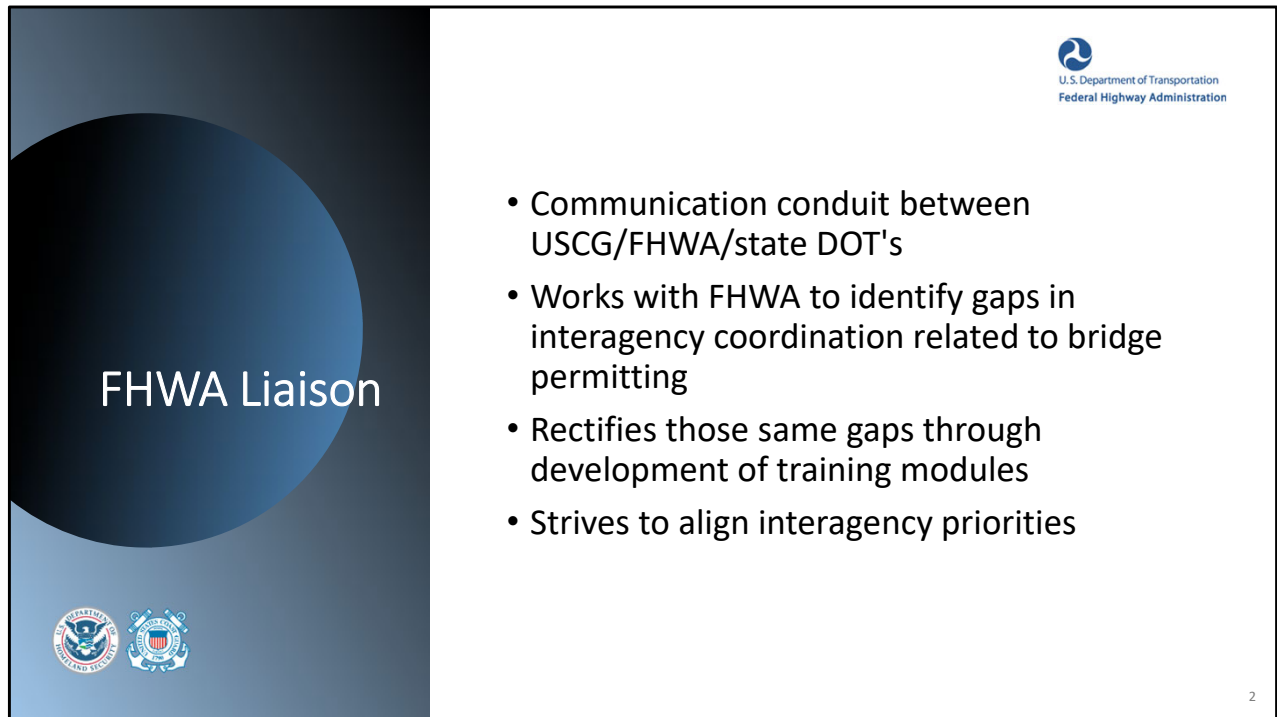




FHWA Liaison



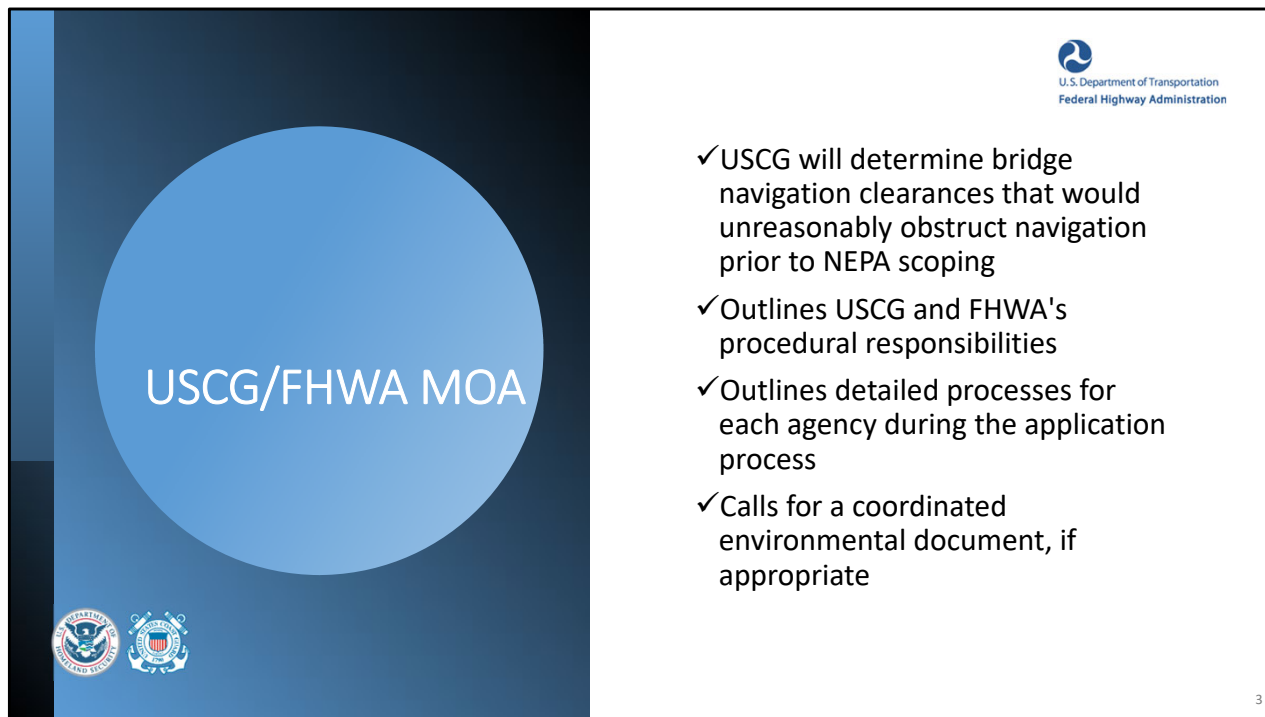
The slide features a dark blue background on the left with a large white circle containing the text "FHWA Liaison". At the bottom left of this section are the seals of the U.S. Coast Guard and the U.S. Department of Transportation. The right side of the slide is white and contains the FHWA logo and a bulleted list of functions. A small number "2" is in the bottom right corner.

U.S. Department of Transportation
Federal Highway Administration

- Communication conduit between USCG/FHWA/state DOT's
- Works with FHWA to identify gaps in interagency coordination related to bridge permitting
- Rectifies those same gaps through development of training modules
- Strives to align interagency priorities

2

The FHWA liaison functions as a communications conduit between the Coast Guard, FHWA and state level DOT agencies. Additionally expected to help instill a sense of procedural consistency across the board which should foster efficiency.

The slide features a dark blue background on the left with a large light blue circle containing the text "USCG/FHWA MOA". Below this circle are the official seals of the U.S. Coast Guard and the U.S. Department of Transportation. On the right, a white background contains the FHWA logo and a bulleted list of four key points. A small number "3" is located in the bottom right corner of the slide.

U.S. Department of Transportation
Federal Highway Administration

- ✓ USCG will determine bridge navigation clearances that would unreasonably obstruct navigation prior to NEPA scoping
- ✓ Outlines USCG and FHWA's procedural responsibilities
- ✓ Outlines detailed processes for each agency during the application process
- ✓ Calls for a coordinated environmental document, if appropriate

3

The Coast Guard and FHWA signed an updated MOA in 2014 which superseded the previous MOU between both agencies that had been signed in 1981. An update was necessary given the transfer of the Coast Guard from DOT to DHS back in 2003 as well as to comply with EO 13604, which called for a reduction in the time needed to render a permit decision. That same EO also directed federal agencies to work together and share information, which should enhance interagency efficiency by eliminating duplication of effort.

