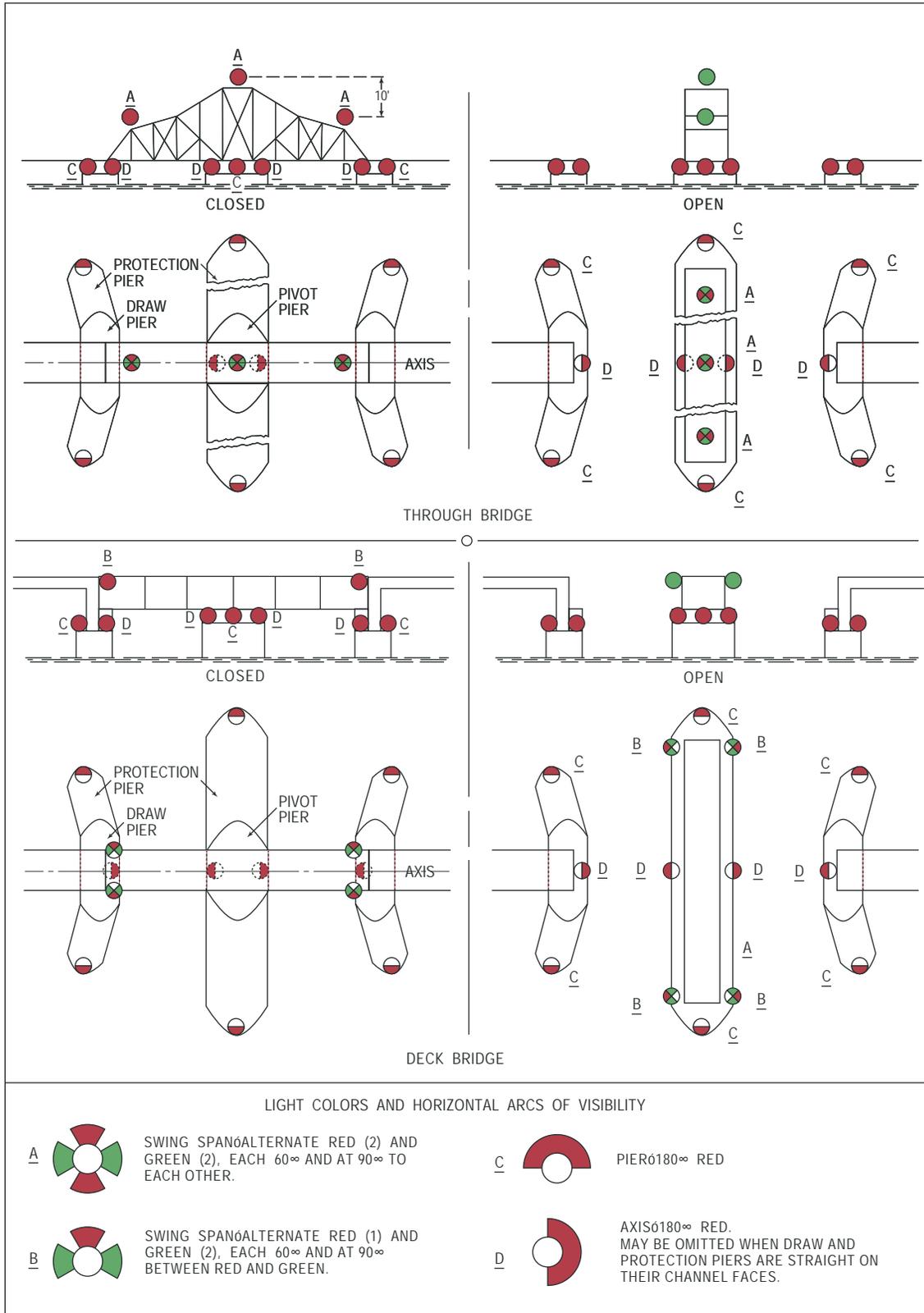
DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 MINIMUM LIGHTING FOR FIXED BRIDGES
 33 CFR 118.65





