



U.S. Coast Guard Bridge Program



Agenda



Day, Date

- Coast Guard Bridge Program Intro
- NIR's/PNCD's
- **Break**
- USACE – Regulatory/Section 404
- USACE – Section 408

Day/Date

- Permit application walk-thru
- Plan sheets
- **Break**
- Project timeline development
- Post permit coordination/completion reports/lighting
- What can we do better? Wrap-up

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This is our list of topics we'll be covering today and tomorrow. We'll open with a very brief talk about what I do as the Coast Guard liaison to the Federal Highway Administration followed up by a look into how the Coast Guard itself is organized. We'll then hit on a few key messages and points we're hoping you'll take away from these presentations. We'll then proceed to kind of a broad overview of the Coast Guard Bridge Program itself including our roles and responsibilities. After that, we'll roll into a discussion about Navigation Impact Reports and Preliminary Navigation Clearance Determinations. By then you'll likely be ready for a break, so we'll take a fifteen-minute breather and then roll into a presentation by Sarah Wingert from the Corps of Engineers concentrating on Section 404 and interaction with the Coast Guard Bridge Program. After that, Bonnie Jennings will walk us through the Section 408 process after which we'll call it a day so everybody can get out

of here at a reasonable hour.

Tomorrow morning we'll start off with a line-by-line walk thru of the bridge permit application itself, additionally covering those occasions when you won't need a permit from the Coast Guard to build a bridge as well as a brief talk about design-build. After that we'll cover plan sheets and specific Coast Guard requirements. Another fifteen-minute break and then we'll talk a bit about project timeline development as well as post-permit coordination. Finally, we'll just ask you guys what the Coast Guard could do better when it comes to dealing with state DOT agencies from an organizational and administrative standpoint.

FHWA Liaison



- Communications conduit between USCG/FHWA/State and/or Municipal DOT agencies
- 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



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Primary responsibilities – communications conduit between USCG, FHWA and state/municipal level DOT agencies while fostering procedural consistency.