The MOA clarifies that the Coast Guard will determine what constitutes adequate navigation clearances for bridge project FHWA happens to be involved in as well as establishing our procedural responsibilities. It also outlines agency specific processes and, importantly, calls for a coordinated environmental document if appropriate.

144(c) - No Permit Required

Surface Transportation Assistance Act,
23 U.S.C. 144(c)(2)

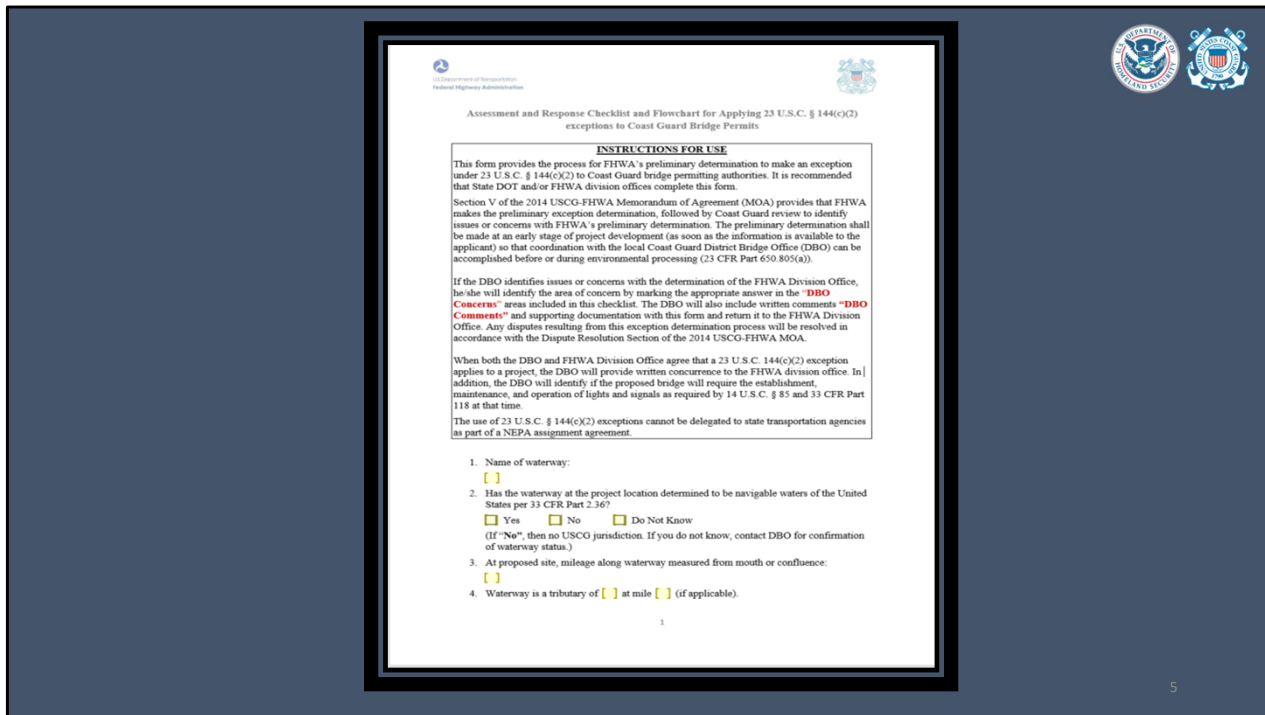
- Also referred to as "STAA" or "144c"
- No permit required for bridges crossing navigable waterways that are:
 - Tidal, used only by recreational vessels less than 21 feet in length; and,
 - Not used or not susceptible to use in their natural condition of the waterway or by reasonable improvement as a means to transport interstate or foreign commerce