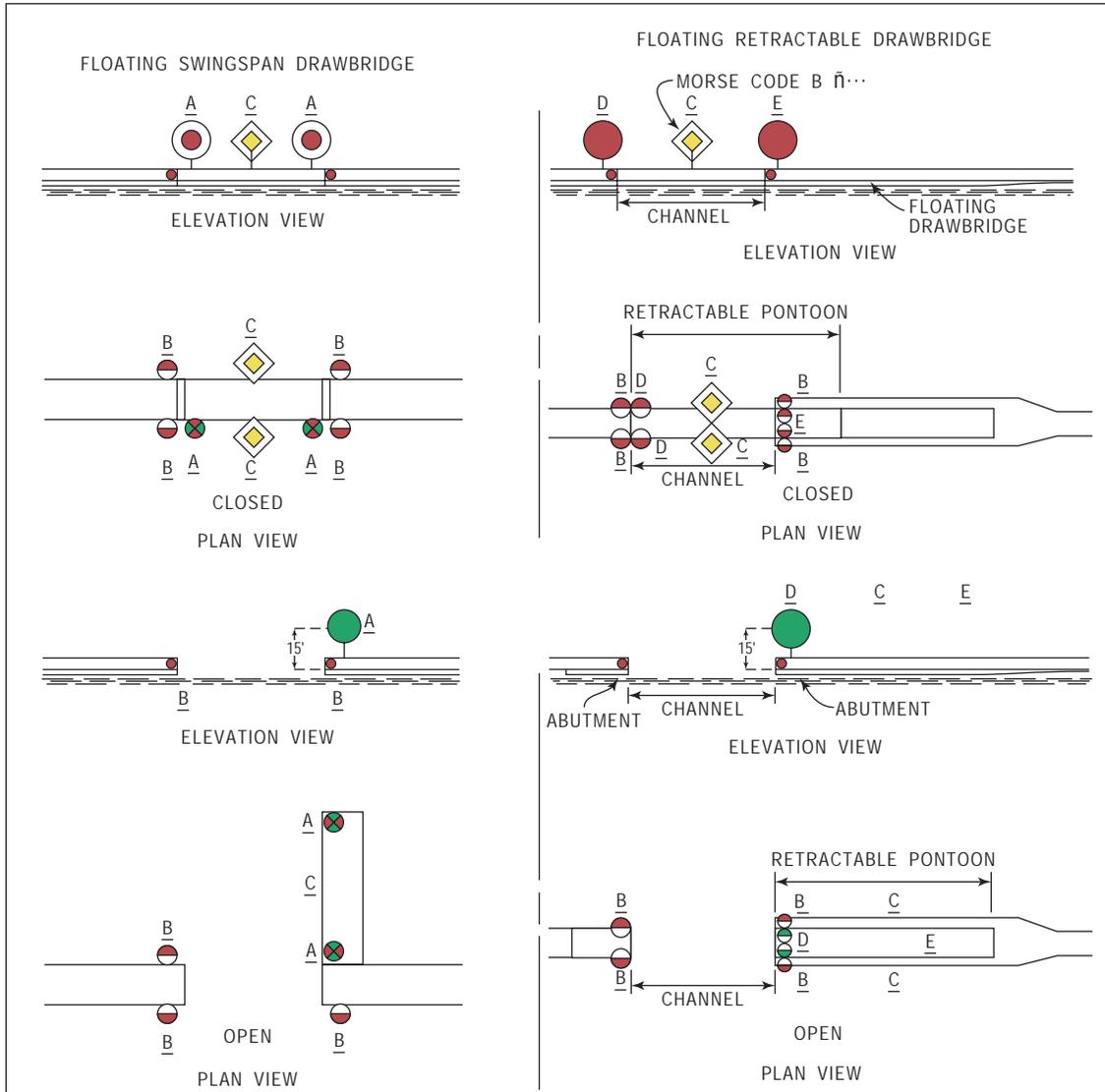
DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION

MINIMUM LIGHTING FOR DOUBLE-OPENING SWING BRIDGES
 33 CFR 118.70





DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 MINIMUM LIGHTING FOR SINGLE-OPENING DRAWBRIDGES
 33 CFR 118.75



LIGHT COLORS AND HORIZONTAL ARCS OF VISIBILITY

A DRAW SPAN δ ALTERNATE RED (2) AND GREEN (2), EACH 60° AND AT 90° TO EACH OTHER.

B PIER OR ABUTMENT δ 180 ∞ RED

C AT CENTERLINE OF THE NAVIGATION CHANNEL DRAWSPAN OF FLOATING DRAWBRIDGES, DIAMOND IN SHAPE, YELLOW IN COLOR WITH HIGH INTENSITY RETROREFLECTIVE MATERIAL BORDER AND MAY EXHIBIT A MORSE CODE B YELLOW LIGHT. THE MARK SHALL NOT BE VISIBLE WHEN THE DRAWSPAN IS IN THE OPEN POSITION.

