



Memorandum

Subject: **INFORMATION:** Highway Bridge
Program, Off-System Bridges - Reduction
of Expenditures
/S/ Original Signed by
From: M. Myint Lwin, P.E., S.E.
Director, Office of Bridge Technology

Date: June 11, 2007

In Reply Refer To: HIBT-30

To: Directors of Field Services
Division Administrators

As part of the Highway Bridge Program (HBP), States are required to expend “not less than 15 percent of the amount apportioned . . . each fiscal year” for eligible projects on bridges located off of the Federal-aid highway system, unless, “the State has inadequate needs to justify the expenditure.” (See 23 U.S.C. §144(g)(2)). To implement this provision of law, the FHWA has established a process by which States may submit a request to reduce the annual HBP minimum amount of 15 percent expenditure on off-system bridge projects. This memorandum describes the process and explains the background for a State to request a waiver in accordance with the provisions of law.

Waiver requests may only be submitted by a State department of transportation to the FHWA through the division office. The FHWA analyzes the request submitted and will make a recommendation to the Administrator of the FHWA to whom the Secretary of Transportation has delegated authority to approve waivers permitted by 23 U.S.C. §144(g)(2)(B). Waiver requests submitted to the Administrator are intended to cover reductions in needs through the life of the current authorization legislation, SAFETEA-LU, or until September 30, 2009.

The process for such a waiver is as follows:

- (1) States should submit a formal request for a waiver, covering all needs for the life of the authorizing legislation, to the FHWA division office. States should consult and attain support from local officials (off-system bridge owners: counties, cities, municipalities, etc.) that will be affected by such a request. Requested waivers should include justification and supporting documentation, such as an analysis of data (data analysis should include all eligible bridges regardless of owner, e.g., federally owned bridges) and letters of support, for the reduced expenditure.
- (2) The FHWA division office will review and forward the request, along with its recommendation, to the FHWA Office of Bridge Technology.



(3) The FHWA Office of Bridge Technology will analyze the documentation submitted and will forward the request, along with recommendations, to the FHWA Administrator.

For all approved waivers:

1. The State may restore the 15 percent limit at any time and should inform the FHWA division office of such action.
2. The State should consult annually with other bridge owners, including city, county and local owners, to assure support of the waiver. If local governments do not continue to support this waiver, the 15 percent limit is to be restored.
3. The State should consult with the FHWA division office and the FHWA Office of Bridge Technology annually to review the off-system bridge needs in order to ensure that these structures are not being adversely impacted by a continued waiver. If there is a significant increase in off-system bridge needs from the levels established by this waiver, a revision to the waiver percentage should be requested.

States with federally owned bridges within their boundaries that are eligible for HBP funds are encouraged to consult with these owners and attain support for a waiver.

Following action by the Administrator on the requests, States will be notified. If you have any questions, please contact Mr. Tom Everett (202) 366-4675 (Thomas.Everett@dot.gov) or Mr. Everett Matias (202) 366-6712 (Everett.Matias@dot.gov).