Purpose of this SOP
This standard operating procedure (SOP) outlines the process for the department delegate to request an exception from U.S. Coast Guard (USCG) bridge permitting requirements, pursuant to 23 CFR 650, Subpart H, for projects involving an FHWA-funded bridge or causeway over a navigable or potentially navigable water. The initial request is submitted to FHWA, and then FHWA coordinates the request with USCG. This process is not applicable to projects that do not have FHWA funding.

Subject Overview
For FHWA-funded bridges and causeways over navigable waters, FHWA has the authority under 23 CFR 650, Subpart H to determine that a USCG bridge permit is not needed if the bridge is over waters which are not used or susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce, and are either:

- Non-tidal, or
- Tidal and used only by recreational boating, fishing, and other small vessels less than 21 feet long.

After a project qualifies for an exception from USCG bridge permitting, additional coordination with USCG will still be required to authorize navigational lights and signals, to obtain an exemption from lighting requirements, and/or to ensure local mariners are notified of waterway changes. For additional information, refer to 33 CFR 118 and the USCG bridge permitting website.

Authorities
The use of this SOP is ENV policy in accordance with 23 CFR 650, Subpart H.

Personnel
The project sponsor, department delegate, FHWA bridge engineer, and USCG bridge administrator conduct part of the following procedure. However, the roles of the FHWA bridge engineer and the USCG bridge administrator are described for illustrative purposes only; they are not regulated by this procedure.

- Early in the process, the department delegate or project sponsor is responsible for preparing the exception request and providing additional information, if needed.
- The department delegate is responsible for submitting the exception request to the FHWA bridge engineer, notifying the project sponsor of the determination, and for recording all related correspondence in the project file.
- The FHWA bridge engineer makes a preliminary bridge exception determination.
- The USCG bridge administrator concurs or identifies issues with FHWA’s preliminary determination.
SOP for Requesting USCG Bridge Permitting Exceptions from FHWA

Procedure

1. The department delegate or project sponsor completes either the FHWA form titled “23 CFR 650.805 Bridges not requiring a U.S. Coast Guard Permit” (the FHWA Questionnaire)\(^1\) or the USCG form titled “Bridge Project Questionnaire” (the USCG Questionnaire)\(^2\).

   The FHWA Questionnaire is typically sufficient for non-tidal waters. The USCG Questionnaire is recommended for tidal waters, because it contains elevation information that is typically necessary for FHWA and the USCG to determine if tidal crossings qualify for exceptions.

   1.1. Answer all questions, even if the answer is “not applicable.”

   1.2. If the water is tidal, the form must clearly state that all vessels using the water at the location of the crossing are less than 21 feet in length. If the water is used by any boat that is 21 feet or greater, the project does not qualify for an exception.

   1.3. Include the latitude and longitude of the crossing and adequate photos to characterize the area (including photos of the types of vessels that use the water, if applicable).

2. The department delegate or project sponsor prepares a cover letter clearly stating that the purpose of the submittal to FHWA is to request an exception from USCG bridge permitting pursuant to 23 CFR 650, Subpart H.

3. The department delegate submits the cover letter, completed questionnaire, and any supporting documentation to FHWA at the address below.

   Bridge Engineer
   FHWA – Texas Division
   300 E 8th Street, Rm 826
   Austin, TX 78701

4. The FHWA bridge engineer receives and reviews the submittal. If necessary, the FHWA bridge engineer requests additional information from the department delegate, who provides such information.

   4.1. If the FHWA bridge engineer determines that the project does not qualify for an exception, they will notify the USCG bridge administrator and the department delegate.

   4.2. If the FHWA bridge engineer’s preliminary determination is that the project does qualify for an exception, FHWA will notify the USCG bridge administrator.

      4.2.1. If the USCG identifies any issues or concerns, they will notify the FHWA bridge engineer and copy the department delegate. This could lead to a change in FHWA’s determination, or additional requests for information (to be provided by the department delegate).

      4.2.2. If/when USCG concurs with FHWA’s determination, they will notify FHWA and copy the department delegate.

5. The department delegate receives notification of the determination, and notifies the project sponsor.

6. The department delegate uploads all correspondence into ECOS with “Water” as the Record Type, using a clear and descriptive file name.

   The procedure is complete.

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\(^1\) The FHWA Questionnaire can be found in Appendix B.

