



Eighth Coast Guard District Bridge Administration



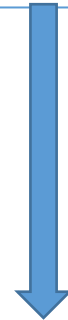
• Topics

- CG authorities
- CG activities
- Permit process
- Planned construction
- Drawbridge regulations
- TX DOT suggestions



• Key Points

- Improved partnership
- CG reference material is all public



• Expected Outcomes

- Enhanced understanding of CG requirements, TX DOT expectations
- Improved ability to submit and process permits & construction projects



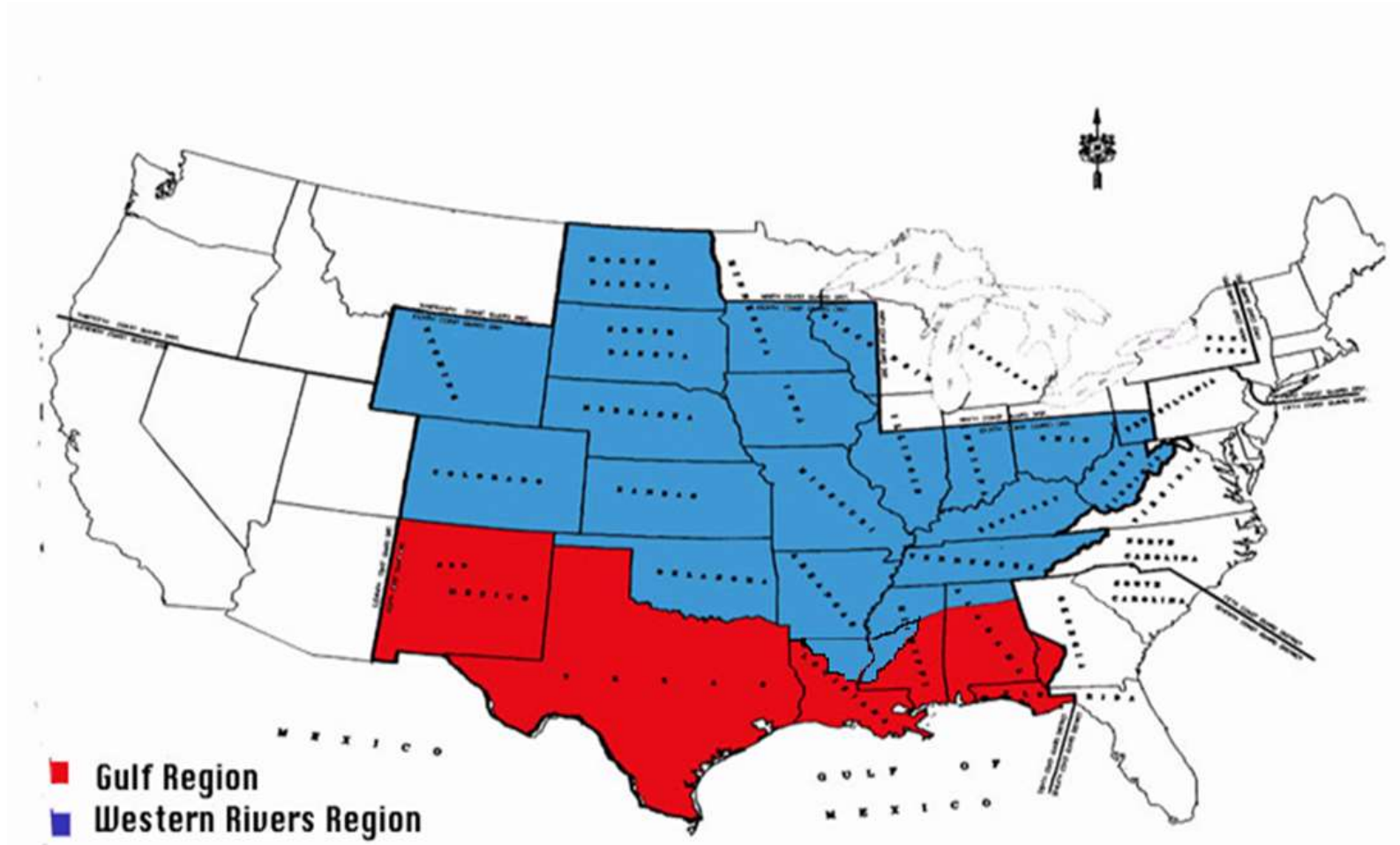
Eighth Coast Guard District Bridge Administration Organization



