

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**  
**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT REGARDING**  
**NATIONAL BRIDGE INSPECTION STANDARDS**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, an Agreement has been proposed by which the Nebraska Department of Roads for the purpose of defining the County's responsibilities 23 C.F.R. 650, Subpart C, the National Bridge Inspection Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT, pursuant to the statutory authority set forth above, the Agreement with the Nebraska Department of Roads concerning responsibilities pertaining to the National Bridge Inspection Standards, a copy of which is attached hereto, is hereby approved, and the Chair and Clerk are hereby authorized to execute said agreement on behalf of Sarpy County, Nebraska.

DATED this 19<sup>th</sup> day of October, 2010.

Moved by Tom Richards, seconded by Rusty Hike, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Russell  
Jonny Alby  
Tom Richards

non

Rich Jansen

ABSTAIN:

Jim Nekuda



Debra Naughtaling  
County Clerk

Approved as to form:

[Signature]  
Deputy County Attorney

## AGREEMENT

SARPY COUNTY  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

THIS AGREEMENT, made and entered into by and between Sarpy County, 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.

CL1075

“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 19th day of October 2010.

Witness:



Debra Noughtaling  
County Clerk

Local Bridge Owner

Jon Malbrecht  
Chairperson, County Board

EXECUTED by the State this 22 day of OCT 2010.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

Approved as to form:

Mark Old  
County Attorney

Mark Traynowicz  
Bridge Engineer

County Agr.

# THOMAS A. LYNAM

SARPY COUNTY SURVEYOR

• 15100 SOUTH 84th STREET • PAPHILLION, NEBRASKA 68046 • 402.339.4606 • FAX: 402.339.6555 •

## Memo

**To:** Sarpy County Board of Commissioners  
**From:** Tom Lynam, Sarpy County Surveyor   
**Subject:** National Bridge Inspection Standard Responsibilities  
**Date:** October 14, 2010

I recommend approval the above mentioned agreement describing National Bridge Inspection Responsibilities.

If you have any questions, please feel free to contact me.



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

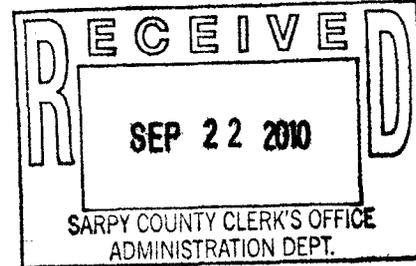
**DEPARTMENT OF ROADS**

**Monty W. Fredrickson, P.E.,** Director - State Engineer

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402)471-4567 • FAX (402)479-4325 • [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov)

September 20, 2010



Dear Nebraska Bridge Owner:

Re: National Bridge Inspection Standards Responsibilities, NDOR/Local Bridge Owner Agreements

We sincerely appreciate your hard work and cooperation on the progress made for the Nebraska Bridge Inspection Program to improve inspections, load ratings, hydraulic assessments and Plans of Action.

The Bridge Division Office Memo No. 100524 informed all Owners that NDOR would be formalizing an agreement between NDOR and each Local Bridge Owner regarding National Bridge Inspection Standards (NBIS) responsibilities.

The Bridge Owner's responsibilities remain as in the past, to inspect and load rate bridges in your jurisdiction. NDOR will arrange for the inspection and load rating of all fracture critical bridges. NDOR will also continue to coordinate the underwater inspection of bridges as necessary.

Please review the attached agreement between NDOR and your organization. The goal is to have all of these agreements in place no later than **October 29, 2010**. Please proceed with steps needed to have appropriate officials execute the agreement, then return two executed agreements to the Bridge Division Office. We will return one fully-executed copy for your files. If you have any questions, please call Steve Andersen at 402-479-4705.

Again, thank you for your time and cooperation on the Bridge Inspection Program.

Sincerely,

Mark Traynowicz  
State Bridge Engineer

MT/brd-ltr

Enclosures: NDOR/Bridge Owner Agreement  
Resolution

xc: FHWA/NE Division Office  
Jim Wilkinson, Local Project Engineer  
Jeff Schroeder, Asst. Attorney General  
File

# Deb Houghtaling

# Sarpy County Clerk

Fred Uhe  
Chief Deputy

Renee Lansman  
Assistant Chief Deputy

1210 Golden Gate Drive • Papillion, Nebraska 68046-2895  
Phone: 402-593-2105 • Fax: 402-593-4471 • Website [www.Sarpy.com](http://www.Sarpy.com) • Email: [Clerk@sarpy.com](mailto:Clerk@sarpy.com)

October 21, 2010

Nebraska Department of Roads  
Mark Traynowicz, State Bridge Engineer  
1500 Hwy 2 PO BOX 94759  
Lincoln NE 68509

RE: Nebraska Department of Roads National Bridge Inspection Standards

Action by the Sarpy County Board of Commissioners, at the meeting of October 19, 2010, is as follows:

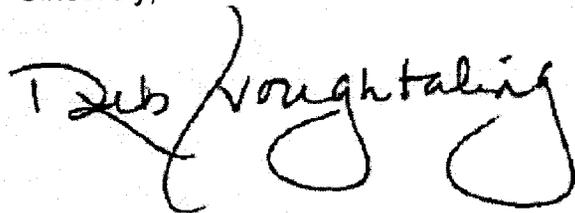
Resolution 2010-356: Authorizing Chairman to sign agreement with the Nebraska Department of Roads describing National Bridge Inspection Standards Responsibilities. Tom Lynam, Surveyor

MOTION: Resolved by Richards, seconded by Hike, to approve the resolution for the purpose of defining the County's responsibilities in compliance with the Code of Federal Regulations Title 23, Part 650, Subpart C. Ayes: Hike, Albrecht & Richards. Nays: None. Abstain: Nekuda. Absent: Jansen.

Enclosed are two originals which have been signed by the Chairman as authorized by the above stated action. The agreements are now ready for the approval signatures; we request that upon execution an **original agreement** be provided for Sarpy County records.

**Mail to:** Sarpy County Clerk  
Attn: Chris Vance  
1210 Golden Gate Dr.  
Papillion NE 68046-2895

Sincerely,



Deb Houghtaling  
Sarpy County Clerk

Enclosures (2)  
DJ/sm



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

**DEPARTMENT OF ROADS**

**Monty W. Fredrickson, P.E.**, Director - State Engineer

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

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November 2, 2010

Debra J. Houghtaling  
Sarpy County Clerk  
1210 Golden Gate Dr Ste 1118  
Papillion NE 68046-2895

Re: Agreement No. CL1075

Dear Ms. Houghtaling:

Enclosed for your files is one original of a fully executed agreement between the County of Sarpy and this department pertaining to a proposed improvement with the National Bridge Inspection Standards responsibilities.

Sincerely,

A handwritten signature in black ink that reads "Jerry Adams".

Jerry Adams  
Hwy. Agreements Tech.  
Planning and Project Development Division

JA/DPDV11-NU

Enclosure

xc: T. W. Weander, District 2 Engineer