

INTRODUCTION TO COAST GUARD BRIDGE PERMITTING

A. Who Must Apply for a Bridge Permit

1. Any individual, partnership, corporation, or local, state, or federal legislative body, agency, or authority planning to construct or modify a bridge or causeway across a navigable waterway of the United States must apply for a Coast Guard bridge permit. This includes all temporary bridges used for construction access or traffic detour.
2. For bridges constructed by the state or municipal agencies, primary authority to apply for a permit for the construction of a bridge project will be presumed without proof.
3. If state law does not require a license, primary authority may be granted in the charter of a corporation or the authority inherent in ownership of the land where the structure will be placed. In these cases, an extract from the charter and evidence of sufficient real estate interest to allow construction of the bridge should be submitted with the application. In such cases where the Coast Guard doubts the applicant's ability to construct and utilize the bridge, particularly for a private bridge owner, proof of property rights must be furnished to the Coast Guard as part of the application.
4. Failure to obtain a bridge permit before commencing bridge construction or modification work is a federal offense, punishable by civil and criminal penalties.

B. Bridge Permit Application Guide

1. The Bridge Permit Application Guide assists the applicant in applying for a Coast Guard bridge permit to:
 - a. Construct a new bridge or causeway, or
 - b. Reconstruct or modify an existing bridge or causeway across navigable waters of the United States.
2. The Bridge Permit Application Guide is located on the Bridge Program website: <http://www.uscg.mil/hq/cg5/cg551/>.

C. How the Coast Guard Can Help

1. The local Coast Guard District Bridge Office is one of the best sources of information for the project. The applicant should direct all project-related questions, concerns, comments, and requests to the bridge program staff in the Coast Guard District Bridge Office where the project is located.
2. A map of the district boundaries is located at the end of this document so the applicant may locate the Coast Guard District Bridge Office in the project area.

3. A list of the mailing addresses and telephone numbers of the Coast Guard District Bridge Offices is located on the Bridge Program website: <http://www.uscg.mil/hq/cg5/g551/>. The responsibility for processing all bridge permit applications is at the District Commander organizational level.
4. A glossary is also located on the Bridge Program website: <http://www.uscg.mil/hq/cg5/g551/>, providing explanations to many key terms involved in obtaining a Coast Guard bridge permit.

D. Requirements and Laws A bridge permit is the written approval of the location and plans of the bridge or causeway to be constructed or modified. Federal law prohibits the construction of these structures unless the Coast Guard first authorizes them.

E. Coast Guard Bridge Permitting Authority

1. In 1967, the Coast Guard was transferred to the Department of Transportation. One of the Coast Guard's newly assigned duties was to issue bridge permits.
2. In 2002, the Coast Guard preserved its assigned duties under the Homeland Security Act of 2002 when transferred from the Department of Transportation to the Department of Homeland Security.
3. The Secretary of Homeland Security delegated this authority to the Commandant, U. S. Coast Guard, on 28 February 2003, by Department of Homeland Security Delegation Number: 0170.1.
4. The Coast Guard approves bridge location and plans under the authority of several Acts pertaining to bridges.

F. Legislation Pertaining to Bridges

1. These Acts include Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946.
 - a. The purpose of these Acts is to preserve the public right of navigation and to prevent interference with interstate and foreign commerce. The General Bridge Act of 1946, as amended, the Rivers and Harbors Act of 1899, as amended, and the Act of March 23, 1906, as amended, all require the location and plans of bridges and causeways across the navigable waters of the United States be submitted to and approved by the Secretary of Homeland Security prior to construction. The General Bridge Act of 1946 is cited as the legislative authority for bridge construction in most cases.
 - b. These Acts placed the navigable waters of the United States under the exclusive control of the U. S. Coast Guard to prevent any interference with their navigability by bridges or other obstructions except by express permission of the United States Government.

G. Bridge Program Policy

1. Under the previously mentioned Acts, the Coast Guard's mission is to administer the Bridge Program. The Coast Guard approves the location and plans of bridges and causeways and imposes any necessary conditions relating to the construction, maintenance, and operation of these bridges in the interest of public navigation.
2. The Coast Guard is also required by law to ensure environmental considerations are given careful attention and importance in each bridge permitting decision.
3. As explained further in Section C of the Bridge Permit Application Guide, relevant environmental statutes and executive orders for bridge project compliance include those listed in the Bridge Permit Application Guide.
4. The Coast Guard is obligated to consult with and obtain comments from any federal agency with legal jurisdiction or special expertise concerning any environmental or navigational impact involved. Such comments are generally obtained through direct coordination with affected agencies, responses to the public notice, and the Local Notice to Mariners (LNM).
5. The Coast Guard Bridge Program protects the freedom of navigation and the quality of the environment by taking a balanced approach to total transportation systems, both land and water modes, in all program actions.
6. The bridge statutes and subsequent court interpretations require bridges provide for the reasonable needs of navigation, not for all the needs of navigation. The reasonable needs of land traffic must also be met.
7. Therefore, Coast Guard bridge permit actions consider the overall goals of the U.S. Department of Homeland Security in a balanced manner to accommodate the needs of all modes of transportation.
8. Rules and regulations governing the U. S. Coast Guard bridge permit program are listed in Parts 114 and 115 of Title 33, Code of Federal Regulations (CFR). A copy may be found in most local libraries, online at the U.S. Government Printing Office website or purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401.