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Eighth Coast Guard District Bridge Administration Regions





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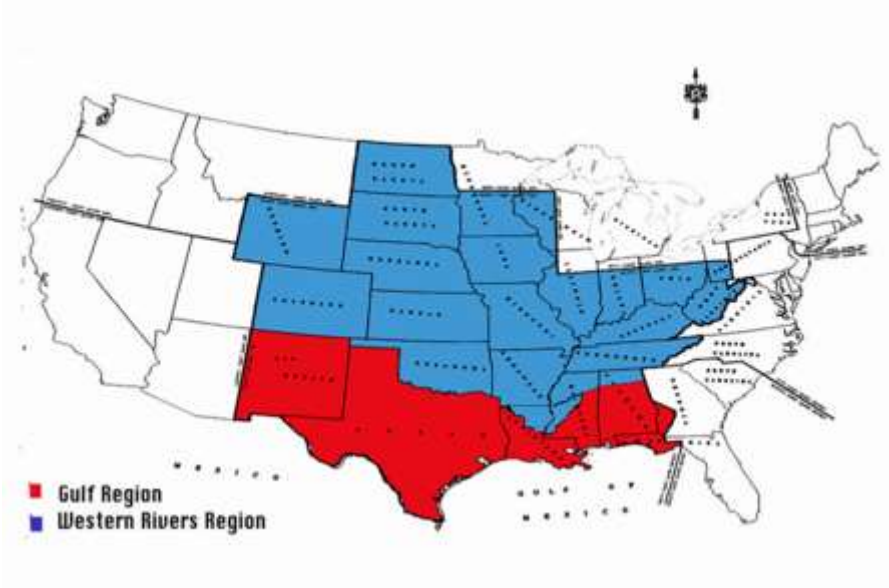
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Waterways Management & Navigation Safety – General Jurisdiction



- CG District Commander
 - 26 states

- CG Sector Commander
 - Corpus Christi
 - Houston-Galveston
 - New Orleans
 - Mobile
 - Upper Mississippi
 - Ohio Valley
 - Lower Mississippi





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Waterways Management & Navigation Safety – General Jurisdiction



- District Commander
- Bridge design, operation abutment to abutment



- Sector Commander
- Vessel safety
- Casualty investigation
- Waterways management



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Activities



- Enforce general bridge laws and regulations – 33 CFR 114
- Enforce requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States. It also sets forth the procedures by which the application is processed by the Coast Guard - Bridge locations and clearances, administrative procedures – 33 CFR 115
- Enforce alteration of unreasonably obstructive bridges – 33 CFR 117
- Enforce drawbridge operating regulations – 33 CFR 117
- Enforce bridge lighting and other signals – 33 CFR 118



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Legal Requirements

1. Section 9 of the Rivers and Harbors Appropriations Act of March 3, 1899, as amended, 33 U.S.C. 401;
2. The Act of March 23, 1906, as amended, (an Act to regulate the construction of bridges over navigable waters) 33 U.S.C. 491;
3. The General Bridge Act of 1946, as amended, 33 U.S.C. 525;
4. The International Bridge Act of 1972, 33 U.S.C. 535;
5. Section 124a of the Surface Transportation Assistance Act of 1978, as amended, 23 U.S.C. 144(h);
6. Sections 107 and 108 of the Coast Guard Authorization (CGA) Act of 1982;



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



1. The Coast Guard's responsibility is to preserve the public right of navigation.
2. Federal approval for the construction, maintenance, and operation of bridges must consider the impact on the freedom of navigation, and the human environment, as required by various federal environmental statutes.
3. **A Coast Guard bridge permit may be required for any bridge that crosses a navigable waterway**



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What is the definition of navigable waterway?



- For Coast Guard purposes, Navigable Waters of the United States includes the following:
 - The territorial sea;
 - Internal waters subject to tidal influence; or
 - Internal waters not subject to tidal influence,
 - 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
 - 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.



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Are there any exemptions to Coast Guard bridge permits?



- Coast Guard Authorization Act
- Surface Transportation Assistance Act
- Coast Guard Advanced Approval Waterways



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Are there any exemptions to Coast Guard bridge permits?



