



# Department of Transportation

## **NEW YORK STATE DEPARTMENT OF TRANSPORTATION BRIDGE NY PLANNING PROCESS GUIDANCE**

### **Background**

The New York State Department of Transportation (NYSDOT) is implementing the BRIDGE NY Program through the annual capital program planning process and not the stand-alone statewide competitive solicitation used previously. This approach will continue to use many, but not all, of the elements of the previous competitive solicitation process from inception of the BRIDGE NY Program. This program is open to ALL public bridge and culvert owners to apply for BRIDGE NY Program funding.

This guidance document will provide consistency in implementation in each Region. In rural planning areas, NYSDOT Regions will follow this guidance, with limited exceptions allowed after discussion with and approval by the Office of Regional Planning and Program Coordination. The federal aid (Bridge) portion of this program will comply with Metropolitan Planning Organization (MPO) planning processes for projects in urban areas, and it is recognized that there is some variation in these processes statewide. Federal funding is available for bridge projects only. MPOs are requested (not required) to utilize the general process outlined herein to the degree practical. There are aspects relating to funding (e.g. bridge federal aid eligibility) that will be required for all projects regardless of whether the project is within an MPO area.

The BRIDGE NY Program continues to provide enhanced assistance for local governments to rehabilitate and replace bridges and culverts. Particular emphasis should be provided for projects that address poor structural conditions; mitigate weight restrictions or detours; facilitate economic development or increase competitiveness; improve resiliency and/or reduce the risk of flooding.

### **Eligible Sponsors**

Eligible Sponsors include any city, county, town, village, or other political subdivision, including tribal nations/governments and public benefit corporations, authorized to receive and administer State and Federal transportation funding. This program is intended to focus on locally owned structures.

### **Eligible Projects**

Bridge projects must be on a public roadway that carries vehicular traffic; be eligible for Federal aid; and shall follow the federal aid process. Culvert projects must be on a public highway and shall follow the State-aid process. Bridges and/or culverts that are owned or on a toll collection facility are excluded from eligibility for BRIDGE NY funds. Multiuse (Pedestrian/Bicycle) and railroad bridges are not eligible.

## Funding Availability

The NYSDOT 5-year capital plan for State Fiscal Years (SFYs) 2022-2023 through 2026-2027 includes \$200M per year for the BRIDGE NY Program. Funding availability remains dependent upon the future annual state budget process. The program will maintain the same Regional funding splits for these funds as previously used. This distribution is shown in the table below.

### Annual Availability of Funds by Region

\$ in millions

	Bridges	Culverts
Upstate	\$90.6	—
Long Island	\$13.8	—
New York City	\$29.4	—
Hudson Valley	\$16.2	—
Statewide	—	\$50.0
Total	\$150.0	\$50.0

Within the Long Island and New York City Regions, NYSDOT intends to initiate bridge project selection and development for the full 5-year funding level that is anticipated at this time. Project selections will follow the existing MPO processes within these areas. NYSDOT will consider some flexibility in the timing of the use of these funds.

Within the Upstate and the Hudson Valley geographic areas, NYSDOT intends to use existing data on local bridge system extent and condition to determine target bridge funding levels by county. These two factors will be weighted equally to determine these targets. NYSDOT regions will retain approximately 10% of funding to help balance project funding levels across these county specific targets. NYSDOT will begin with a call for projects through the existing MPO and rural consultation processes (NOT a solicitation) for program funding for half of the 5-year program, or State Fiscal Years 22/23, 23/24 and half of 24/25. Depending on the mix of project types selected, there may be a need to work with sponsors to space out lettings across fiscal years.

Bridge projects in this program are expected to be funded largely through Bridge Formula Program federal aid. A portion of this funding is designated for Off-System Bridges. These are bridges on roads that are not part of the federal aid system. This includes roads with a functional classification of minor collector, rural local and urban local. At least two thirds of the available funding in the Upstate and Hudson MOU zone must fund Off-System Bridges. Projects will not be approved within a NYSDOT Region unless and until it is clear that this minimum balance is achieved. This may require selection of a lower-priority, Off-System Bridge candidate in some cases.

To be able to use available funding, all selected projects should have funding authorized for construction 24 months from the execution of the State-Local Agreement (SLA); and be completed within 30 months of commencing construction.