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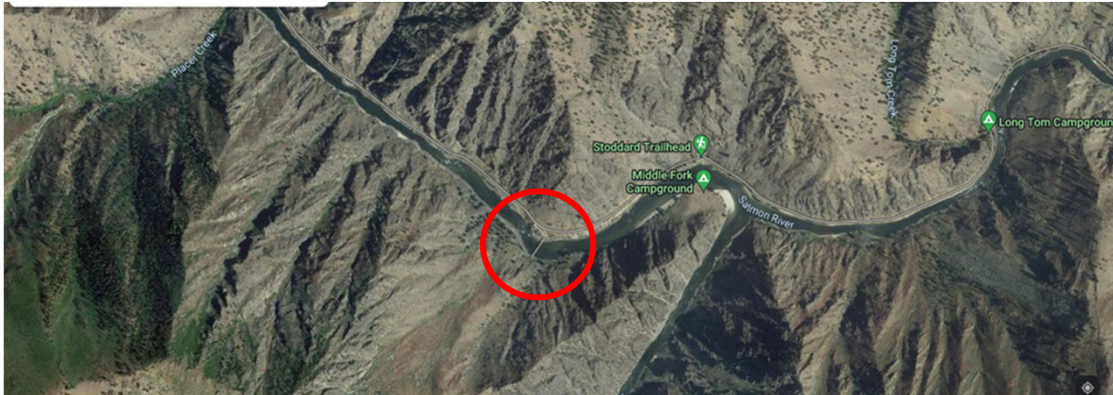
23 USC 144(c)(2), or more commonly referred to as simply 144(c). No bridge permits will be required for a proposed bridge to be built across a waterway that is tidal, but used only by recreational vessels less than 21 feet in length and/or are not used nor susceptible to use in the natural condition of the waterway or by reasonable improvement as a means to transport interstate or foreign commerce. FHWA will make that initial determination, but it will be forwarded to the Coast Guard as a recommendation. The Coast Guard, by law, will have a "informative and persuasive role in the determination process." .



The 144(c) checklist. FHWA doesn't necessarily need to complete the form. It can be filled out at the state DOT level, but it must be submitted to the Coast Guard by FHWA. That means they should have a pretty good idea as to what's being asked for. Here is a snapshot of what the checklist looks like. You can find the checklist on the public BRG website under permit exemption decision tool.

Some preliminaries we'll be looking for. Name of the waterway obviously. We'll ask if it's navigable in accordance with 33 CFR 2.36. We'll also be looking for the milepoint where you're looking to build this thing, measured in statute miles, not nautical. Also, if there's a bridge there already, is it permitted, either Coast Guard or Army Corps?