- Coast Guard Authorization (CGA) Act of 1982: 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:
 - Used;
 - Susceptible to use in their natural condition; or
 - Susceptible to use by reasonable improvement as a means to transport interstate or foreign commerce.



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Are there any exemptions to Coast Guard bridge permits? CGA



- 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.
- 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.



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Are there any exemptions to Coast Guard bridge permits? CGA



- 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.
- 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 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, shall ordinarily be considered susceptible for future use pending conclusion of the study.



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Are there any exemptions to Coast Guard bridge permits? CGA



- Is the waterway:
 - Nontidal?
 - Used?
 - Susceptible to use in their natural condition?
 - Susceptible to use by reasonable improvement as a means to transport interstate or foreign commerce?

- YES! CG Permit



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Are there any exemptions to Coast Guard bridge permits? STAA

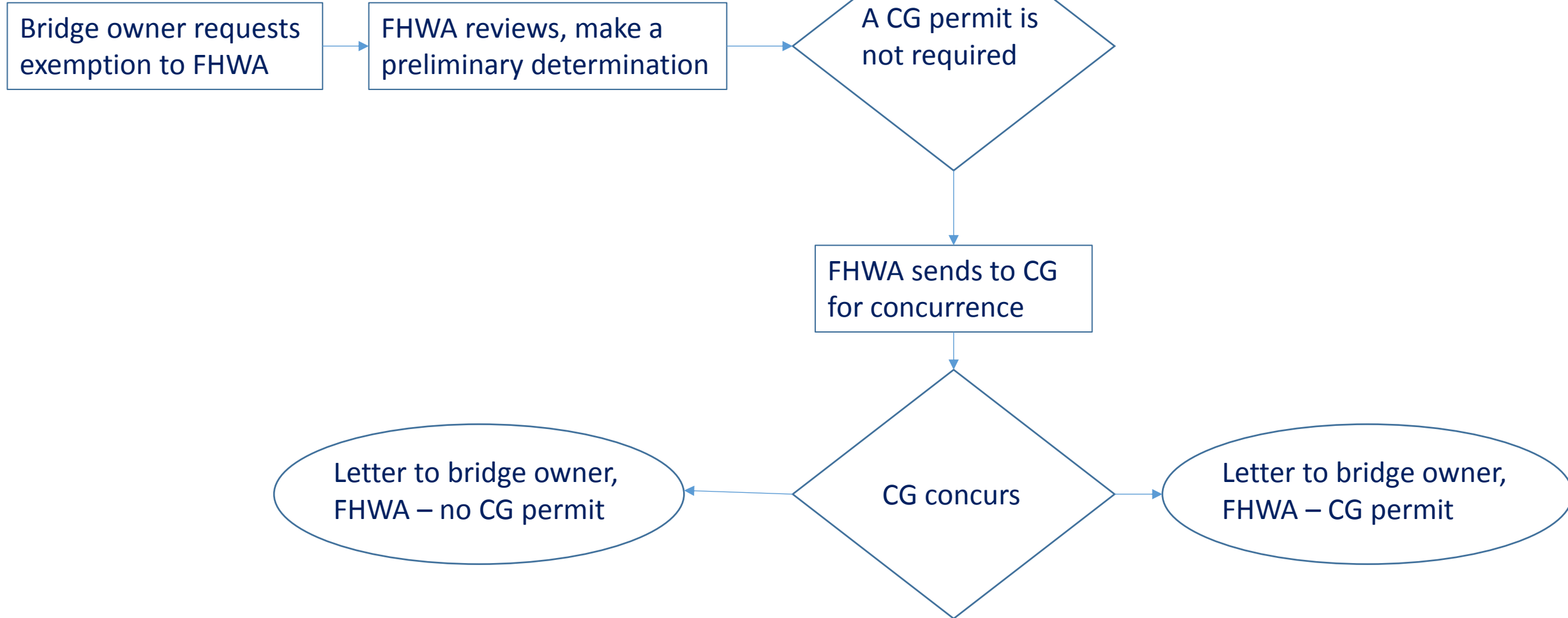


- Surface Transportation Assistance Act of 1978: a. Section 144(h) of Title 23, U. S. Code, as amended, was enacted to reduce paperwork and related costs in the execution of the Coast Guard's bridge permit programs.
- Bridges that:
 - Cross waterways which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce
 - Cross waterways which are non-tidal; or if tidal, used only by vessels less than 21 feet in length.
 - Are receiving federal funds for the project



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Are there any exemptions to Coast Guard bridge permits? STAA





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Are there any exemptions to Coast Guard bridge permits? CG Advance Approvals



- Coast Guard Advanced Approvals
 - 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.
 - The term “small motorboats” shall be interpreted in the light of the things and conditions with which it is associated. The term means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft.



