

Coast Guard, DHS

§ 116.55

the Truman-Hobbs Act have been approved, the bridge owner must take bids for the alteration of the bridge consistent with the approved plans and specifications. Those bids must then be submitted to the Administrator, Bridge Administration Program for approval.

(b) After the bridge owner submits the guaranty of cost required by 33 U.S.C. 515, the Administrator, Bridge Administration Program authorizes the owner to award the contract.

(c) Partial payments of the government's costs are authorized as the work progresses to the extent that funds have been appropriated.

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

§ 116.50 Apportionment of costs under the Truman-Hobbs Act.

(a) In determining the apportionment of costs, the bridge owner must bear such part of the cost attributable to the direct and special benefits which will accrue to the bridge owner as a result of alteration to the bridge, including expected savings in repairs and maintenance, expected increased carrying capacity, costs attributable to the requirements of highway and railroad traffic, and actual capital costs of the used service life. The United States will bear the balance of the costs, including that part attributable to the necessities of navigation.

(b) "Direct and special benefits" ordinarily will include items desired by the owner but which have no counterpart or are of higher quality than similar items in the bridge prior to alteration. Examples include improved signal and fender systems, pro rata share of dismantling costs, and improvements included, but not required, in the interests of navigation.

(c) During the development of the Apportionment of Costs, the bridge owner will be provided with an opportunity to be heard. Proportionate shares of cost to be borne by the United States and the bridge owner are developed in substantially the following form:

Total cost of project _____ \$ _____
Less salvage _____ \$ _____
Less contribution by third party _____
\$ _____

Cost of alteration to be apportioned _____
\$ _____
Share to be borne by the bridge owner:
Direct and Special Benefits:
a. Removing old bridge _____ \$ _____
b. Fixed charges _____ \$ _____
c. Betterments _____ \$ _____
Expected savings in repair or maintenance costs:
a. Repair _____ \$ _____
b. Maintenance _____ \$ _____
Costs attributable to requirements of railroad and/or highway traffic _____
\$ _____
Expenditure for increased carrying capacity _____
\$ _____
Expired service life of old bridge _____
\$ _____
Subtotal _____ \$ _____
Share to be borne by the bridge owner _____
\$ _____
Contingencies _____ \$ _____
Total _____ \$ _____
Share to be borne by the United States _____
\$ _____
Contingencies _____ \$ _____
Total _____ \$ _____

(d) The Order of Apportionment of Costs will include the guaranty of costs.

§ 116.55 Appeals.

(a) Except for the decision to issue an Order to Alter, if a complainant disagrees with a recommendation regarding obstruction or eligibility made by a District Commander, or the Administrator, Bridge Administration Program, the complainant may appeal that decision to the Assistant Commandant for Operations.

(b) The appeal must be submitted in writing to the Assistant Commandant for Operations, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, within 60 days after the District Commander's or the Administrator's, Bridge Administration Program decision. The Assistant Commandant for Operations will make a decision on the appeal within 90 days after receipt of the appeal. The Assistant Commandant for Operations' decision of this appeal shall constitute final agency action.

(c) Any Order of Apportionment made or issued under section 6 of the Truman-Hobbs Act, 33 U.S.C. 516, may be reviewed by the Court of Appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for review is filed within 90