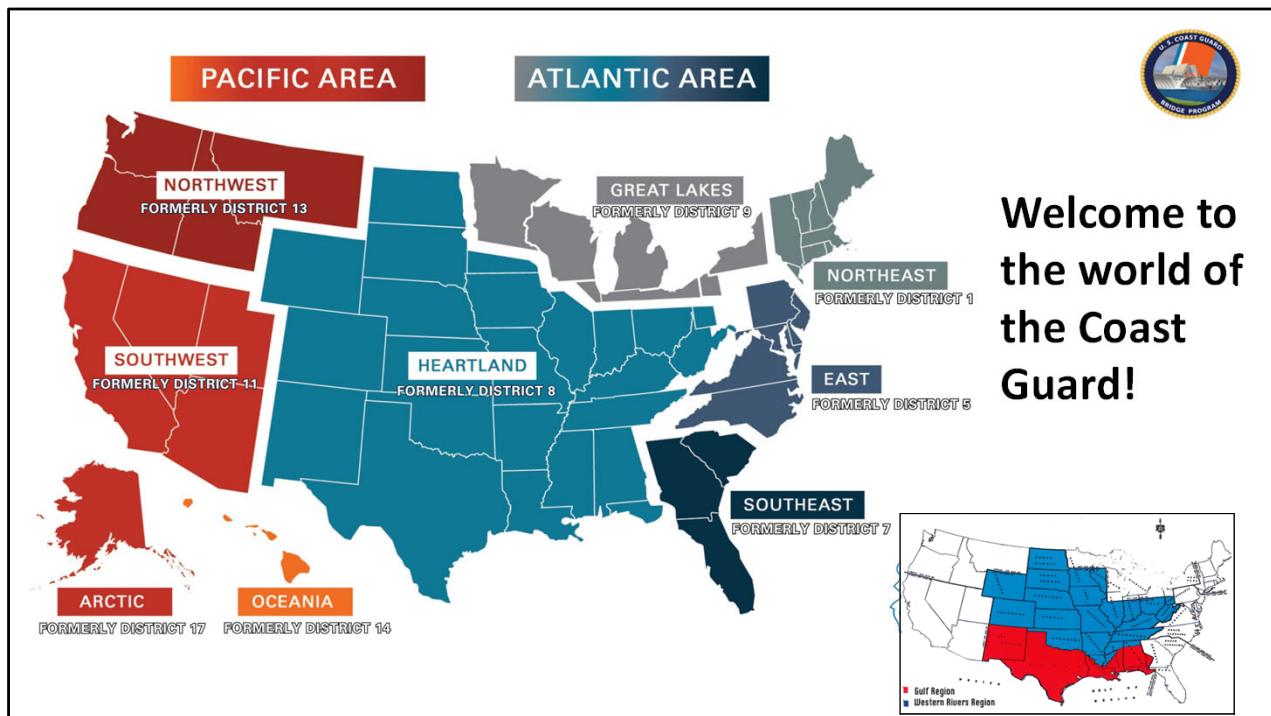
USCG/FHWA MOA

- ✓ USCG determines bridge navigation clearances that may unreasonably obstruct navigation prior to NEPA scoping
- ✓ Outlines USCG/FHWA procedural responsibilities
- ✓ Outlines detailed processes for each agency during the application process
- ✓ Calls for a coordinated environmental document as appropriate



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Position governed by MOA between USCG/FHWA, updated in 2014 superseding previous MOU signed in 1981. Update necessary given transfer of USCG from DOT to DHS in 2003 and to comply with EO 13604, which called for a reduction in time needed to issue a permit decision. Same EO directed federal agencies to work together and share information, enhancing interagency efficiency by reducing duplication of effort.



USCG is geographically divided into two distinct areas, the Atlantic Area and Pacific Area. Both areas have nine subordinate district commands. Atlantic Area is comprised of five districts while Pacific Area has the remaining four. Our Heartland District, previously known as the 8th District, is a little unusual; given its sheer size, we've subdivided it into two separate District Bridge Offices, one in New Orleans the other in St. Louis. The insert on the lower right-hand corner illustrates the dividing line.

The Coast Guard bridge program itself employs about 53 staff. I work out of Coast Guard Headquarters in DC and our primary responsibility there is to provide programmatic guidance to field staff, but we also have our fingers in the permitting process. Any permit requiring either an Environmental Assessment or an Environmental Impact Statement will ultimately be signed and issued at our level.

The workhorse of the bridge program is the District Bridge Office, and that's where the bulk of the day-to-day work when

it comes to permits and regulations happens. Those are the folks you'll need to get to know if you're looking for a bridge permit or maybe seeking to modify an operating regulation for a movable bridge.



Key Messages

Check with us

- Check with the Coast Guard to determine if a permit is required for your project if over a navigable waterway

Meet with us

- Meet early with the Coast Guard to discuss application requirements

Develop a timeline

- Develop a project timeline that incorporates permits, reviews and authorizations from all applicable agencies

Use the BPAG

- Use the Bridge Permit Application Guide, Application Template and plan sheet checklist on our website

Complete the NIR

- Complete the Navigation Impact Report prior to NEPA scoping so required clearances can be provided and inform alternatives

Communicate with us

- Communicate often with your District Bridge Office

What are some of the big-ticket items we're looking to convey in this presentation?

First, if you're looking at a project that involves a bridge, check with the Coast Guard to determine if you're going to need a permit. Don't take anything for granted - you may be dealing with a waterway that's far inland and may not appear to be navigable, but you'll want us to figure that one out for you.

Set up a meeting with the Coast Guard early in the process so you can get some solid clarification on our application process and requirements.

We've found that it's also helpful to get a project timeline going. This will facilitate communications with not only the Coast Guard, but other permitting agencies as well, allowing everybody to see the big picture and

get an accurate idea where the project stands. The Project Manager from the District Bridge Office will be able to help you with this.

