

AGREEMENT

CITY OF LEXINGTON
STATE OF NEBRASKA, DEPARTMENT OF ROADS
NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

THIS AGREEMENT, made and entered into by and between the City of Lexington, hereinafter referred to as the "Local Bridge Owner," and the State of Nebraska, Department of Roads, hereinafter referred to as the "State" regarding the National Bridge Inspection Standards responsibilities.

WITNESSETH:

WHEREAS, the State is responsible for the inspection and evaluation of all State Highway System bridges,

WHEREAS, the various Counties and Municipalities are responsible for the inspection and evaluation of all bridges on streets and roadways within their respective jurisdictions,

WHEREAS, the Nebraska Bridge Inspection Program (BIP) Manual sets forth methods and procedures that enable local public bridge owners to comply with the NBIS,

WHEREAS, bridge inspections and load ratings are a requirement of the NBIS and the BIP, and

WHEREAS, at the request of FHWA, the parties wish to enter into this agreement to establish uniform bridge inspection and load rating guidelines in accordance with the NBIS.

NOW THEREFORE, in consideration of these facts and the promises of the parties, the parties hereto agree as follows:

SECTION 1: DEFINITIONS

Wherever in this agreement the following terms are used, they will have the meaning here given:

"STATE" means the Nebraska Department of Roads in Lincoln, Nebraska, the Director of the Department, or an authorized representative.

"LOCAL BRIDGE OWNER" means a Nebraska county, Nebraska municipality or other entity that has jurisdiction over public roads and the bridges on the same.

"FHWA" means the Department of Transportation, Federal Highway Administration.

"NBIS" means the National Bridge Inspection Standards, Code of Federal Regulations Title 23, Part 650, Subpart C.

"BIP" means the Nebraska Bridge Inspection Program for implementing the NBIS including all operations required by the NBIS (inspection, load rating etc.) defined in the BIP Manual and described herein.

"BIP MANUAL" means the current version of the compilation of policies and procedures to accomplish the objectives of the NBIS in Nebraska. The BIP Manual currently in effect is the issue dated January 25, 2010.

"PUBLIC ROAD" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel, defined in Code of Federal Regulations Title 23 Part 101(a)(27).

"MAINTENANCE" means the act, operation, continuous process of repair, reconstruction or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety, defined in Nebraska State Statute § 39-101(6). Maintenance encompasses the bridge management practices of inventory inspection and load rating.

SECTION 2: PURPOSE

The purpose of this agreement is to define the Local Bridge Owner's responsibilities in complying with the NBIS, which, in part requires that every bridge be load rated and that inventory inspections are done at specified intervals.

SECTION 3: SCOPE OF LOCAL BRIDGE OWNER RESPONSIBILITIES AND SCHEDULE FOR COMPLETION

1. Load Rating

All bridges; new, reconstructed, and deteriorated (based on inspection results), except those described in subsection 3 below, shall be load rated by the Local Bridge Owner or their consultant using the methods and procedures in the BIP Manual. This requires, in part, that the load rating documents be stamped and signed by a Nebraska professional engineer and submitted to the State's Bridge Division in compliance with the procedures and timeframes in the BIP Manual. All load ratings will undergo a Quality Control check by the Local Bridge Owner or their consultant.

2. Bridge Inventory Inspection

All bridges, except those described in subsection 3 below, shall be inspected by the Local Bridge Owner or their consultant in compliance with the procedures in

the BIP Manual. This requires, in part, that the inspection be completed by an NDOR-certified bridge inspection team leader within the specified inspection time interval for a given bridge, and that the reports to be submitted to the State's Bridge Division following the procedures and timeframes set out in the BIP Manual. All inventory inspections will undergo a Quality Control check by the Bridge Owner or their consultant.

3. Bridge Inventory Inspection and Load Rating – Fracture Critical

The State, on behalf of the Local Bridge Owner, will contract with a private consultant for the inspection and load rating of all fracture critical bridges.

Funding for these inspections and load ratings will be from a combination of Federal aid and Local funds.

SECTION 4: STATE DUTIES

The State will be responsible for creating and maintaining a database for bridge inventory and load rating data for all public bridges in Nebraska. The State will continue to have jurisdictional responsibility for all public bridges on the State highway system. Further, the State will be responsible for arranging for the inspection by consultants, for the local bridge owners, on the fracture critical bridges as described in Section 3 above. The State will also provide underwater bridge inspection services for the local bridge owner. It is the intent of the parties that this agreement does not shift to the local bridge owner any jurisdictional responsibility for bridges on the State highway system, and does not shift any duty to the State for jurisdictional responsibility of any bridges off of the State highway system.

SECTION 5: SANCTIONS—FEDERAL-AID FUNDING WITHHOLDING

The FHWA and the State on its behalf, retain the right to withhold federal-aid bridge and highway funding from any Local Bridge Owner that fails to inspect and load rate its bridges using the methods or within the applicable time frames of the NBIS or the BIP.

SECTION 6: FUNDING FOR BIP RESPONSIBILITIES

The Local Bridge Owner may use local funds or Federal aid for completing its BIP responsibilities. If a Local Bridge Owner chooses to use Federal aid for their Bridge Inspection responsibilities, a separate agreement between NDOR and the Local Bridge Owner will be prepared and executed for that purpose.

SECTION 7: RESOLUTION

The Local Bridge Owner shall complete a resolution adopting and approving the execution of this agreement and include it as Exhibit "A" to this agreement.

IN WITNESS WHEREOF, the Local Bridge Owner and State hereto have caused this agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the Bridge Owner this _____ day of _____ 2010.

Witness:

Local Bridge Owner

City Clerk

Mayor

EXECUTED by the State this _____ day of _____ 2010.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Mark Traynowicz
Bridge Engineer

City Agr.