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Why does my agency need to get a Coast Guard permit to build a bridge





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Steps to a bridge permit



- Project initiation
- Coordination meetings
- Preliminary navigation determination (if needed)
- NEPA scoping, drafting, evaluation
- NEPA decision
- Application submission
- CG review for completeness
- CG issues a public notice
- CG develops findings of fact – addresses any remaining issues
- Prepare and sign permit (conditions)



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Why does my agency need Coast Guard approval to perform maintenance, repairs or rehabilitation work on a bridge? **Approval Requirements**

- Will the work impact vessels ability to use the waterway?
 - Change to clearances
 - Change to operating hours



Eighth Coast Guard District Bridge Administration

Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Why does my agency need Coast Guard approval to perform maintenance, repairs or rehabilitation work on a bridge? **Approval Requirements**

- Will the work impact navigation safety?
 - Change to clearances
 - Temporary structures in the water – buoys, anchors, cofferdam, etc.
 - Vessels, barges in the water



Eighth Coast Guard District Bridge Administration

Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Why does my agency need Coast Guard approval to perform maintenance, repairs or rehabilitation work on a bridge? **Approval Requirements**

1. 33 CFR §114.10 General policies on issuance of permits and drawbridge operation regulations. The several bridge laws referenced in the Authority for part 114, are intended to prevent any interference with navigable waters of the United States whether by bridges, dams, dikes or other obstructions to navigation except by express permission of the United States.
2. Condition of the permit
3. Coast Guard navigation safety requirements



Eighth Coast Guard District Bridge Administration

Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Why does the Coast Guard need 2 months to approve a planned construction project?

- Evaluate navigation safety impact from the project.
- Ensure vessels have an ability to reasonably use the waterway or are provided mitigation to go around the bridge.
- **Provide legal liability for the bridge owner**



Eighth Coast Guard District Bridge Administration

Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



Texas Department of Transportation
Beaumont District Engineer
Attn: Mr. Tucker Ferguson
8350 Eastex Freeway
Beaumont, TX 77708

Texas Department of Transportation
Houston District Engineer
Attn: Quincy Allen, P.E.
7600 Washington Avenue
Houston, TX, 77077

March 23, 2018

Texas Department of Transportation
Corpus Christi District Engineer
Attn: Mr. Christopher Caron
1701 South Padre Drive
Corpus Christi, TX 78416

Texas Department of Transportation
Pharr District Engineer
Attn: Pedro Alvarez, P.E.
600 W. US Expressway 83
Pharr, TX 78577-1231

Texas Department of Transportation
Yoakum District Engineer
Attn: Paul Reitz
403 Huck St.
Yoakum, TX 77995



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



- Name of the person or bridge owner proposing the project.
- Name of the contractor or consultant designated to represent the bridge owner (if any).
- Name and location of the bridge.
- Description of the proposed work.
- For a fixed bridge - if the proposed work reduces the bridge's vertical or horizontal clearance –provide the following:
 - The type of structure that is being put in place that causes the reduction to the clearance (i.e. paint containment, catwalk, inspection vehicle)
 - The reduction to each clearance measured in feet.
 - The specific dates and times that are needed for the reduction.
- For a drawbridge - the dates and times of the proposed changes to the drawbridge operating schedule that are listed in 33 CFR 117.
- For a drawbridge – a copy of bridge tender logs that provide information on the number of bridge openings.
- The availability of alternate waterway routes that can be used by vessels during bridge closures.
- Length of time, days of the week, and hours of the day the work will be performed.
- Any anticipated waterway restrictions or safety measures that are needed to support the project.
- If vessels or barges are going to be used – the type and size of each vessel and barge.