On our public website we've uploaded our Bridge Permit Application Guide, which literally walks you through the permit process step by step along with an application template and a checklist for plan sheets. Use it and abuse it and if you have questions, then reach out to us.

Keep in mind that your project may, important word is "may," require preparation of a Navigation Impact Report which should describe the variety of vessel traffic using the waterway within the vicinity of the bridge project in question and what sort of navigational clearances will be required for these same vessels to safely proceed through the opening of the proposed bridge. This should be done either prior to or in the beginning stages of NEPA scoping because the information gleaned from the Navigation Impact Report will inform our Preliminary Navigation Clearance Determination, which in turn will inform the various alternative designs that the Coast Guard will find acceptable.

And above all, talk. Check in with us frequently. I promise, we'll be fine with repeated emails and phone calls. Bottom line, the more issues we can address on the front end means fewer problems we'll have to take care of on the back end. Robust communication is the key.

Bridge Program Authorities



- Jurisdiction over 20,000 bridges across navigable waters established by:
 - ✓ Bridge Act of 1894, 33 U.S.C. § 499
 - ✓ Section 9 of the Rivers and Harbors Appropriations 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 General Bridge Act of 1946, as amended, 33 U.S.C. § 525
 - ✓ The International Bridge Act of 1972, 33 U.S.C. § 535
- 33 CFR § 2.36
 - ✓ Territorial Seas of the United States
 - ✓ Internal waters of the United States subject to tidal influence
 - ✓ Non-tidal waters that have or could be used as highways for interstate or foreign commerce

The bridge program has jurisdiction over more than 20,000 bridges across navigable waters as established by the following Acts:

- Bridge Act of 1894
- Section 9 of the Rivers and Harbors Appropriations Act of March 3, 1899
- The Act of March 23, 1906
- The General Bridge Act of 1946
- and the International Bridge Act of 1972

Now, one thing I want to address is differentiating between Section 9 of the River and Harbors Act and the General Bridge Act of 1946. I know a lot of people outside of the program tend to refer to a Coast Guard Bridge Permit as a "Section 9" permit, but we really derive our primary authority from the General Bridge Act of 1946, which requires our approval to construct or reconstruct a bridge crossing navigable waters of the United States that preserves the public right of

navigation while preventing interference with interstate and foreign commerce. That allows us then to satisfy the reasonable needs of navigation while also addressing the needs of land traffic. It's a rare day that we'll refer to Section 9 during any part of the permitting process.

Then there's 33 CFR Section 2 part 36. It's a good idea to reach out to the Coast Guard to determine if the waterway you're looking to build a bridge across is considered navigable. The Coast Guard, in accordance with this passage, considers navigable waters to include the territorial seas of the United States; internal waters of the United States subject to tidal influence; and/or non-tidal waters that have or could be used as highways for interstate or foreign commerce... or could be improved to do so at a reasonable cost. I also want to address a question we've been getting pretty frequently regarding a GIS layer delineating what the Coast Guard considers to be a navigable waterway. Long story short, no, we don't have that yet. It's something we're looking at as a future growth item, but of course a lot of that is contingent upon funding. In the interim, if you have a question about navigability, it's best that you reach out to the applicable District Bridge Office because those are the folks who'll be able to answer your question.

Bridge Program Team Roles and Responsibilities



- Provides for the safe and reasonably unobstructed passage of vessels under bridges
- Conducts or oversees bridge permitting, drawbridge operations, construction monitoring, bridge lighting and alteration of unreasonably obstructive bridges

The Coast Guard Bridge Program is a component within the Marine Transportation Directorate, a larger overall team which advocates for maritime commerce. Accordingly, our bottom line is that a bridge crossing any navigable water of the United States shall not obstruct the reasonable needs of navigation during any part of the lifecycle of that same bridge including rehabilitation, repair, maintenance and construction while facilitating other modes of transportation. The Coast Guard monitors bridges to ensure bridge lighting, temporary structures, clearance gauges, and bridge protective systems are also in compliance with federal laws and policies. The Coast Guard is also responsible for permitting bridges, prescribing drawbridge operating schedules and managing the alteration of unreasonably obstructive bridges. For the purposes of this presentation though, we'll be primarily focusing on the permitting angle.