Within the culvert funding category, NYSDOT will begin with a call for projects (NOT a solicitation) for program funding for half of the 5-year program, or State Fiscal Years 22/23, 23/24 and half of 24/25. From a practical standpoint, it is not anticipated that New York City will have suitable culvert candidates that

meet the program constraints. Therefore, culvert funding will be considered for the other Regions. Unlike the bridge side, a single block of funds will be allocated to each region and candidate culverts will be considered within this funding block. In the absence of local culvert inventory and inspection information, the split of culvert funding per region has been determined based on two factors. These factors include the number of culvert applications by region in previous rounds and second the local bridge extent and condition used as a proxy.

Project sponsors may be asked to submit an application for candidate bridge and culvert projects detailing the scope, schedule, and costs of the proposal. This application will be very similar to what has been used in past rounds.

### **Maximum Award/Matching Funds/Eligibility**

The project cost for each individual bridge shall be no less than \$500,000 to be considered eligible for program funds. The maximum project funding through BRIDGE NY funds should generally not exceed \$5.0 million for any single project in the Upstate or Hudson Valley Regions. This cap does not apply to bridge projects in The Long Island and New York City Regions, as such projects are often much more costly than \$5.0 million. NYSDOT reserves the right to modify the maximum project threshold, at its sole discretion, based upon the quantity and quality of the submissions within a given area.

Bridge project applications should include all project costs including design/engineering, right-of-way incidentals and acquisition, construction, and construction inspection costs. Design/Engineering and construction inspection work performed by the Applicant is eligible for reimbursement, provided the work is performed by qualified personnel approved by NYSDOT. NYSDOT will provide up to 95 percent of the originally authorized project costs. Any costs incurred beyond an initially authorized project level shall be the sole responsibility of the project Sponsor/asset owner. However, sponsors may request additional support for cost increases as part of the existing capital program planning process. Such support is not guaranteed and is subject to available funding levels and other project needs. It is anticipated that any such cost increases will draw from either existing core program federal aid or future, yet to be allocated funds. This discussion regarding possible cost increases is provided to clarify the difference from the former statewide competitive solicitation process.

The project cost for each individual culvert shall be no less than \$100,000 to be considered eligible for program funds and the overall project award request shall not exceed \$1.5 million. Culvert project applications should include all project costs including design/engineering, right-of-way incidentals and acquisition, construction, and construction inspection costs. Design/Engineering and construction inspection work performed by the Applicant is eligible for reimbursement, provided the work is performed by qualified personnel pre-approved by NYSDOT. In addition to rehabilitation and replacement, culvert relining projects may be eligible. Any costs incurred beyond an initially authorized project level shall be the sole responsibility of the project Sponsor/asset owner. However, sponsors may request additional support for cost increases as part of the existing capital program planning process. Such support is not guaranteed and is subject to available funding levels and other project needs. It is anticipated that any such cost increases may draw from future, yet to be allocated BRIDGE NY funding levels or other regional core funds. This discussion regarding possible cost increases is provided to clarify the difference from the former statewide competitive solicitation process. NYSDOT will provide 100 percent of the authorized project costs, not to exceed \$1.5 million.

Maximum bridge and culvert project sizes in upstate regions (1-9) may exceed the \$1.5M (culvert) and \$5.0M (bridge) caps on a case-by-case basis depending on project need and merit. Such an exception will

require concurrence from all rating team members and approval of NYSDOT Office of Structures.

### **Project Review Process**

For bridge projects, candidate projects will be subject to a two-step review process, including an initial screening of data driven scoring followed by regional expert review of unique project elements. For counties outside of MPO areas, the review teams will be comprised of regional NYSDOT planning and structures staff and representatives from the Town and County Highway Superintendents Associations. There shall be a minimum of (1) each from these groups for a total of (4) minimum reviewers. More reviewers are acceptable. A reviewer shall not score their own project applications. For counties within the MPO, NYSDOT encourages use of the same review and scoring process, however, it is not required where MPOs use established processes. It is anticipated that each region will have at least one bridge review team for urban areas and one for rural areas. Regions may have as many as one review team per county.

For culvert projects, candidate projects will be subject to a similar review process, however, since individual parameter data does not exist for culverts, project review teams will be charged with considering similar types of general categories as for bridges. The state funded culvert portion of the program lies outside of the existing MPO process. It is anticipated that each region will have one culvert review team. Regions that anticipate the need for more than one team must notify Main Office, Office of Policy, Planning and Performance.

Review teams will submit a formal recommendation of project priorities to the Regional planning groups.