H. Navigable Waters

1. Navigable waters for Coast Guard bridge permitting purposes are defined by 33 CFR § 2.36, unless specifically declared otherwise by Congress, to include:
 - a. Territorial seas of the United States;
 - b. Internal waters of the United States subject to tidal influence; and

c. Internal waters of the United States not subject to tidal influence that:

- 1) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or
 - 2) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce.
2. If the applicant is uncertain whether or not a waterway is susceptible to improvement for navigation, is tidal, or is considered navigable, contact the Coast Guard to obtain information regarding a navigability determination.
 3. The classification of certain waterways or portions of waterways as navigable occasionally changes, changing the information required for applicants.
 4. For these reasons, if an applicant is planning to construct a new bridge or causeway or modify an existing bridge or causeway over a canal, channel, stream, river, lake, bay, or other body of water or waterway, they should contact the local Coast Guard District Bridge Office before submitting a formal permit application.
 5. Additionally, due to the different characteristics of the waterways and navigation in each District, needed information varies from one District to another. An applicant should contact the local District Office for applicability of requirements listed in the Bridge Permit Application Guide.

I. Temporary Bridges

1. Any proposed temporary bridge requires a bridge permit prior to construction. Follow the same procedures and information requirements as for a permanent bridge.
2. A temporary bridge is often used during the construction of a permanent bridge. A request for the approval of this type of temporary bridge should be included in the application for the permanent bridge.

J. Time Limits for Construction

1. Based on the estimate given in the application, a reasonable period of time will be allowed for the construction of the bridge project covered by the permit.
2. Coast Guard bridge permits specify that the permit becomes null and void unless construction of the bridge is commenced and completed by certain dates. This time period is usually three years and five years, respectively, from the date of the permit.

3. Longer construction times can be requested and substantiated with good reasons. The specified time should correspond to the actual time needed to complete construction, since a time extension may not be routinely granted.
4. If the authorized work is not completed within the time specified in the permit, the permit is null and void. A new application and approval are required before construction work can continue.
5. However, if a written request for a time extension is submitted at least 30 days before the expiration date of the permit, the existing permit will remain in effect during processing. Work may continue until the final agency action is taken on the time extension request.

K. Bridge Protective Systems

1. When considering an application for a bridge permit, the Coast Guard may require a bridge protective system to provide navigation safety.
2. In the permit application, the applicant must consider the possible need for a bridge protective system that would promote safer navigation through the bridge.
3. The need for a bridge protective system is based on present and future navigation transiting the proposed bridge site.
4. When required, the applicant must submit a plan for a bridge protective system that includes the following information:
 - a. A description of the proposed type of bridge protective system (include a description of the construction methods and materials from the standpoint of navigation safety).
 - b. The dimensions and minimum clear horizontal distance normal to the channel axis measured between the most restrictive parts of the bridge protective system.
5. When changes in navigation affect the safety of navigation and the bridge structure, the Coast Guard District Commander may require the installation of bridge protective systems at the bridge owner's expense.
6. A Vessel Impact Assessment shall be completed to determine the type of bridge protective system required for the bridge, if applicable.

L. Clearance Gauges

1. When necessary for reasons of safety of navigation, the District Commander may require or authorize the installation of clearance gauges in accordance with 33 CFR § 118.160. Early coordination and consultation with the cognizant Coast Guard District Bridge Office is necessary for making this determination.

2. Under special or peculiar circumstances, or conditions which make compliance with these standards impractical, the bridge owner may apply in writing to the District Commander for permission to deviate from these standards or obtain a waiver of the requirement for clearance gauges. In some instances, the District Commander may authorize use of electronic measuring devices as replacement for the fixed gauges.