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Requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States



- If vessels or barges are going to be used – the planned location (s) in relation to the main channel for the bridge.
- If any – the location of temporary structures including mooring structures, anchorages, pilings, navigation safety aids needed during the project.
- Plans to demobilize equipment each day - whether equipment will be removed from the site or the navigational channel at the end of every workday, lighting arrangements for equipment left in the waterway at night (any barge, vessel or floating equipment left in a waterway at night must be lit at night), emergency contact information for vessels and barges. The Coast Guard will not normally approve leaving unmanned vessels or barges on location if they impede any part of the main channel.
- Steps taken to minimize adverse impacts to vessels, navigation and the navigation channel. This is very important if there are no alternate waterways that vessels can use if the bridge is secured to vessel traffic.
- Contact information for the person(s) in charge of construction activities, such as 24 hour phone number, email, and mailing address.



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Bridge Plans – Pre Application Process



Helpful information that aids the process

- Existing Permit
 - Existing plans provide good guidance
- Familiarization with the Bridge Permit Application Guide (BPAG)
 - Sample plans are included
- Application for a Water Quality Certificate



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Bridge Plans – Bridge Application Process and Timing



SUBMIT A BRIDGE PERMIT APPLICATION

- Project plans
- Correct mailing addresses for property owners within ½ mile radius of the bridge project

TIMING ISSUES

- Permit issuance 180 days from the time of receipt of a **complete application (includes plan revisions and all permits)**
- Proper planning of letting dates in line with permitting
- Projects covered by Title 41 of the Fixing America's Surface Transportation (Fast) Act, (**FAST-41**), require a permit decision within 180 days from receipt of a complete application



Eighth Coast Guard District Bridge Administration

Bridge Permit- Important Application Elements



WATER QUALITY CERTIFICATION (WQC):

WQC has been issued by the Texas Commission on Environmental Quality

- If TCEQ has granted a **waiver** from WQC requirements, give the authority for the waiver, the date certification was applied for certification and the date and means of EPA notification.
- If certification is achieved under a **programmatic agreement**, please provide the agreement and specify that WQC is achieved under that agreement.

COASTAL ZONE MANAGEMENT (CZM):

The proposed project is located within a coastal county and within the Texas Coastal Management Program (CMP).

- Provide the date the applicant certified (application) that the project is consistent with the state's CZM program
- Provide the **state agency's written concurrence** in the applicant's certification.
- If consistency is achieved under a programmatic agreement, please specify that consistency is achieved under that agreement and provide the agreement.

WETLANDS: UNITED STATES ARMY CORPS OF ENGINEERS (USACE) PERMITS

- Section 10 of the Rivers and Harbors Act and
- Section 404 of the Clean Water Act
- Nationwide Permit (NWP 14 or 15) Pre-Construction Notification (PCN) Verification of Permit Conditions for Work
- Exemption in writing



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Bridge Permit & Public Notice Issuance Barriers



BARRIERS TO PERMIT ISSUANCE

No updated environmental compliance

Coordination with environmental resources agencies incomplete

USFWS Coordination not closed

USACE Permits not issued

WQC not issued

Coordination with SHPO on NHPA not complete for historic bridge

BARRIERS TO PUBLIC NOTICE ISSUANCE

Plans incorrect or missing information required by the BPAG

No application for a WQC delays public notice issuance)

NEPA Document (Environmental Impact Statement, Environmental Assessment, or Categorical Exclusion)

Signed Record of Decision for EIS, Finding of No Significant Impact, Categorical Exclusion



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Bridge Plans – Bridge Application Guide Checklist



a. General

___ Provide all plans in standard 8 ½ X 11” size, providing the fewest sheets possible that still show significant project structural details. Plan sheets may be submitted electronically.

NOTE: Do not show bridge navigational lighting plans on bridge plan and elevation views.

___ Show all dimensions and distances in U.S. linear feet in decimal form (versus feet and inches). For international bridges also show all dimensions in both linear feet and meters.

___ Include the datum used in the plan and elevation view. Use the same datum for all submitted drawings (e.g. NAVD, NGVD). For replacement and modification projects, the datum used may differ between the new plans and the previously approved plans for the existing structure. If this situation occurs, please be sure to show all necessary conversions to demonstrate any change in approved clearances.

___ All plan sheets must bear the date, signature and stamp of a professional engineer.

NOTE: the engineer stamp date must either match or be dated later than the title block date before the permit and plans can be approved by the Coast Guard.

If desired, it is acceptable for the engineer to add the following statement to the plans, “Conceptual plans utilized to obtain Coast Guard bridge permit”.