### **Project Evaluation Criteria - Bridges**

**Step 1 - Data Driven Initial Ranking** - The Local Bridge Priority Index (LBPI), Figure I, is a data driven metric to prioritize capital bridge work based on the relative importance of the structure and condition. It is similar to the index used by NYSDOT in recent years, however, it has been modified to more accurately reflect the local bridge system. The LBPI is comprised of four categories including:

- Capital Need - Reflects the condition of the bridge and an engineering assessment of whether it needs to be rehabilitated or replaced.
- Facility Importance - Includes factors such as detour length, truck and traffic volumes.
- Restrictions - Measures economic relative importance of the structure/impacts on commerce.
- Risk/Resiliency - Includes factors such as hydraulic vulnerability and structural resiliency.

Figure I

LOCAL BRIDGE PRIORITY INDEX (0 to 100)			
CATEGORY	CATEGORY POINTS	INDIVIDUAL PARAMETER	PARAMETER POINTS
CAPITAL NEED	47.5	General Recommendation	27.5
		Structural Deficiency	5
		Model Recommendation	15
FACILITY IMPORTANCE	27.5		
		AADT	7
		% Trucks	7
		Detour Length	13.5
RESTRICTIONS	5	Postings	5
RISK/RESILIENCY	20	Fracture Critical	5
		Material Type	5
		Design Type	5
		Hydraulic Vulnerability	5
TOTAL			100

**Step 2- Review of Unique & Qualitative Factors** – As previously noted, NYSDOT regional staff and representatives from the Town and/or County Highway Superintendents associations shall review the unique and qualitative factors – and combined with the scores from Step 1 – develop a recommended total project score/ranking. The Step 2 review will incorporate engineering judgment and a review of qualitative issues such as user benefits and context not fully captured by the available data in order to make a final prioritization and selection of projects. During this stage, reviewers will first make independent qualitative assessments of key contributing factors. Reviewers will be asked to assign a quantitative score for each factor from within a pre-determined point range. This review will be informed by the application and any other available data such as bridge inspection reports. Sponsors are strongly encouraged to work with regional staff for an informal pre-review of cost, scope, and schedule. Additionally, Sponsors are also strongly encouraged to have a separate NYS Professional Engineer review bridge applications and provide a signed letter certifying that a NYS PE has performed a Quality Assurance review of the bridge application. Each application will be noted as having satisfactorily completed the PE QA review or not, with satisfactory completion contributing to improved scores (all or nothing score for this element). Each review team will conduct a subsequent group meeting to develop a single, consensus rating for each project. These contributing factors and the consensus rating categories are shown in Figure 2.

**Figure 2**

Category	Score	Description
PE QA Review of Bridge Application (not scored for culvert applications)	Yes	Bridge application has been reviewed by a NYS Professional Engineer and a certification letter signed by the PE who performed a Quality Assurance review has been attached.
	No	Bridge application not certified as reviewed by NYS Professional Engineer.
Delivery Risk	Excellent	Unlikely delivery risk. For example, design complete, 'CAT EX' type project, experienced Sponsor.
	Good	Potential, but not clearly defined risks for key categories. For example, ROW appears adequate, but design changes may require small strip taking. Or, known risks that will pose schedule pressures without certainty of failure. For example, two minor, lower risk ROW acquisitions for abutment expansion.
	Fair	Significant risk of schedule failure. Combination of design timeline with more difficult ROW acquisition, environmental concern, or other risk.
	Neutral	Lack of enough project information to assess.
Infrastructure Need	Excellent	Excellent candidate for infrastructure investment. Excellent match between proposed scope and infrastructure need and timing a good fit with window of opportunity.
	Good	Good candidate for infrastructure investment, or better. Reasonable suitability of scope and timing, but not ideal.
	Fair	Fair candidate for infrastructure investment. Proposed scope does not match infrastructure need well and/or timing is a poor fit with window of opportunity.
	Neutral	Lack of information.
Economic Competitiveness	Excellent	Structure serves critical-path infrastructure need to manufacturing enterprises, commercial and retail businesses, and popular tourism venues. (Example: "heavy-load" Original Equipment Manufacturer (OEM) supply chain access for raw materials used in principal manufacturing process, rail/overland carrier access to warehousing/distribution complex, major commuter route to professional building/executive office/headquarters, major route to popular tourist attractions (Wine Trail, Activities Park, Camping, Cultural Arts Center, etc.)).
Economic Competitiveness	Good	Structure serves adjunct need to manufacturing enterprises, commercial and retail businesses, and tourist attractions. (Example: light load access for raw materials/supplies used in maintenance, repair and operations for the manufacturing process, alternate commuter route to professional building/executive office/headquarters, maintain/preserve general public access to retail centers, etc.)