Bridge Permitting Process



BRIDGE PERMIT (4-20-1)

NOV 05 2020

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 -STATE OF NEW JERSEY- has submitted for approval the location and plans of a bridge to be constructed across the Shrewsbury River between Rumson and Sea Bright, Monmouth County, New Jersey;

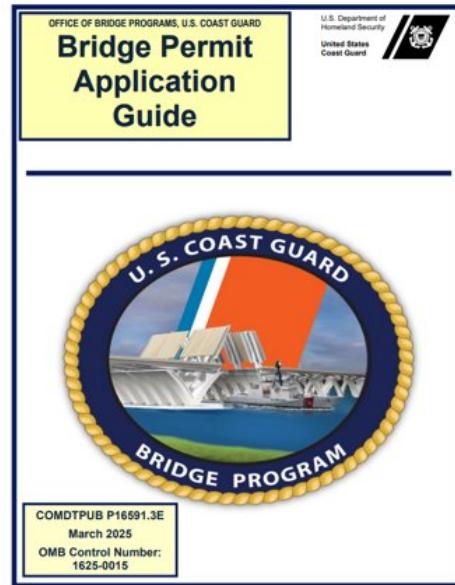
NOW THEREFORE, This is to certify that the location and plan sheets 1, 2, 3, 4, 5 (of 6) dated 25 July 2019 and plan sheet 6 (of 6) dated 21 September 2020 are hereby approved by the Commander, First Coast Guard District subject to the following conditions:

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 District Commander.

2. The construction of falsework, pilings, 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

A Coast Guard Bridge Permit is the official authorization to construct or modify a bridge that crosses a navigable waterway. Any individual, partnership, corporation, or local, state or federal legislative body planning to construct or modify a bridge must apply for a bridge permit. This includes all temporary bridges used for construction access or to detour traffic around the construction zone.

Bridge Permit Application Guide (BPAG)



Bridge Permitting Process: Responsibilities of the Applicant

- Meet early with the USCG to determine if your bridge project requires a permit
- Request the USCG walk you through application requirements documented in the BPAG
- Submit a Project Initiation Request (PIR)
- If necessary, prepare and submit a Navigation Impact Report (NIR)
- Await the Preliminary Navigation Clearance Determination (PNCD) from the USCG



So, what do we expect from you if you're looking for a bridge permit? First, grab a hold of us and start a conversation. Give us a good idea of what you're proposing and that'll allow us to look at the waterway and determine if you even need a permit to proceed. Second, presuming you're going to need a permit, ask your Coast Guard Project Manager to walk you through the Bridge Permit Application Guide. If this thing you want to build will require a permit after all, you'll need to gin up a project initiation request which is discussed in further detail in the BPAG. Once we have that letter, we're off to the races.

Your Coast Guard Project Manager will let you know if you need to prepare a Navigation Impact Report. This should be done early in the process, even prior to NEPA scoping. If that's the case, he or she will work with you and let you know what we'll be looking for in the NIR. We'll use data gleaned from the NIR to inform our preparation of the Preliminary Navigation Clearance Determination. The PNCD is important insofar as it will definitively state the minimum

horizontal and vertical clearances the Coast Guard will tolerate so as not to impede maritime traffic utilizing the waterway. The PNCD should be used to inform your selection of a preferred NEPA alternative.