M. Approval of Falsework and Construction Procedures

1. Clearances provided for navigation through or under the bridge spans associated with falsework and construction activities must be approved by the Coast Guard. This is not a separate permit action by the Coast Guard but applicants should consult with the local Corps of Engineers Regulatory office for matters under the jurisdiction of the Corps. The Coast Guard will review, coordinate and approve the proposed temporary navigational clearance restrictions through or under a bridge by use of falsework, pilings, floating equipment, closure of draws, or any work or activities which temporarily reduce the navigational clearances and design flood flows, including obstruction of any or all spans of the bridge. Early coordination with the Coast Guard District Bridge Office is required for proposed construction/demolition plans.
2. A Coast Guard bridge permit normally includes a condition stating the plans for cofferdams, falsework, or any other temporary structures to be placed in the water to facilitate the bridge construction, must be submitted to and approved by the District Commander before the start of construction.
3. Approval of a temporary reduction of previously approved navigational clearances for any of these temporary structures varies greatly. Approval depends on the location of the bridge, type of river traffic, the time of year the structures will be in place, etc.
4. For these reasons, the applicant must specify the minimum navigational clearances required during the construction of a bridge in any construction contract.
5. The applicant may obtain this information by writing to the appropriate Coast Guard District Commander.
6. Requests for approval of the proposed plans for temporary structures and erection schemes shall be made in writing to the Coast Guard District Commander early enough to allow proper review, coordination and approval. This request must include the proposed plans, including drawings on 8 ½ x 11 paper, tentative work scheduled for the temporary structures and any other temporary hazards to navigation, such as a moored floating plant.
7. Plans for cofferdams, falsework bents, brackets, temporary dolphins, survey towers, test piles, work dikes, etc., should be submitted to the Coast Guard District Commander for his approval prior to commencement of construction. Use of these types of items may require review and permitting by the Corps of Engineers under the provisions of Section 10 of the River & Harbor Act of 1899 and/or Section 404 of the Clean Water Act.

N. Pre-Construction Conferences Coast Guard District Bridge Office personnel shall be invited to attend any pre-bid and pre-construction meetings for a bridge permitted by the Coast Guard. The Coast Guard appreciates the opportunity to explain procedures and answer any questions concerning our requirements. Invitations for Coast Guard personnel to attend pre-bid/pre-construction meetings should be made by contacting the Coast Guard District Bridge Office.

O. Maintenance

1. Bridges constructed under a Coast Guard permit must be maintained in accordance with the applicable Bridge Act, permit conditions and approved plans. No further authorization is required for routine maintenance. The Coast Guard District must be provided advance notification regarding any maintenance that will affect navigation to allow timely review, coordination with waterway users and approval prior to deviating from the approved plans or operation of the bridge.
2. Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without approval of the U.S. Coast Guard.

P. Transfer of Permits

1. Although a permit is issued to a specific party, the approval granted for a bridge permit is not restricted to construction, operation, or maintenance of the bridge by that party.
2. The permit passes with the title when it is transferred to an assignee or purchaser of the bridge. The new owner or assignee must strictly comply with the terms and conditions of the permit.

Q. Bridge Navigational Lighting

1. Bridges across waterways, which support nighttime navigation, are required to display navigational lights in accordance with Part 118 of Title 33, CFR.
2. Approval of navigational lights and other required signals must be obtained, prior to construction, from the Coast Guard District Commander (Bridge Office) with jurisdiction over the bridge project area.
3. The permittee is responsible for maintaining proper temporary navigational lighting and other such markings, as prescribed, on bridges during construction. Permanent lighting must be maintained on the bridges after the completion of construction.
4. The District Commander may exempt bridges over waterways with no significant nighttime navigation from the lighting or other signal requirements.

5. For the best service and ease of maintenance, lighting installations should incorporate the recommended features outlined below in accordance with 33 CFR Part 118.
6. If the applicant considers bridge lighting during the bridge design phase, it can help avoid future difficulties.
7. Since the bridge lighting requirements in 33 CFR Part 118 are specified as performance standards, the applicant should ensure the lighting equipment proposed for a specific bridge project meets these standards by contacting the local Coast Guard District Bridge Office.
8. Any person required by 33 CFR Part 118 to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 United States Code (U.S.C.) 85.
9. No person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part. Any person violating the provisions of 33 CFR § 118.10 shall be deemed guilty of a misdemeanor and be subject to a fine for each offense. Each day during which such violation shall continue shall be considered a new offense.
10. Additional information can be found in the Coast Guard Bridge Lighting and Other Signals guide found at <http://www.uscg.mil/hq/cg5/cg551/>.