	Fair	Structure serves adjunct need to surrounding community/area. (Example: commuter traffic in/out of residential community, retail outlets, recreational areas, etc.)
	Neutral	Lack of project information.
Overall Consensus Rating	Excellent	Reasonable consensus that project has merit as-is.
	Good	Generally suited for infrastructure investment; may have some scope or delivery issues.
	Fair	Less suited for proposed infrastructure investment; timing or scope more problematic.
	Neutral	Lack of enough information to assess.

**Figure 3**

Category	Bridges Scoring Range	Culverts Scoring Range
PE QA Review of Application	0 or 10	NA
Delivery Risk	0 to 25	0 to 30
Infrastructure Need	0 to 55	0 to 60
Economic Competitiveness	0 to 10	0 to 10
TOTAL MAX POINTS	100	100

### Project Evaluation Criteria - Culverts

While culverts face many of the same structural and hydraulic issues that bridges do, there is no analogous statewide database for local culverts. The project review teams will be charged with considering similar types of categories as for bridges (Figure 2). They will not have the benefit of the data driven priority index step to inform this process. Instead, review team members will assign scores to each candidate project within the categories based on the information provided in the culvert application. This makes the qualitative, local knowledge evaluation more important for culvert projects. Except as noted, culvert project scoring will mirror the process described above.

Reviewers are asked to consider all culvert candidates regardless of size. While it is fair to consider the proposed budget as an important aspect of deliverability, an application may contain a good justification for lower cost projects. These should not be discarded out of hand.

### Timeline Requirements - Project Selection and Delivery

- Scoring Team Formation
  - o All structures: November 25, 2022
- Candidate Submission Deadlines
  - o Bridges: January 20, 2023
  - o Culverts: January 13, 2023
- Project Selection Deadlines:
  - o Bridges: April 1, 2023
  - o Culverts: March 1, 2023

- Construction Phase Authorization
  - All selected projects should have funding authorized for construction 24 months from the execution of the State-Local Agreement (SLA)
- Construction Completion
  - Projects should be completed within 30 months of commencing construction.

#### **Program Requirements/General Information**

- Applications for bridge projects that have been reviewed by a NYS Professional Engineer and include a signed certification letter stating that the NYS PE performed a Quality Assurance review of the application will receive additional weight during the scoring process.
- This program is intended to fund projects that would not otherwise be completed. Accordingly, NYSDOT shall reserve the right to defer consideration of projects with a fully funded construction phase already on the Transportation Improvement Plan/Statewide Transportation Improvement Plan (TIP/STIP) to future funding opportunities. This round of the program may be used to provide additional support required to fully fund an existing project on the TIP/STIP, with the caveat that this cannot change the terms of other competitive procurements. Specifically, this cannot be used to supplement funding for projects selected in prior BRIDGE NY Program rounds.
- This program is intended to fund locally owned bridges. However, it is recognized that there are cases in which a local municipality has an interest in a structure with joint ownership or ownership by others. One example might be a state-owned canal crossing on a local road. Such structures, sponsored by the local municipality, will be considered. Any structure, culvert, or bridge, that is not owned by the Sponsors are encouraged to submit a draft application for a pre-review with NYSDOT in order to be considered. The Sponsor should coordinate with the Owner prior to the Draft submission.
- For any structure over a waterway, effectively sizing and detailing the bridge or culvert based on sound hydraulic engineering will reduce the hydraulic vulnerability and increase the resiliency of New York's transportation system. It is often the case that the hydraulic opening of a new structure will be larger than the structure it is replacing. Sponsors are encouraged to provide engineering documentation for required hydraulic opening of replacement structures with the application.
- Project scoring will be significantly impacted if the following items are excluded from the applications:
  - Project Construction and Total cost, including design, right of way acquisition and construction inspection;
  - Clearly defined scope of work (if not a complete replacement, define the major components being replaced or repaired);
  - Estimated month/year of letting;
  - An owner defined responsible point of contact; and
  - For culverts, adequate documentation of conditions, through photos and inspection reports, to provide evaluators with a clear understanding that appropriate scope is being proposed.
- Delivery of projects on budget and on schedule are important aspects of this program and are the obligation of project Sponsors. Failure to account for survey, coordination or permitting for environmental resources that are shown on publicly available mapping (including but not limited to streams known to contain threatened or endangered species or mussels) could result in a project being significantly downgraded if justification is not provided. If not accounted for in the application,

the Sponsor will be responsible for paying for any required environmental consulting.

