AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



which will discuss: the obstructive character of the bridge in question; the impact of that bridge upon navigation; navigational benefits derived; whether an alteration is needed to meet the needs of navigation; and, if alteration is recommended, what type.

(b) The District Commander will forward the completed Detailed Investigation Report to the Administrator, Bridge Administration Program for review together with a recommendation of whether the bridge should be declared an unreasonable obstruction to navigation and, if so, whether an Order to Alter should be issued.

[CGD 91–063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96–026, 61 FR 33663, June 28, 1996]

### § 116.25 Public meetings.

(a) Any time the Administrator, Bridge Administration Program determines that a Detailed Investigation is warranted, or when Congress declares a bridge unreasonably obstructive, the District Commander will hold a public meeting near the location of the bridge to provide the bridge owner, waterway users, and other interested parties the opportunity to offer evidence and be heard, orally or in writing, as to whether any alterations are necessary to provide reasonably free, safe, and unobstructed passage for waterborne traffic. The District Commander will issue a public notice announcing the public meeting stating the time, date, and place of the meeting.

(b) When a bridge is statutorily determined to be an unreasonable obstruction, the scope of the meeting will be to determine what navigation clearances are needed.

(c) In all other cases, the scope of the meeting will be to address issues bearing on the question of whether the bridge is an unreasonable obstruction to navigation and, if so, what alterations are needed.

(d) The meeting will be recorded. Copies of the public meeting transcript will be available for purchase from the recording service.

[CGD 91–063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96–026, 61 FR 33664, June 28, 1996]

### § 116.30 Administrator, Bridge Administration Program Review and Evaluation.

(a) Upon receiving a Detailed Investigation Report from a District Commander, the Administrator, Bridge Administration Program will review all the information and make a final determination of whether or not the bridge is an unreasonable obstruction to navigation and, if so, whether to issue an Order to Alter. This determination will be accompanied by a supporting written Decision Analysis which will include a Benefit/Cost Analysis, including calculation of a Benefit/Cost Ratio.

(b) The Benefit/Cost ratio is calculated by dividing the annualized navigation benefit of the proposed bridge alteration by the annualized government share of the cost of the alteration.

(c) Except for a bridge which is statutorily determined to be an unreasonable obstruction, an Order to Alter will not be issued under the Truman-Hobbs Act unless the ratio is at least 1:1.

(d) If a bridge is statutorily determined to unreasonably obstruct navigation, the Administrator, Bridge Administration Program will prepare a Decision Analysis to document and provide details of the required vertical and horizontal clearances and the reasons alterations are necessary.

(e) If the Administrator, Bridge Administration Program decides to recommend that the Commandant issue an Order to Alter, or a bridge is statutorily determined to unreasonably obstruct navigation, the Administrator, Bridge Administration Program will issue a letter to the bridge owner (''The 60-Day Letter'') at least 60 days before the Commandant issues an Order to Alter. This letter will contain the reasons an alteration is necessary, the proposed alteration, and, in the case of a Truman-Hobbs bridge, an estimate of the total project cost and the bridge owner's share.

(f) If the bridge owner does not agree with the terms proposed in the 60-Day Letter, the owner may request a reevaluation of the terms. The request for a reevaluation must be in writing, and identify the terms for which reevaluation is requested. The request

may provide additional information not previously presented.

(g) Upon receipt of the bridge owner's response, the Administrator, Bridge Administration Program will reevaluate the situation based on the additional information submitted by the bridge owner. If after the Administrator, Bridge Administration Program reviews the determination, there is no change, the Commandant may issue an Order to Alter as set out in § 116.35. The Administrator, Bridge Administration Program determination based on the reevaluation will constitute final agency action.

[CGD 91–063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96–026, 61 FR 33664, June 28, 1996]

### § 116.35 Order to Alter.

(a) If the bridge owner agrees with the contents of the 60-Day Letter, if no reply is received by 60 days after the issuance of the letter, or if after reevaluation a bridge is determined to be an unreasonable obstruction to navigation, the Commandant will issue an Order to Alter.

(1) If a bridge is eligible for funding under the Truman-Hobbs Act, the Order to Alter will specify the navigational clearances to be accomplished in order to meet the reasonable needs of navigation.

(2) An Order to Alter for a bridge that is not eligible for Truman-Hobbs funding will specify the navigational clearances that are required to meet the reasonable needs of navigation and will prescribe a reasonable time in which to accomplish them.

(b) If appropriate, the Order to Alter will be accompanied by a letter of special conditions setting forth safeguards needed to protect the environment or to provide for any special needs of navigation.

(c) If a proposed alteration to a bridge has desirable, non-navigational benefits, the Administrator, Bridge Administration Program may require an equitable contribution from any interested person, firm, association, corporation, municipality, county, or state benefiting from the alteration as a prerequisite to the making of an Order to Alter for that alteration.

(d) Failure to comply with any Order to Alter issued under the provisions of this part will subject the owner or controller of the bridge to the penalties prescribed in 33 U.S.C. 495, 502, 519, or any other applicable provision.

[CGD 91–063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96–026, 61 FR 33664, June 28, 1996]

### § 116.40 Plans and specifications under the Truman-Hobbs Act.

(a) After an Order to Alter has been issued to a bridge owner under the Truman-Hobbs Act, the Administrator, Bridge Administration Program will issue a letter to the bridge owner outlining the owner's responsibilities to submit plans and specifications to the Administrator, Bridge Administration Program for the alteration of the bridge. The plans and specifications, at a minimum, must provide for the clearances identified in the Order to Alter. The plans and specifications may also include any other additional alteration to the bridge that the owner considers desirable to meet the requirements of railroad or highway traffic. During the alteration process, balanced consideration shall be given to the needs of rail, highway, and marine traffic.

(b) The Administrator, Bridge Administration Program will approve or reject the plans and specifications submitted by the bridge owner, in whole or in part, and may require the submission of new or additional plans and specifications.

(c) When Administrator, Bridge Administration Program has approved the submitted plans and specifications, they are final and binding upon all parties, unless later changes are approved by the Administrator, Bridge Administration Program. Any changes to the approved plans will be coordinated with the District Commander.

[CGD 91–063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96–026, 61 FR 33664, June 28, 1996]

### § 116.45 Submission of bids, approval of award, guaranty of cost, and partial payments for bridges eligible for funding under the Truman-Hobbs Act.

(a) Once the plans and specifications for a bridge eligible for funding under