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July 1, 2014

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SUBJECT: Local Fund Participation-Waived Federal Off-System Bridge
Program Projects and Equivalent-Match Projects

BY: CCD

Bridge Limits
CSJ: 0902-20-111
NBI: 02-249-AA02-41-001

The Honorable Glenn Hughes
County Judge
Wise County
101 N. Trinity
Decatur, TX 76234

Dear Judge Hughes:

Texas Administrative Code, Title 43, Section 15.55(d) (43 TAC Section 15.55(d)) is now in effect providing that the usual 10 percent local match fund participation requirement may be waived on an authorized federal off-system bridge program project, providing the Local Government agrees to perform structural improvement work in a dollar-amount equivalent to the local participation, on other deficient bridge(s) or cross-drainage structure(s) within its jurisdiction. The project on which the local fund participation requirement is to be waived is referred to as the "participation-waived project", while the project or projects on which the Local Government agrees to perform structural improvement work in return for the participation waiver, is referred to as the "equivalent-match project(s)."

With written request by the Local Government, consideration may be given to such waiver on any federal off-system bridge project within the Local Government's jurisdiction or an adjacent or overlapping jurisdiction that is currently authorized for construction, but the contract for construction has not yet been awarded. However, the department is unable to reimburse escrow funds that have already been paid by the Local Government.

The waiver request must include the location(s), description of structural improvement work proposed, and estimated cost for the proposed equivalent-match project(s), together with a copy of the Local Governing body's resolution.

Such requests will be reviewed and considered according to the requirements of 43 TAC Section 15.55(d), and the Local Government will be notified accordingly. If waiver approval is granted, such approval must then be manifested through written agreement executed between the State and the Local Government.

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MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY
An Equal Opportunity Employer

For your use, attached are examples of a form letter requesting the waiver and a resolution form adopting the waiver request. Please contact Rose Rodriguez at (817) 370-6997 if further information is needed in preparing or considering the preparation of a waiver request.

Sincerely,



Loyl C. Bussell, P.E.
Transportation Planning & Development Director
Fort Worth District

Attachments: Example Form Letter Requesting Waiver
Example Local Governing Body Resolution Form Adopting Waiver Request

July 1, 2014

County: Wise
Project: Bridge Replacement
Road/Street: CR 2327 over Tributary to Black Creek
NBI Str. No.: 02-249-AA02-41-001
Local Desig. No.

SUBJECT: Request for Waiver of Local Match Fund
Participation Requirement on Federal
Off-System Bridge Program Project

Brian R. Barth, P.E.
District Engineer
TxDOT Fort Worth
2501 SW Loop 820
Fort Worth, TX 76133

Dear Mr. Barth:

Under the provisions of Texas Administrative Code, Title 43, Section 15.55(d), this Local Government requests waiver of the local match fund participation requirement on the above referenced federal off-system bridge program project referred to as the "participation-waived" project. In return for waiver of this participation, it is proposed that our governing body perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridge(s) or deficient mainlane cross-drainage structure(s), referred to as "equivalent-match project(s)", within the jurisdiction of our governing body.

A copy of the appropriate required resolution adopted by our governing body is attached.

The Honorable Glenn Hughes
Wise County Judge

Attachment: Resolution

For TxDOT Use Only

_____ Waiver Approved
_____ Waiver Disapproved _____

RESOLUTION

The State of Texas
County of Wise

WHEREAS, the federal off-system bridge program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

WHEREAS, Wise County, hereinafter referred to as the Local Government owns a bridge located at CR 2327 at Tributary to Black Creek, National Bridge Inventory (NBI) Structure Number 02-249-AA02-41-001, Local Designation Number _____; and

WHEREAS, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 113948 dated 6/30/2014, Control-Section-Job (CSJ) Number 0902-20-111; and

WHEREAS, the usual fund participation ratio for projects on such program is 80 percent federal, 10 percent state and 10 percent Local Government; and

WHEREAS, Texas Administrative Code, Title 43, Section 15.55(d) (43 TAC Section 15.55(d)) provides that under specified conditions the 10 percent Local Government match fund participation requirement may be waived with agreement by the Local Government to perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridges or deficient mainlane cross-drainage structures within its jurisdiction, such a project of structural improvement work being referred to as an "equivalent-match project"; and

WHEREAS, the estimated local match fund participation requirement on the approved federal off-system bridge project is \$67,966.86 (dollars), hereinafter referred to as the "participation-waived" project, such participation requirement the Local Government proposes be waived and in return perform or cause to be performed equivalent-match project structural improvement work.

THEREFORE, BE IT RESOLVED that the Local Government perform, or cause to be performed, the following equivalent-match project(s) in return for waiver of the local match fund participation requirement on the approved federal off-system bridge program (participation-waived) project not yet awarded:

Location (and structure identification number, if applicable)	On School Bus Route? (Yes/No)	Historic Bridge? (Yes/No)	Description of Structural or Safety Improvement Work	Estimated Cost
CR 1875 @ Trib. of Spring Creek, Approx. 0.2 miles North of FM 2127 NBI: 02-249-AA01-64-001	Yes	No	Replace Structure	\$75,250.00
Total				\$75,250.00
EMP work credited to this PWP*				\$67,966.86
Balance of EMP work available to associated PWPs				N/A
Associated PWPs CSJs			Amount to be Credited to Associated PWPs	
N/A			N/A	

BE IT FURTHER RESOLVED that in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303.
2. The equivalent-match project work increases the load capacity of the existing bridge or other mainlane cross-drainage structure, or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
3. In performing, or causing to be performed, the equivalent-match project(s), the Local Government assumes all responsibilities for engineering and construction, and complying with all applicable state and federal environmental regulations and permitting requirements for the structures being improved.
4. The work on the proposed equivalent-match project(s) has not begun and will not begin until the local match fund participation waiver approval process has been completed.
5. The Local Government will be allowed three years after the contract award of the participation-waived project to complete the structural improvement work on the equivalent-match project(s).
6. Should this waiver request be approved, an appropriate written agreement or amendment to a previously executed agreement will be executed between the State and Local Government.