



22 DEC 2022

## BRIDGE PERMIT

(11-22-8)

**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 - BNSF RAILWAY COMPANY** - has submitted for approval the location and plans indicating a design-build concept of a bridge to be constructed across the Missouri River between Bismarck and Mandan, North Dakota;

**NOW THEREFORE**, This is to certify that the location and plans dated December 2022 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 constructing the bridge shall be in accordance with plans submitted to and approved by the Commander, Eight 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.

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 bridge.

4. Prior to commencement of construction, the permittee shall submit to the District Commander for approval, plans showing the final design chosen for construction of the bridge. The final design chosen shall, at a minimum, provide the navigational clearances as shown on the approved plan sheets 3 and 4 (of 6) dated December 2022. Failure by the permittee to adhere to any part of this condition renders the permit null and void.

5. A bridge protective 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 the plans submitted to and approved by the District Commander.

6. 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.

7. All parts of the existing to-be-replaced BNSF Railway Bridge 196.6 across the Missouri River, mile 1315.0, not utilized in the new bridge not utilized in the new bridge which are located within the navigation channel shall be removed to a minimum of two feet below the existing channel bottom. All other parts shall be removed to a minimum of one foot below the natural bottom of the waterway or natural ground line. 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 1315.0, has reached a point where such action should be taken.

8. 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.

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

Brian L. Dunn  
Chief, Office of Bridge Programs  
U.S. Coast Guard  
By direction of the Commandant