

# COAST GUARD BRIDGE PERMITTING

## General Information

### 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 in the Bridge Permit Application Guide and on the Bridge Program website at <http://www.uscg.mil/hq/cg5/cg551/> to assist the applicant in locating 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 in the Bridge Permit Application Guide and 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 3.B 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. 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.

## **Additional Permitting Considerations**

### **A. Temporary Bridges**

- a. Most infrastructure repairs do not require a bridge permit from the Coast Guard unless the repair affects the approved navigation clearances or approved configuration of the bridge.
- b. Temporary repairs or replacement of severely deteriorated or damaged bridges or construction of new temporary bridges to meet emergency land transportation requirements may be authorized without a Coast Guard bridge permit. This authorization is limited to the minimum period of time required for the bridge to return to normal operation.
- c. Permanent retention of any temporary bridge, or construction of a new permanent bridge, will be subject to a Coast Guard bridge permit.

### **B. 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.

### **C. 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 might be required to determine the type of bridge protective system required for the bridge, if applicable.

### **D. 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.

### **E. 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.

## **F. Maintenance**

1. Bridges constructed under a Coast Guard permit must be maintained in accordance with the applicable Bridge Act, permit conditions and approved plans. The Coast Guard District must be provided advance notification regarding any maintenance that will affect navigation to allow timely review and coordination with waterway users 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.

## **G. 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.

## **H. 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/>.