Stoddard Pack Bridge



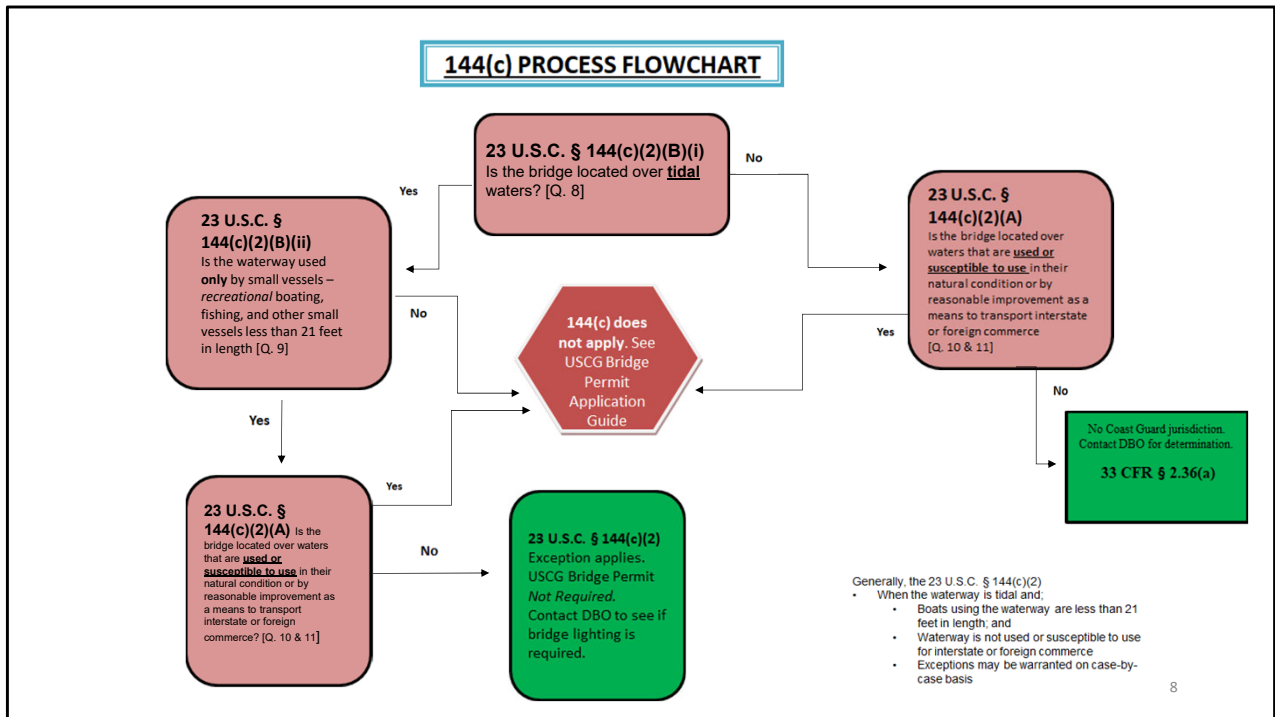
6

Out in Idaho there's a bridge called the Stoddard Pack Bridge across the Salmon River in the Salmon National Forest. Without bringing up a map depicting the entire Pacific Northwest, suffice it to say that it's located well inland.