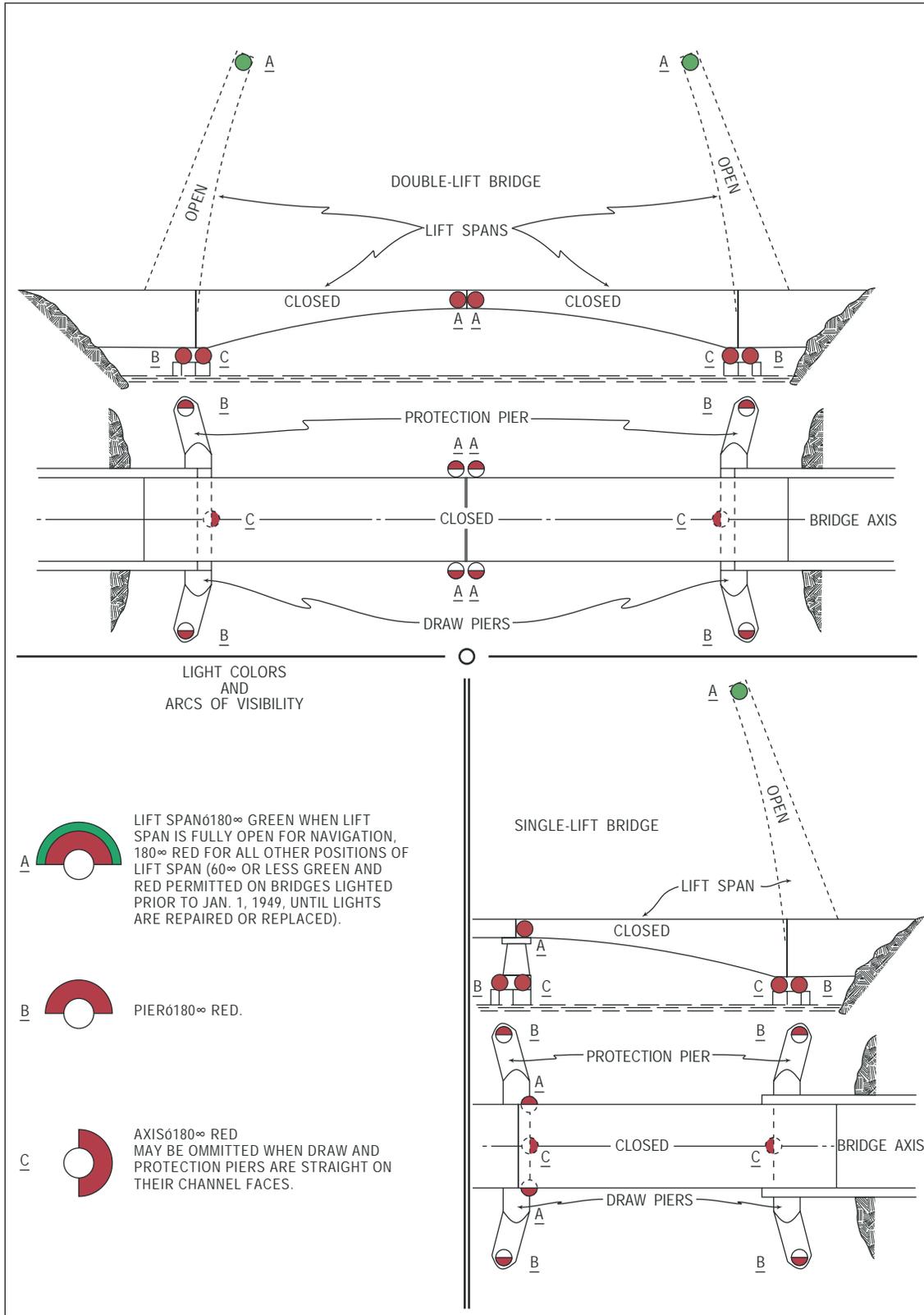
D RETRACTABLE PONTOON δ DRAWSPAN CLOSED δ 180 ∞ RED δ DRAWSPAN OPEN δ 180 ∞ GREEN

E RETRACTABLE PONTOON δ DRAWSPAN CLOSED δ 180 ∞ RED δ DRAWSPAN δ LIGHT OFF

(33 CFR 118.110(c)).

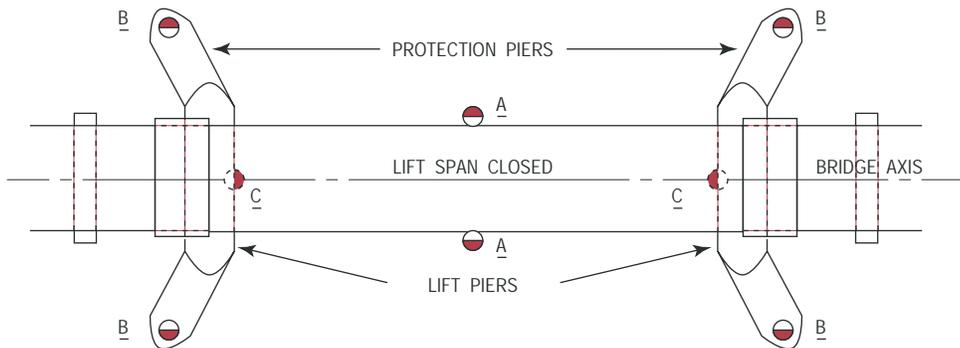
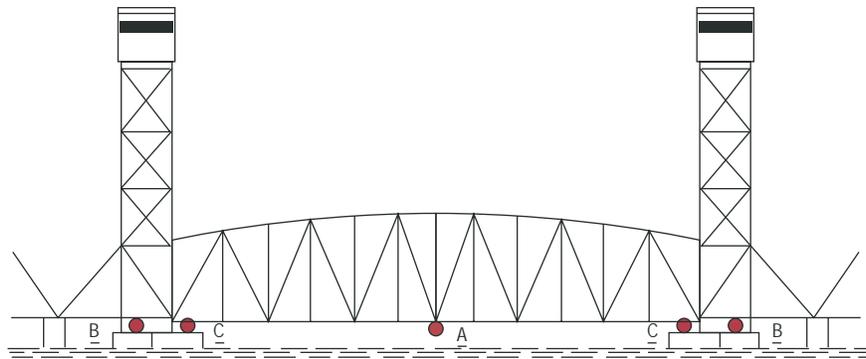
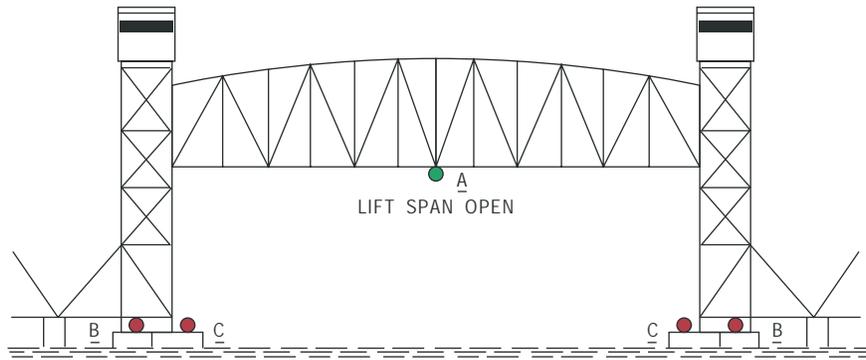


DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 MINIMUM LIGHTING FOR BASCULE BRIDGES
 33 CFR 118.80





DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 MINIMUM LIGHTING FOR VERTICAL LIFT BRIDGES
 33 CFR 118.85



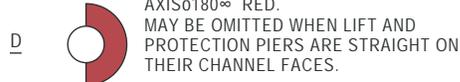
LIGHT COLORS AND HORIZONTAL ARCS OF VISIBILITY



A LIFT SPAN 360° GREEN WHEN LIFT SPAN FULLY OPEN FOR NAVIGATION, 180° RED FOR ALL OTHER POSITIONS OF LIFT SPAN (180° GREEN AND RED PERMITTED ON BRIDGES LIGHTED PRIOR TO JAN 1, 1949, UNTIL LIGHTS ARE REPAIRED OR REPLACED).



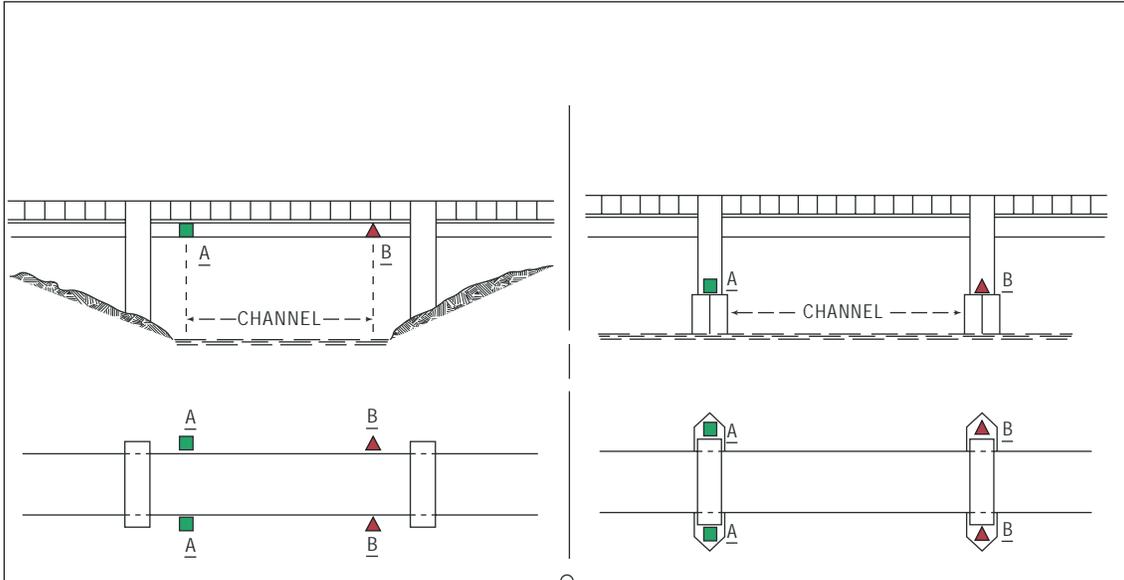
C PIER 180° RED



D AXIS 180° RED. MAY BE OMITTED WHEN LIFT AND PROTECTION PIERS ARE STRAIGHT ON THEIR CHANNEL FACES.



DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 RETROREFLECTIVE PANELS ON BRIDGE PIERS
 33 CFR 118.100



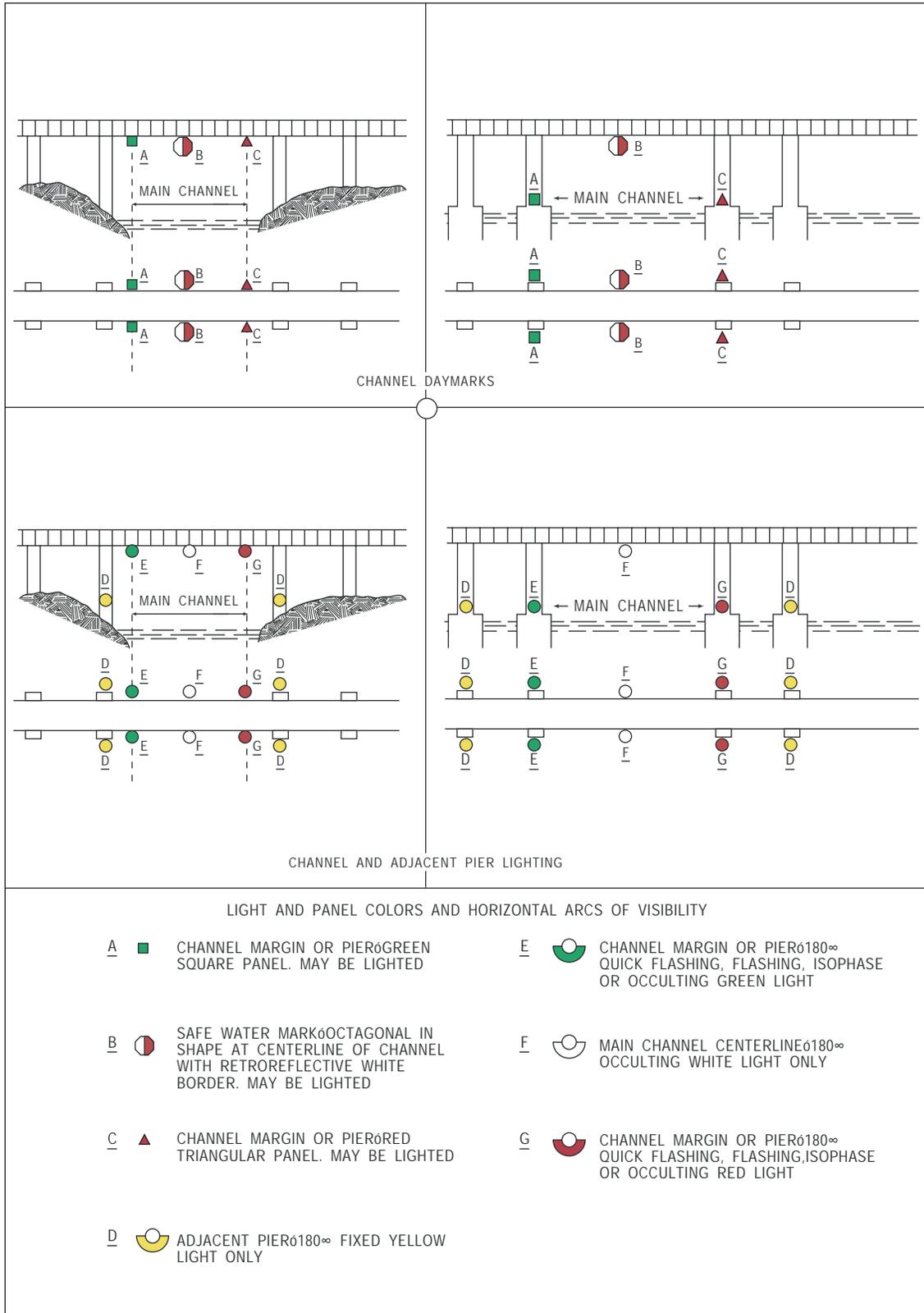
PANEL SIZE AND COLORS

- A GREEN SQUARE RETROREFLECTIVE PANELS SHALL BE USED. THE PANELS SHALL BE AT LEAST 36 SQUARE INCHES IN AREA TO PROVIDE A NOMINAL NIGHTIME VISIBILITY DISTANCE OF AT LEAST ONE-HALF MILE.
- B RED TRIANGULAR RETROREFLECTIVE PANELS SHALL BE USED. THE PANELS SHALL BE AT LEAST 36 SQUARE INCHES IN AREA TO PROVIDE A NOMINAL NIGHTIME VISIBILITY DISTANCE OF AT LEAST ONE-HALF MILE.

NOTE: RETROREFLECTIVE PANELS MAY ALSO BE REQUIRED OR AUTHORIZED AS A BACK UP FOR BRIDGE LIGHTING (SEE 33CFR 118.100(b)).