R. Navigation Evaluation

1. Section 2.A.2.g.17.a) of the Bridge Permit Application Guide requires an applicant for a Coast Guard bridge permit to prepare a navigation evaluation. This evaluation shall be conducted to identify and evaluate current and future navigational needs with regards to the sufficiency of proposed horizontal and vertical clearances provided by a bridge project. Items which should be taken into consideration for this evaluation include, but are not limited to:
 - a. Review of all bridges upstream and downstream of the proposed bridge site to determining existing minimum horizontal and vertical clearances;
 - b. Review of guide clearances for the waterway;
 - c. Waterway layout and geometry;
 - d. Waterway depth and fluctuations;
 - e. Current speed and direction;
 - f. Type and size of vessels utilizing the waterway to include:

- 1) Vessel Name
 - 2) Vessel length overall
 - 3) Vessel beam
 - 4) Vessel draft
 - 5) Vessel air draft
- g. Vessel transit frequencies, transit speeds and load configurations;
 - h. Vessel traffic characteristics;
 - i. Review of annual cargo movements (cargo types and quantities);
 - j. Site-specific information such as historical data on vessel allisions/collisions, rammings and groundings in the waterway, bridge/waterway geometry, sailing path, stream speed, and wind speed;
 - k. All vessels and cargoes that will need to be partially disassembled/dismantled in order to transit the proposed bridge and whether the vessels currently possess that capability;
 - l. Proposed bridge clearance impact on present and prospective upstream commercial activity, e.g. jobs, and economic growth and development. Address any existing or planned commercial/industrial developments negatively affected by the proposed clearances and discuss the economic impacts the proposed clearances will have on these businesses; and
 - m. Any existing facilities on the waterway that are or could be considered critical infrastructure, key resources, or important/unique US industrial capability i.e. are these facilities unique or one of only a few of the type in the area. Address whether the proposed clearances negatively impact those facilities and their customers.
2. Additional guidance on determining the reasonable needs of navigation can be found on the Coast Guard Office of Bridge Programs website:
[http://www.uscg.mil/hq/cg5/cg551/Navigational%20Clearance%20Methodology%20White%20Paper%2010%20Oct%2012\(website%20version\).pdf](http://www.uscg.mil/hq/cg5/cg551/Navigational%20Clearance%20Methodology%20White%20Paper%2010%20Oct%2012(website%20version).pdf)

Please contact your local Coast Guard District Bridge Office should you have any additional questions regarding navigation evaluations.

S. District Commander's Investigation

1. All bridge related work including new construction, replacement, alteration, demolition, etc are considered to be "proposed" until permitted or approved by the appropriate Coast Guard office.
2. Upon submission of a bridge permit application, a request for a bridge permit is investigated by the Coast Guard District bridge program staff to ensure:

- a. The proposed bridge is under Coast Guard jurisdiction (i.e., across navigable waters of the United States).
 - b. The application includes all of the necessary information, including one set of reproducible plans on 8 ½ x 11 inch format, and adequate environmental and other supporting documentation. (As part of an initial review, a preliminary decision is made to determine the required type of environmental document.)
 - c. The proposed bridge provides for the reasonable needs of navigation.
3. The Coast Guard District Commander undertakes a rigorous independent investigation to determine the possible impacts of the proposed project on navigation and the human environment.
 4. As part of the District Commander's independent investigation, scoping/coordination meetings and consultation may be required to determine the level of environmental documentation (See Section 2.A. of the Bridge Permit Application Guide). In addition, a notice requesting public comment is issued to all known interested individuals, adjacent property owners, expertise groups, and government agencies.
 5. The Coast Guard District bridge program staff receives, evaluates, and acts upon the responses to the public notice. The applicant will be furnished any substantive comments received in response to the public notice to resolve or dispute the issues that are raised. Normally, the public comment period is 30 days.
 6. Public meetings shall be held when determined necessary by the Coast Guard, due to substantial issues concerning the proposed bridge's effect on the reasonable needs of navigation.
 7. Public meetings may also be held, when appropriate, in accordance with the statutory requirements of the National Environmental Policy Act of 1969 (NEPA).
 8. The purpose of a public meeting is to allow interested parties to express their views and develop pertinent data for evaluating the permit application.
 9. Following the Coast Guard District Commander's investigation, the request for the permit is forwarded to Coast Guard Headquarters with the case record and the District Commander's recommendation for issuance or denial of the permit.
 10. In certain cases, the District Commander may issue or deny the permit.

T. Headquarters Review

1. When a Coast Guard Headquarters final agency action is required, the staff of the Permits Division, Bridge Program Office, U. S. Coast Guard Headquarters in Washington, DC, reviews and evaluates the case file submitted by the District Commander.

2. Based on this evaluation, the District Commander's recommendation may be accepted or rejected, and a bridge permit may be issued or denied.