___ The total number of plan sheets identified in the title block must match the number of plan sheets submitted for approval.



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Bridge Plans – Bridge Application Guide Checklist



b. **Title Blocks** - Include the following items in the title blocks (lower right-hand corner on all of the plan sheets):

___ Applicant/Owner;

___ Consultant/Agent; (if any)

___ Name of Bridge(s);

___ Name of Waterway;

___ Mile point of bridge(s) location (from confluence of mouth of waterway) in statute miles;

___ City, county/parish, and state (state whether the bridge(s) is at, near, or between – as appropriate);

___ Date of plans (i.e., mm/dd/yyyy, must either match or be dated prior to the engineer's date stamp); and

___ Sheet number and total number of sheets in set to be approved (i.e., Sheet 1 of 5).



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Bridge Plans – Bridge Application Guide Checklist



Location/Vicinity Map

- _____ Show graphic scale and north arrow;
- _____ Show location of bridge(s) on waterway;
- _____ Identify the name of the waterway;
- _____ Show course of waterway (i.e. ebb/flood, or direction of flow for non-tidal waters);
- _____ Show structures immediately adjacent to the proposed bridge(s) and their relation to the proposed bridge(s);
- _____ Insert a small map of the state in which the project is located with an arrow showing the location of the proposed project.



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Bridge Plans – Bridge Application Guide Checklist



Plan View

- _____ Show graphic bar scale and north arrow;
- _____ Show existing shorelines (may be defined or established by local or state regulation);
- _____ Show ebb and flood in tidal waters and direction of flow in non-tidal waterway;
- _____ Show mean high and low waterlines in tidal areas. Show ordinary high water and ordinary low water elevations if proposed activity is in a non-tidal waterway;
- _____ Show all portions of existing bridge(s) that will remain in place;
- _____ Show all portions of existing bridge(s) that will be removed by using dashed lines;
- _____ Show principal dimensions of structure(s) from grade-to-grade. Show length, width, etc.;
- _____ Show location of dredging, excavation, fill or rip-rap, to include approximate number of cubic yards. Note: The Coast Guard does not approve these activities or items. Contact the U.S. Army Corps of Engineers for approval;



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Bridge Plans – Bridge Application Guide Checklist



Elevation View

- _____ Show graphic bar scale and north arrow;
- _____ Show mean high and mean low water elevations in tidal areas. Show ordinary high and low water elevations in non-tidal areas;
- _____ Show amount of fill material in cubic yards below mean high water;
- _____ Show horizontal clearance normal to the axis (centerline) of the channel between the bridge protective fender system, pilings, or abutments, as appropriate for navigational channel;
- _____ Show vertical clearances referenced to the appropriate high water stage either Mean High Water (MHW) or Ordinary High Water (OHW). Show vertical clearances at the center, as well as at the horizontal limits of the navigational channel (the most restrictive vertical clearance in the navigational channel);
- _____ If the bridge(s) will have a draw, show the draw in the open and closed positions. Vertical clearances in the open position might not be unlimited, especially for vertical lift bridges and bascule bridges. For bascule bridges, specify which part of the navigation channel has an unlimited clearance in the open position i.e. the center 50 feet of the channel, etc;
- _____ Show proposed navigational envelope (opening);
- _____ Show proposed and existing contour of waterway bottom;



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Bridge Plans – Bridge Application Guide Checklist



Elevation View Con't

- _____ Show 100-year flood elevation;
- _____ Show the location and elevation of the low steel member of the navigation span;
and
- _____ If the bridge(s) will have a permanent traveler system installed for inspection/maintenance, show the reduction in vertical clearance (traveler height below low steel) and the location of traveler storage when not in use.

Typical Section View

- _____ Show graphic bar scale;
- _____ Show out-to-out width of the structure(s). (This is the width of the bridge(s) at its widest point.); and
- _____ Include location and dimensions of travel lanes, shoulders, sidewalks, fishing/pedestrian platforms, railings, pipelines, etc.

Details of the Bridge Protective System (if details are known and ready for CG approval as part of the permit decision)

- _____ Show bridge pier protective system in plan and elevation views including detail of attachment to pier, countersunk bolts, and relationship to mean high and low waterlines (on elevation view).



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Right to Appeal



33 CFR §114.50 Right of appeal

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to the Commandant (CG-BRG), Attn: Office of Bridge Programs, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7418, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.



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