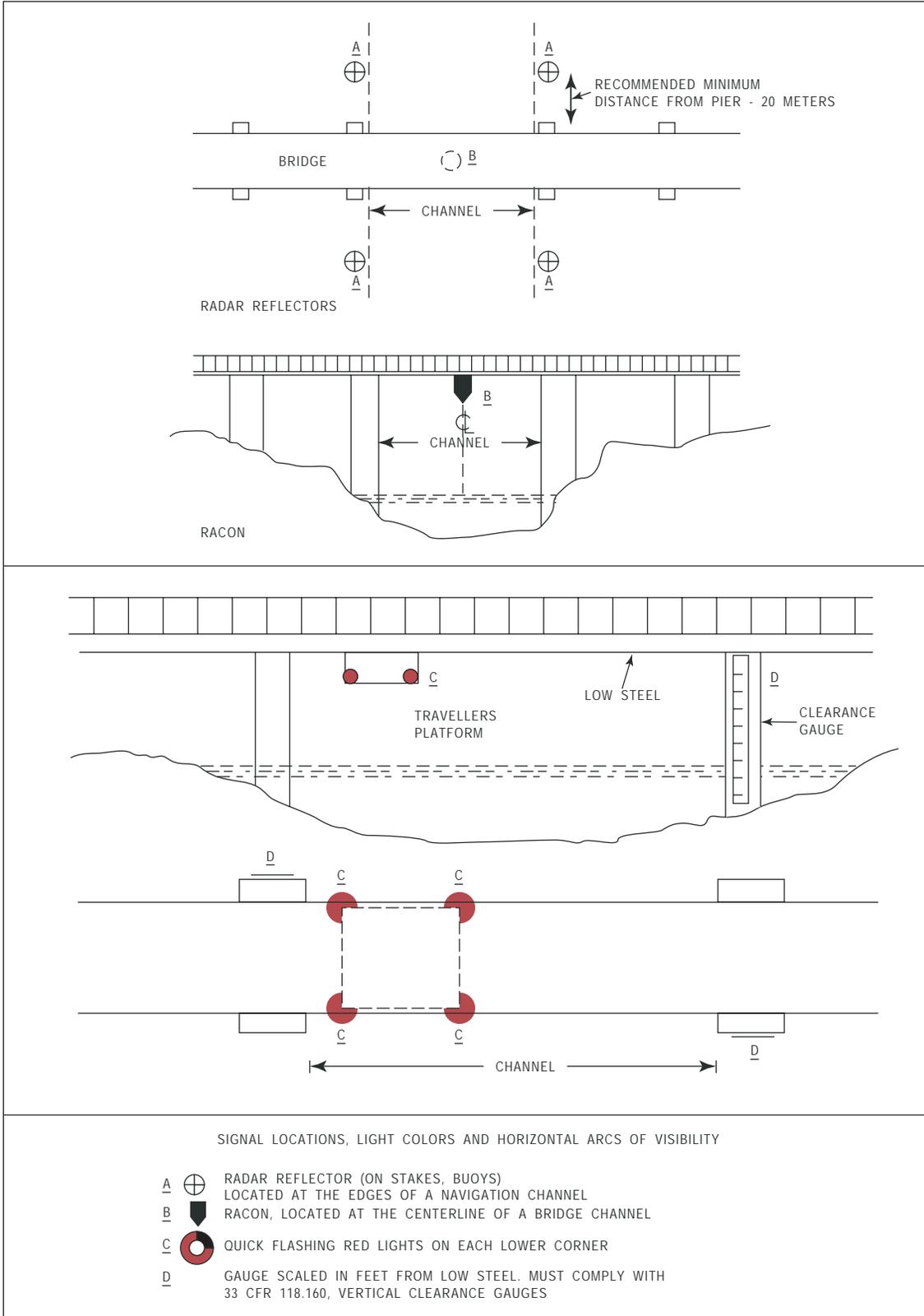


DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 DAYMARKS AND LATERAL LIGHTING ON BRIDGES
 33 CFR 118.110



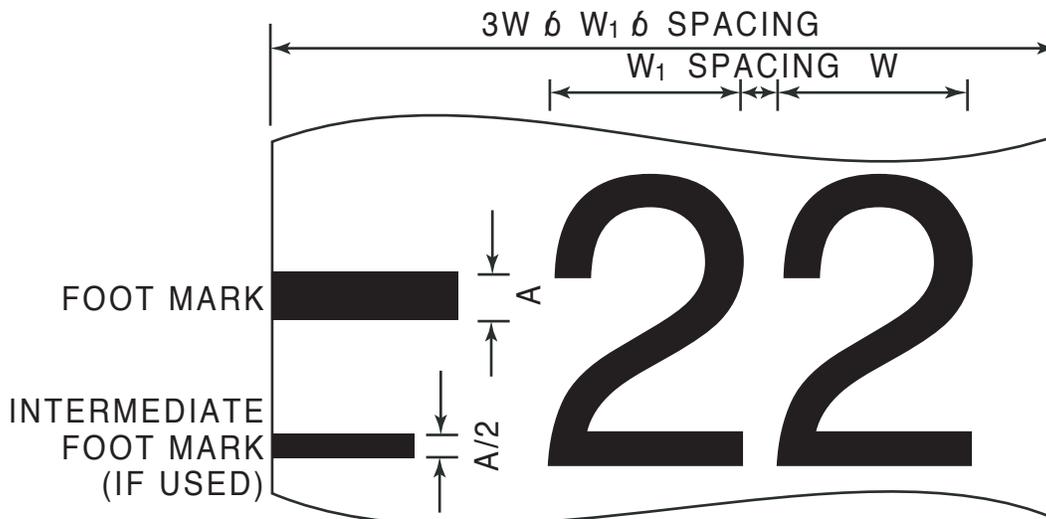
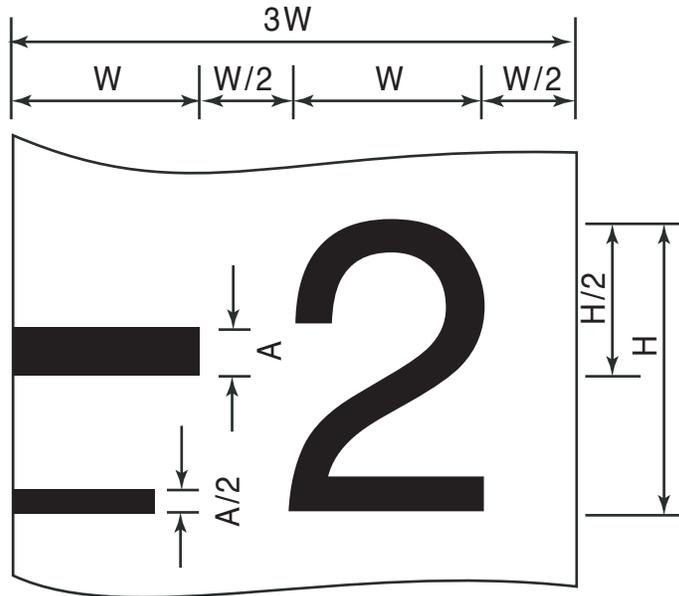


DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 RADAR REFLECTORS AND RACONS 33 CFR 118.120
 TRAVELLER PLATFORMS 33 CFR 118.150
 CLEARANCE GAUGES 33 CFR 118.160





DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES COAST GUARD
 BRIDGE ADMINISTRATION DIVISION
 STANDARD BRIDGE CLEARANCE GAUGE
 33 CFR 118.160