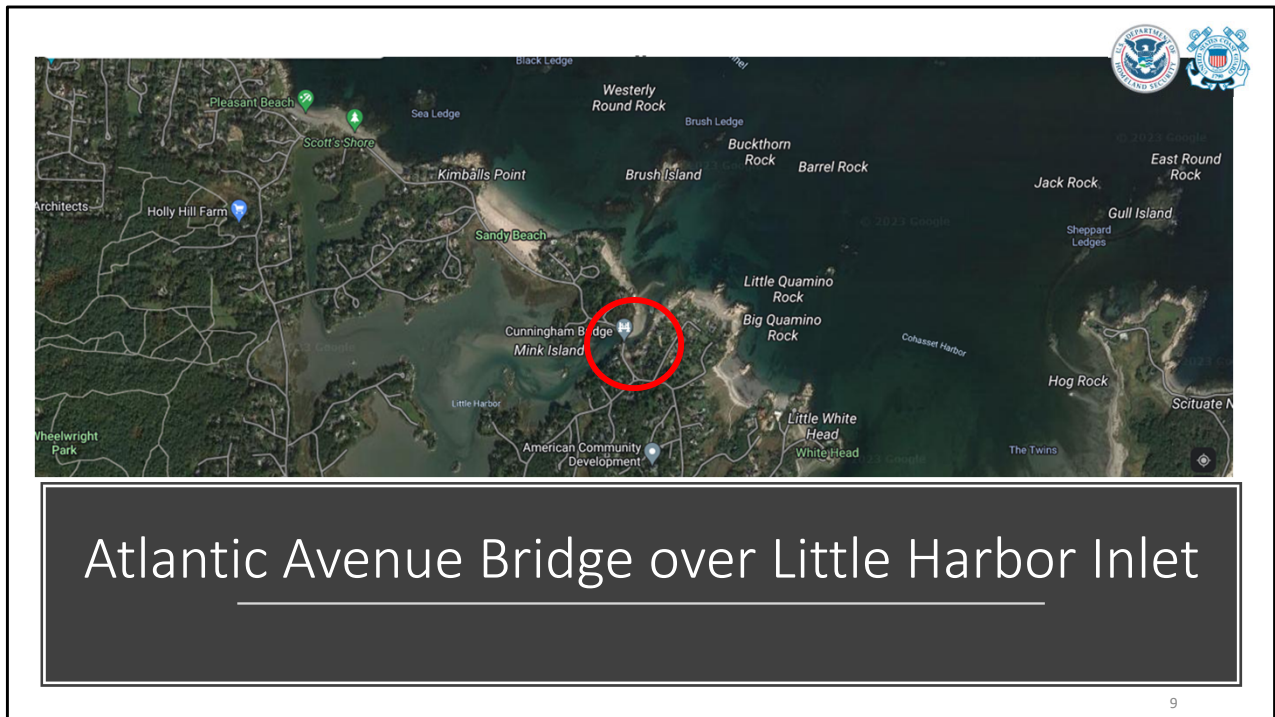


Stoddard Pack Bridge

In its previous incarnation, the Stoddard Pack bridge was built for pedestrian use as well as for pack animals. It's also a vital access point into the Frank Church River of No Return Wilderness. Unfortunately, however, there was a rock slide in May of 2018 that wound up destroying the south tower of the bridge. So, folks wanted to rebuild it, but this time as an asymmetric suspension bridge by using the existing north tower while shifting the south tower approximately 150 feet downstream to provide protection from future rock falls.



Let's go to the flowchart. First things first, we want to know if the bridge to be built or replaced will be located over tidal waters. Non-tidal. Tracing that "no," we come to the next box which asks us if the bridge located over waters that are used or susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. The Salmon River is a tributary to the Snake River, which lies on the border between Oregon and Idaho. Jet boats often take passengers for hire between the Snake and Salmon Rivers. That constitutes interstate commerce. So, in this case, as weird as it may seem, 144(c) does not apply and a bridge permit is necessary.

