**From:** Shemaka, Ann <FHWA>
**To:** Black, Robert <FHWA>;
**cc:** Everett, Thomas <FHWA>;
**Subject:** RE: Hawaii question
**Date:** Wednesday, November 28, 2007 7:58:00 AM

---

Our Hawaii office has a question regarding Title 23 USC Section 144 (o). I copied the text below. Tom and I have talked about this and do not know the answer because of vague wording. Can you give us an interpretation.

When it says in (2): the State is to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance; does this mean that they are to inventory and include federally owned bridges? Are Federal agencies responsible for doing the same? I see no further wording to clarify this in 23 CFR 650D. Maybe this needs to be put in there like we did the break out of the state and federal agency responsibilities in 650C when we re-did that regulation.

Also, by the word "inventory" do we know what that might mean? Keep a separate inventory, or use Item 37, Historic Significance in the NBI and be able to query out those bridges upon demand?

Thank you.

The State, in order to meet requirements of the Historic bridge program, needs to evaluate bridges for historic significance that they are responsible for reporting on; to code Item 37, Historic Significance, in the NBI correctly and be able to prepare a report/list of historic bridges upon request. They are not responsible for identifying or reporting on federal bridges or their historic significance.

**(o) Historic bridge program.--**

**(1) Coordination.**--The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

**(2) State inventory.**--The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

**(3) Eligibility.**--Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

**(4) Preservation.**--Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to--

**(A)** maintain the bridge and the features that give it its historic significance; and

**(B)** assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action.

Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

**(5) Historic bridge defined.**--As used in this subsection, "historic bridge" means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

Thank you

Ann Shemaka
Federal Highway Administration
HIBT-30
Washington, DC  20590
202-366-1575 (voice)