LEGEND

NOTE: SIZE, TYPE AND SPACING OF NUMERALS SHALL CONFORM TO THE FEDERAL HIGHWAY ADMINISTRATION "STANDARD ALPHABET FOR HIGHWAY SIGNS"

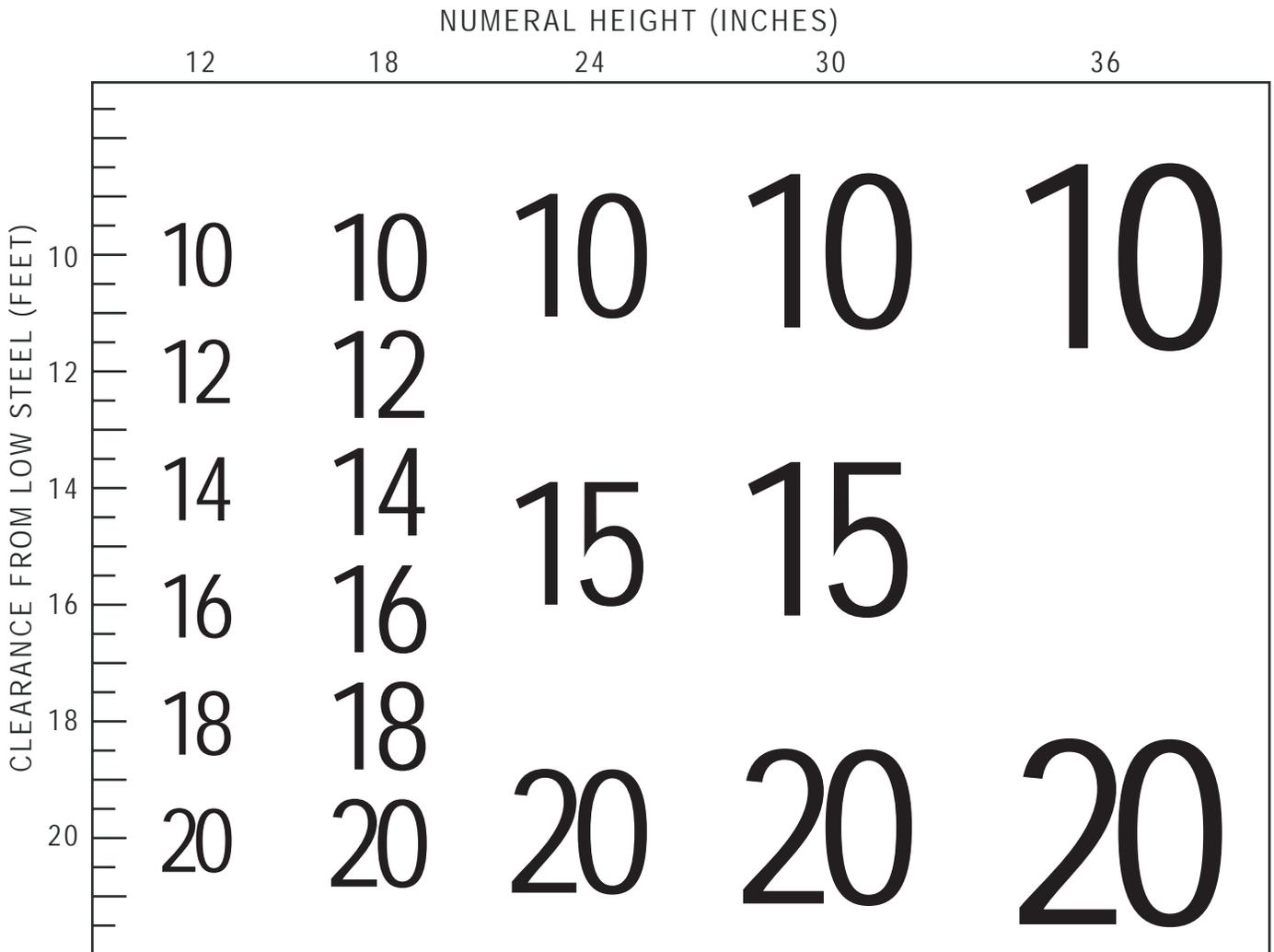
W WIDTH OF WIDEST SINGLE NUMERAL EXCLUDING NUMERAL 4

H HEIGHT OF NUMERAL PRESCRIBED FOR DISTANCE VISIBILITY

A WIDTH OF STROKE



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
BRIDGE ADMINISTRATION DIVISION
HEIGHT AND VERTICAL SPACING
FOR CLEARANCE GAUGE NUMERALS
33 CFR 118.160





Environmental Control Laws, Executive Orders, and Regulations Requiring Compliance, as applicable, with BAP Actions