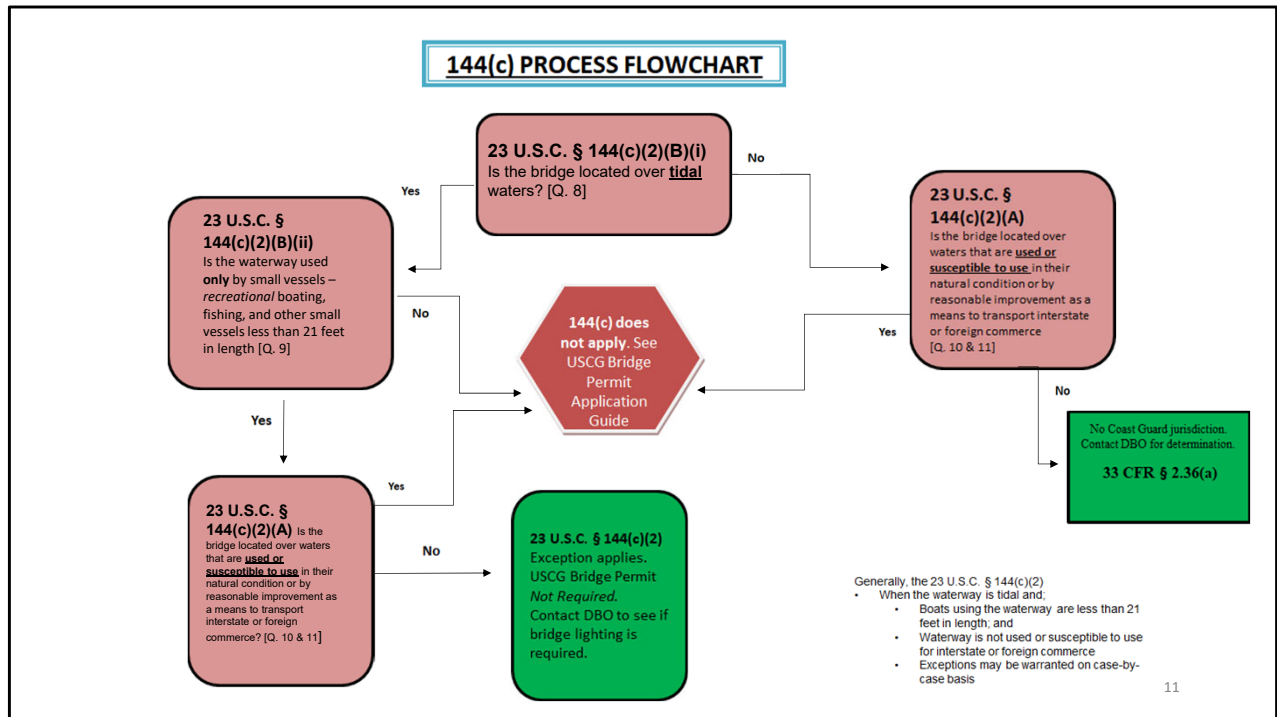


Let's go to Massachusetts! There's a town out there named Cohasset, just south of Boston. Lots of little cool beach places that are nice to visit during the summer. Winter not so much. Anyway, here we've got the Cunningham Bridge, otherwise referred to as the Atlantic Avenue Bridge constructed over Little Harbor Inlet.



Atlantic Avenue Bridge over Little Harbor Inlet

Apparently, some folks decided that the bridge in its present incarnation is structurally deficient, and it was time to replace the thing with a new 87-foot-long single span structure.



We've already determined that the bridge is in fact located over tidal waters, so we follow that little "yes" line to the next block which asks if the waterway used only by small vessels like recreational boats, fishing boats or other small vessels less than 21 feet in length. Fact is that what you saw in the preceding picture kind of typifies traffic on this waterway – paddleboarders and maybe a kayaker or two. Also, no navigation lighting rigged, so that's a pretty good indication that there's really no major vessels transiting through the bridge. So, we keep following that yes line to the next block that asks if the bridge is located over waters that are used or susceptible for use for interstate or foreign commerce. The answer to that one is a definitive no. Bottom line then, it qualifies as an exemption under 144(c).



Advance Approval

- 33 CFR 115.70 - Advance Approval of Bridges
 - The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to the start of construction
 - Advance Approval is given when the waterway is navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats.

12


33 CFR 115.70 states pretty succinctly that a navigable waterway may be considered Advance Approval when it's navigated by nothing more than logs, log rafts, rowboats, canoes and small motorboats. Note what I just said – the waterway is Advance Approval. So if you're looking to construct or replace a bridge that crosses an Advance Approval waterway, then the Coast Guard isn't going to require a permit. We often go this route if FHWA isn't involved, meaning no 144(c) option. Now, that said, while a permit may not be required, we're still maintaining some level of jurisdiction, so we'll want to make sure that the bridge will allow the type and variety of vessels using the waterway to proceed through the opening of the bridge at the high tidal stage and we may at our discretion require navigation lighting. Again, talk with the District Bridge Office, best way of figuring it all out.

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Mission Statement

To administer the various bridge statutes, environmental laws of the United States, pertinent regulations and policies in a timely, courteous, responsive and professional manner. This mission will contribute to the development of a safer, more efficient and convenient marine and land transportation system that will effectively utilize and conserve the nation's resources in a cost efficient manner, while providing for the well-being, general safety, security, and interests of the citizens of the United States.

Background



Hey, one other thing, we've got an email subscription service, so every couple of months we'll be sending information out to whoever is interested providing updates regarding the Coast Guard Bridge Program and where we're heading. It's a useful tool not only for us, but we think for you guys as well, so feel free to sign up. Doesn't cost you a dime and I promise we won't be spamming your in-box.