



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Texas Division Office  
300 East 8th Street, Rm 826  
Austin, Texas 78701

February 25, 2000

In Reply Refer To:

HPC-TX

Highway Bridge Replacement & Rehabilitation Program [HBRRP]  
National Bridge Inspection Standards [NBIS]  
Ten Year Rule

Ms. Mary Lou Ralls, P.E.  
Director, Bridge Division  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Attention: Mr. Michael Lynch P.E.

Dear Ms. Ralls:

The Department has asked a number of questions recently concerning the "Ten Year Rule" as it is applied to Federal projects. I've attached two historic documents that provide a basis for the rule and FHWA's operating guidelines.

1. May 6, 1985 memorandum from FHWA Headquarters.
2. November 26, 1985 memorandum from FHWA Headquarters.

In general terms, the purpose of the rule is to encourage states [on any new bridge, bridge reconstruction or major bridge rehabilitation projects] to provide a structure that is not automatically structurally deficient or functionally obsolete by NBIS standards as soon as the project is complete. To accomplish this, Federal-Aid HBRRP funds cannot be used on any bridge for a period of ten years after any federal funds have been used on a new bridge, reconstructed bridge or major rehabilitation.

There are a number of instances when work on a structure may fall short of the criteria to be classified as a reconstruction or major rehabilitation. The instructions for Item 106 contained in the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges provides some guidance. In these cases, the "Ten Year Rule" would not apply. Further, if problems quickly arise on a new bridge, reconstructed bridge, or major rehabilitation that might have been caused by a catastrophic event or unforeseen circumstance, the "Ten Year Rule" can be waived. Should any of the instances occur or if you have a question on eligibility, the Texas Division will be glad to work with you and TxDOT's Districts toward a resolution on a case by case basis.

More recently, our Headquarters office has confirmed that HBRRP projects to retrofit scour countermeasures onto existing bridges will not invoke the "Ten Year Rule" as such projects do not substantially alter physical geometry or load carrying capacity.

Copies of recent E-Mail correspondence with our Headquarters is attached for your information and files.

Sincerely