- Costs incurred prior to project award, defined as an executed State-Local Agreement, will be ineligible for reimbursement.
- Federal and State regulations require a qualifications-based selection (QBS) process for procuring/obtaining/hiring engineering services. Price cannot be a factor in the selection process. The fee for services is negotiated along with the scope of services after selection has been made. See the NYS County Highway Superintendents Association's web site <https://www.countyhwys.org/> under 2022-2025 Local Design Services Agreement Program, <https://www.countyhwys.org/ldsa>. This web page and section 6.3.2 of the Procedures for Local Projects Manual (LPM) ([Chapter 6](#)) describe how to make a "project specific selection" of a firm using the Local Design Services Agreement (LDSA) list. Section 6.3.1 describes the selection process if a Sponsor would like to pursue a project specific selection.
  - A consultant is only eligible to perform the phases of work named in the solicitation. Example of recommended language: "Bridge NY project application development, with the option for design and construction inspection if the application is successful." If later phases are not referenced, and the Sponsor must go through another competitive, qualifications-based selection process, the original consultant cannot be considered due to a conflict of interest. The firm preparing the application would have an unfair advantage as they would have knowledge not available to others as they develop the project application.
- Sponsors can progress project construction through use of Force Account. For bridge projects, there must be a demonstration that proceeding by Force Account is more effective than letting a contract.
- Any contracts let by an Applicant for either a bridge project or a culvert project must conform with the provisions of General Municipal Law § 103, as well as any other applicable procurement requirements.
- Delivery of projects on budget and on schedule are important aspects of this program and are the obligation of project Sponsors. This risk is larger when there has been little work on scoping and preliminary engineering. This is particularly true in relation to the hydraulic capacity of culverts. Sponsors are directed to take one of the two options below to mitigate this risk for culvert replacement projects.
  1. Provide a preliminary hydraulic analysis performed and stamped by a NYS professional engineer; or
  2. Base the culvert size and project scope on a minimum culvert span length equal to 1.5 times the existing waterway opening.Failure to adhere to this requirement for culvert applications could lower project scores if justification is not provided.
- If any property rights need to be acquired for the proposed project, the Sponsor must identify the property rights to be acquired in the application. Additionally, the Sponsor is responsible for and must certify that it will undertake the acquisition of these property rights, which must be reflected in the project schedule for doing so.
- The Sponsor may provide Proof of Right-of-Way (ROW) ownership through surveys and clearance

certificates. A recent survey stamped by a New York State Licensed Land Surveyor showing the public lands is the best proof of ROW. Other acceptable documents for proof of ROW include a highway boundary line on a plan stamped by a New York State or New York City licensed land surveyor; record plans for the highway showing the property boundaries. Tax maps are not sufficient documentation for property boundary lines.

- The data driven approach to distribution of funds outlined in this guidance document is expected to reflect underlying needs as well as to create geographic balance statewide.
- Priority consideration may be given for projects that provide benefits to Environmental Justice Communities.
- All projects advanced through this process must:
  - Conform to the NYSDOT Bridge Design Specifications and Standards;
  - Have a service life appropriate for the level of work being performed:
    - 75 Years for bridge replacements;
    - 50 years for culvert replacements;
    - 30 years for major bridge rehabilitations; and
    - 10 years for culvert relining.
  - Will be subject to the required federal DBE requirements for federal-aid projects or to the state MWBE requirements for state-funded projects;
  - Begin construction as soon as possible;
  - Must comply with NYSDOT's Local Projects Manual (LPM), <https://www.dot.ny.gov/plafap>.
- Project Sponsors may not substitute BRIDGE NY funds for the local match on a federally-aided project.
- This guidance document details the rollout for multiple years of program funding as detailed.
- Applications for bridges and/or culverts must be submitted individually and will be scored on an individual basis.
- While there is no formal pre-review step in this revised process, Project Sponsors are encouraged to work with their respective NYSDOT regions on any questions regarding suitable project cost and scope.
- Project Sponsors will be required to submit final applications to either the NYSDOT Regional Planning groups (rural bridges and all culverts) or through established MPO contacts in urban areas.
- Once project selections are made, applicants will be notified that their project was either accepted as submitted or not selected.