| UNITED STATES CODE REFERENCES | IMPLEMENTING REGULATIONS |
|---|--|
| A. BRIDGE LAWS: <i>33 U.S.C. 401; 491 – 508; 511 TO 535(I)</i> | 33 CFR PARTS 114 - 118 |
| B. WATER QUALITY CERTIFICATION <i>33 U.S.C. 1251, 1352 AND 1330 (Clean Water Act)</i> | 40 CFR PART 121 E.O. 11990, Protection of Wetlands |
| C. SECTION 4(f) -- DOT ACT OF 1966 <i>49 U.S.C. 303</i> | |
| D. AIR QUALITY (Clean Air Act) <i>42 U.S.C. 7401, 7410 and 7506(C)</i> | 40 CFR PARTS 6, 51 and 93 |
| E. NOISE CONTROL ACT OF 1972 <i>42 U.S.C. 4331, 4332, and 4901</i> | 23 CFR PART 772 |
| F. RELOCATION ACT (Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970) <i>42 U.S.C. 4601 and 4604</i> | 23 CFR 740 and 49 CFR PART 24 E.O. 12898 Environmental Justice |
| G. NATIONAL HISTORIC PRESERVATION ACT OF 1966, SECTION 106 <i>16 U.S.C. 470</i> ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 <i>16 U.S.C. 470aa. – 470II.</i> | 36 CFR PARTS 60, 63, and 800 E.O. 11593, Protection and Enhancement of the Cultural Environment |
| H. COASTAL ZONE MANAGEMENT ACT OF 1972 <i>16 U.S.C. 1451; and 3501 to 3503</i> | 15 CFR PART 930 E.O. 11988, Floodplain Management and Protection |
| I. FISH AND WILDLIFE COORDINATION ACT <i>16 U.S.C. 661 to 666</i> | 50 CFR PART 17 |
| J. ENDANGERED SPECIES ACT OF 1973 <i>16 U.S.C. 1531</i> | 50 CFR PART 402 |
| K. WILD AND SCENIC RIVERS ACT OF 1968 <i>16 U.S.C. 1271</i> | 36 CFR PART 297 |

| | |
|---|--|
| <p>L. PRIME AND UNIQUE FARMLANDS (Farmlands Protection Policy Act of 1961) <i>7 U.S.C. 4201</i></p> | <p>7 CFR PART 658 DOT Order 5610.1C, Procedures for Considering Environmental Impacts</p> |
| <p>M. COASTAL BARRIER RESOURCES ACT OF 1982 <i>16 USC 3501</i></p> | <p>DOT Order 5620.2 Floodplain Management</p> |
| <p>N. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 <i>42 U.S.C. 4321</i></p> | <p>40 CFR 1500 – 1508</p> |
| <p>O. (Continued) NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT <i>25 U.S.C. 3001</i></p> | <p>43 CFR 10</p> |
| <p>P. MAGNUSON – STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT <i>16 U.S.C. 1855</i></p> | <p>50 CFR 600.805 - .930</p> |

Bridge Administration Acronym List

106 – National Historic Preservation Act of 1966, Section 106
4(f) – DOT Act of 1966, Section 4(f) – Applies only to DOT agencies.
A/E – Architect/Engineer
AAF – Accepted Annual Frequency
ACHP – Advisory Council on Historic Preservation
ADT – Average Daily Traffic Count
AOC – Appointment of Cost
APA – Administrative Procedures Act
BA – Biological Assessment
BAM – Bridge Administration Manual
BAP – Bridge Administration Program
BO – Biological Opinion
CAA – Clean Air Act
CE/CATEX – Categorical Exclusion
CEQ – Council on Environmental Quality
CFR – Code of Federal Regulations
CGA – Coast Guard Authorization Act of 1982
COS – Certain Other Savings
CZM – Coastal Zone Management
DBO – District Bridge Office
DC – Disruption Cost
DEIS – Draft Environmental Impact Statement
DHS – Department of Homeland Security
EA – Environmental Assessment
EFH – Essential Fish Habitats
EIS – Environmental Impact Statement
EPA – Environmental Protection Agency
F&WS – Fish and Wildlife Service
FCC – Federal Communications Commission
FEIS – Final Environmental Impact Statement
FEMA – Federal Emergency Management Agency
FHWA – Federal Highway Administration
FIA – Federal Insurance Administration
FIP – Federal Implementation Plan
FOF – Findings of Fact
FONSI – Finding of No Significant Impact
FRA – Federal Railroad Administration
FTA – Federal Transit Administration
GP – Geometric Probability
HW – High Water
LNM – Local Notice to Mariners
LOA – Length Overall
MHW – Mean High Water
MHW – Mean High Water Line

Enclosure (8) to COMDTINST M16590.5C

MIC – Marine Traffic Inconvenience Cost
MLW – Mean Low Water
MOA – Memorandum of Agreement
MOU – Memorandum of Understanding
MSL – Mean Sea Level
MTBA – Migratory Bird Treaty Act
NB – Navigation Benefit
NEPA – National Environmental Policy Act of 1969
NM – Nautical Miles
NMFS – National Marine Fisheries Service
NPRM – Notice of Proposed Rulemaking
NPS – National Park Service
NRHP – National Register of Historic Places
OTA – Order to Alter
PC – Probability of Collapse
PIC – Port Interruption Cost
RACONS – Radar Beacons
RIN – Regulatory Information Number
ROD – Record of Decision
SCS – Soil Conservation Service (State)
SHPO – State Historic Preservation Officer
SIP – State Implementation Plan
SNPRM – Supplemental Notice of Proposed Rulemaking
STA – Surface Transportation Assistance Act of 1972
STM – Statute Miles
TEA-21 – Transportation Equity Act for the 21st Century, Section 1205
TH – Truman Hobbs Act
THPO – Tribal Historic Preservation Officer
TTS – Transit Time Savings
USACE – US Army Corps of Engineers
USC – US Code
W&SRA – Wild and Scenic Rivers Act of 1968
WARS – Water Accident Reduction Savings
WQC – Water Quality Certification

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