Bridge Permitting Process: Responsibilities of the Applicant (continued)

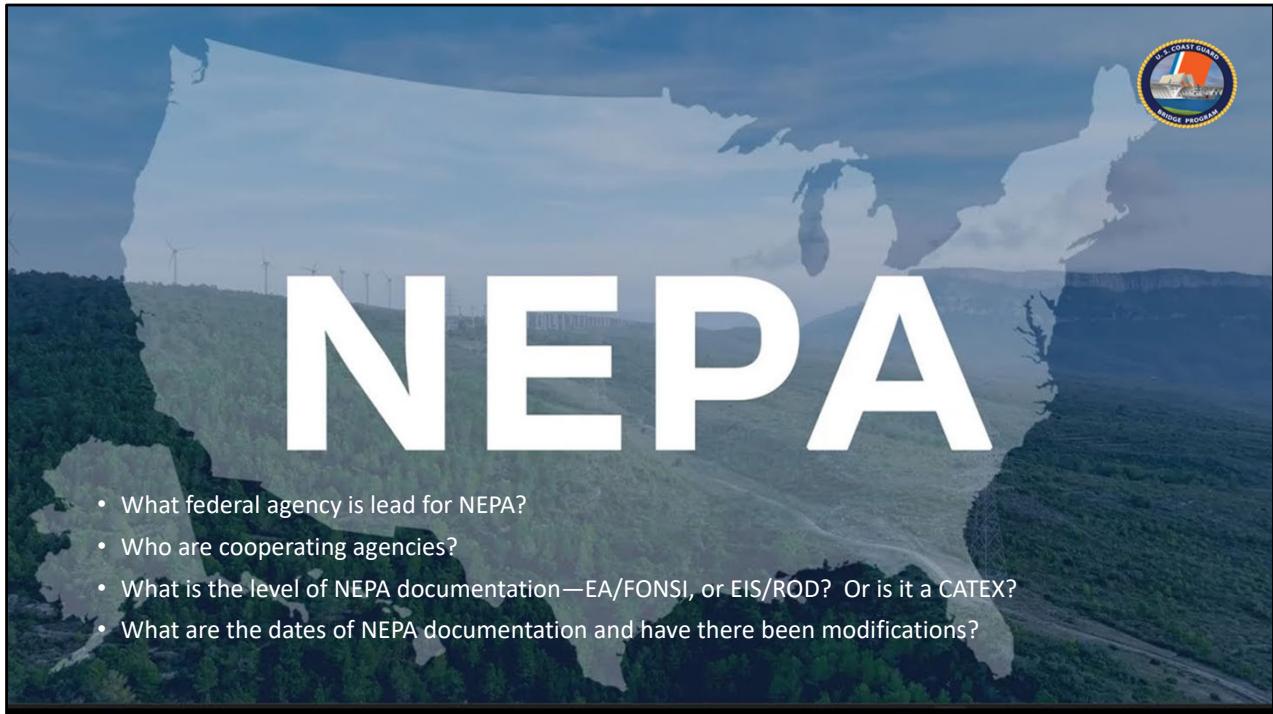
- Submit application and supporting materials to the USCG
- Ensure enough material has been provided to the USCG to publish a Public Notice
- Ensure that all documents provided to the USCG conform to BPAG requirements
- Await final permit decision



When you feel you've accumulated enough information to do so, it'll be time to send a Bridge Permit Application our way. A couple of caveats. We're going to consider this to be the "initial application" which may not necessarily have everything we need to issue a permit, has enough meat on the conceptual bones that we can get the process started. We'll review the permit application and within 30 days or so you'll get a letter from us noting one of two things, either that it's complete or incomplete. Usually, particularly this early in the process, we'll tell you that it's incomplete, but we'll also let you know what pieces are missing. Some of this stuff you likely won't be able to nail down until later in the process anyway, for example the Water Quality Certification. That doesn't mean the process stops of course, things will keep trucking along as you gather additional items necessary to plug holes and keep forward momentum going.