\(^2\) The USCG Questionnaire can be found in Appendix C.
### Appendix A: Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>ECOS</td>
<td>Environmental Compliance Oversight System</td>
</tr>
<tr>
<td>ENV</td>
<td>Environmental Affairs Division</td>
</tr>
<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
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<tr>
<td>FHWA Questionnaire</td>
<td>23 CFR 650.805 Bridges not Requiring a U.S. Coast Guard Permit Questionnaire</td>
</tr>
<tr>
<td>SOP</td>
<td>Standard Operating Procedure</td>
</tr>
<tr>
<td>TxDOT</td>
<td>Texas Department of Transportation</td>
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<tr>
<td>USCG</td>
<td>United States Coast Guard</td>
</tr>
<tr>
<td>USCG Questionnaire</td>
<td>USCG Bridge Project Questionnaire</td>
</tr>
</tbody>
</table>
Appendix B: **FHWA Questionnaire**

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**23 CFR 650.805**

**BRIDGES NOT REQUIRING A U.S. COAST GUARD PERMIT**

As part of 23 CFR 650.805(c), TxDOT is responsible for addressing the need for a USCG permit. Statements responding to the following questions are recommended for inclusion in their submission to FHWA so that we can make the determination as required by 23 CFR 650.805(a):

1. Is the stream/river/lake/bay tidal at the location in question?

2. If the stream/river/lake/bay is tidal at the location in question, is it used only by recreational boating, fishing, and other small vessels **less than 21 feet** in length?

3. Please do surveys as necessary to determine size of vessels using the waterway.

4. If only small recreational vessels are using the stream/river/lake/bay, is there significant nighttime use that would necessitate lighting? *(Please provide a statement to respond to this question and not simply a “yes” or “no” response.)*

5. Is there commercial navigation currently using the stream/river/lake/bay at the location in question for interstate or foreign commerce? Please consult with the Corps of Engineers and others as needed.

6. Is there a commercial navigation channel currently being maintained by the Corps or other governmental entity immediately downstream of the location in question? If yes, how far down stream?

7. If a maintained commercial navigation channel exists downstream from the location in question, is there significant interest by major users of the channel in improving it upstream?

8. If a maintained commercial navigation channel exists downstream from the location in question, are there significant manmade obstacles [bridges or dams for example] between the upper end of the channel and the location in question?

9. In your opinion, given the geomorphological nature of the river/stream, is establishing and maintaining a commercial navigation channel, further upstream from the location in question, a reasonable engineering possibility?

10. In your opinion, is the stream/river/lake/bay at the location in question susceptible to commercial navigation by any reasonable improvement?

Please also provide a brief description of the existing structure, proposed structure, route number, county, control-section-job (CSJ), Federal Project Number, location map, proposed horizontal and vertical navigational clearances, bridge layout and cross section name and title of the individual compiling the information, and the date. Please submit this completed questionnaire, along with necessary supporting documentation, and a submittal letter to our office.
Appendix C: USCG Questionnaire

BRIDGE PROJECT QUESTIONNAIRE

Please provide the following information:

A. NAVIGATION DATA:

1. Name of Waterway:

1a. Mileage along waterway measured from mouth or confluence

1b. Tributary of:

2. Geographic Location:

(Road Number, City, County, State) and (Latitude and Longitude in NAD 83 form)

3. Township, section and range, if applicable:

4. Tidally influenced at proposed bridge site? Yes ____ No _____.
   Range of tide:
   Tidal data source:

5. Depth and width of waterway at proposed bridge site:

   At Mean High Tide ____________________________
   At Mean Low Tide ____________________________

6. Character of present vessel traffic on waterway (check each that apply). If none, so state: None _______.
   Canoe _______ Rowboat _______ Small Motorboat _______ Cabin Cruiser _______.
   Houseboat _______ Pontoon Boat _______ Sailboat _______.

6a. Provide vertical and horizontal clearance requirement for largest vessel using the waterway:_____.

6b. Provide photograph of each type of vessel using the waterway.

7. Are these waters used to transport interstate or foreign commerce? Yes _____ No _______.

Appendix D: Revision History

The following table shows the revision history for this document.

<table>
<thead>
<tr>
<th>Effective Date Month, Year</th>
<th>Reason for and Description of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2015</td>
<td>Version 1 was released.</td>
</tr>
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</table>