Now, once we've got enough data on hand we can proceed to issuing a public notice. The PN is what it says, a notification that will allow the public at large the opportunity to sort of digest what is being proposed and to furnish feedback to the Coast Guard, all of which is taken into consideration when it comes time to render a permit decision. Generally, most comment periods run for about 30 days. Now, we'll generally want by this stage of the game to know what level of environmental review we're looking at as well as the Lead Federal Agency. We'll also want to know that a Water Quality Certification has at least been applied for. If we're not the Lead Federal Agency, then the Coast Guard will be primarily interested in the effects the proposed bridge may have on waterway navigation, and we'll defer any comments of an environmental nature to the lead. If we're running the entire show though, of course we'll be taking everything into account.

Finally, you've got all your ducks in a row, and you get that letter from the Coast Guard notifying you that the permit application is considered complete! It's at that point that the Coast Guard will begin the process of rendering its final decision. Within the space of about 90 days after you get that final bit of correspondence, you'll have our final permit determination. Again though, that application complete letter is contingent on us having everything in hand, in accordance with requirements noted in the BPAG.



- What federal agency is lead for NEPA?
- Who are cooperating agencies?
- What is the level of NEPA documentation—EA/FONSI, or EIS/ROD? Or is it a CATEX?
- What are the dates of NEPA documentation and have there been modifications?

Issuance of a Coast Guard Bridge Permit is a federal action and therefore triggers NEPA. So, right from the get-go we're going to need some information to proceed. First things first, what agency is driving this bus? If it's a highway bridge, more likely than not we're looking at the Federal Highway Administration as the Lead Federal Agency. Railroad bridge, probably FRA or FTA. Bottom line, some agency must be calling the shots. If no federal funding is involved, but a bridge permit is still required, the Coast Guard by default will assume the role as the Lead Federal Agency for NEPA review purposes, so lucky us! On top of identifying the Lead Federal Agency, it's also a good idea to determine who the rest of the players are because as the process moves along, we'll run into "dependencies." By way of oversimplification, a dependency occurs when a pending action by one agency is dependent upon another action taken by a cooperating agency. Whether we like it or

not, this sort of kabuki dance is part and parcel of the picture and it's important. Of course, it might be helpful to know what level of environmental review we're looking at. The more complex or large the project, the more important early engagement is, and it would be valuable to develop a Coordinated Project Plan, which we'll talk about in another slide.

Plan Sheet
Overview

**ENGLISH IS
IMPORTANT**
BUT
**ENGINEERING
IS IMPORTANTER**



Requirements for plan sheets



33 CFR § 115.50

- Title 33 – Navigation and Navigable waters
- Chapter I – Coast Guard, Department of Homeland Security
- Subchapter J – Bridges
- Part 115 – Bridge Locations and Clearances, Administrative Procedures
- 115.50 – Application for bridges

Now, let's make one thing clear, these are not, repeat not construction grade plan sheets we're looking for here. The plan sheets we want will serve as a physical depiction of the characteristics of the bridge approved under the auspices of the permit itself, namely the navigation clearances.

Plan Sheet Job Aid

Follow the Plan Sheet Job Aid Template!



- Use standard 8 ½" X 11" size
- Use as few plan sheets as possible to depict the project
- Depict the plans in an easily decipherable format – target audience is the general public
- All plan sheets must bear the date and signature of a Professional Engineer for final approval
- Submit navigation lighting plans separately

That checklist, referred to as the plan sheet job aid, is available as a fillable template for download from our bridge program website. Your Coast Guard PM should also be able to provide you a copy. Basically, what you see there in the slide covers it. The bottom line to remember is that when you're generating plan sheets for the Coast Guard, try to gear it for Joe Public, particularly because these plan sheets will go out with a Public Notice for the project. Just follow the template and keep in mind the KISS principle and you'll be okay. We'll be covering plan sheets in-depth tomorrow.

I HAVE A VERY PARTICULAR SET OF SKILLS.

**I WILL FIND YOUR QUESTIONS,
AND I WILL ANSWER THEM.**

