

## MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Guidance Letter No. 16, Clarification of Policy on Relocations at Flood Control Projects

## 1. References

- a. Section 103(i) of the Water Resources Development Act of 1986.
- b. Memorandum, CECW-RN, 20 December 1988, subject: Rescission of Policy Guidance Letter No. 5, New Start Construction Projects--Responsibility for Alteration and Relocations of Utilities Through the Line of Protection--Flood Control Projects.
- c. EC 1165-2-152, 15 December 1988, Flood Control Project Cost Sharing and Related Guidance.
- d. ER 1165-2-131, 15 April 1989, Local Cooperation Agreements for New Start Construction Projects.

2. Questions raised about the application of the referenced guidance demonstrate problems in distinguishing between features needed for a flood control project and treated as construction items, and those required as relocations and considered part of lands, easements, rights-of-way, and relocations (LERR) - This letter provides clarification on this definitional problem.

3. The term "relocation" is defined in reference 1d as alteration, modification, lowering or raising in place, and/or new construction related to but not limited to, existing railroads, highways, highway bridges, buildings, pipelines, public utilities (such as municipal water and sanitary sewer lines, telephone lines, and storm drains), aerial utilities cemeteries, and other facilities, structures, and improvements determined by the Government to be necessary for the construction, operation and maintenance of the project. "Relocations" for flood control projects do not include alterations to railroad bridges and approaches in connection therewith (including trackage altered as a result of these modifications), which are construction features to be cost shared in accordance with the basic project.

4. The general policy is that local interests must: (1) perform all necessary relocations to accommodate a flood control project as part of LERR in accordance with reference 1a, and (2) share in the construction costs of measures to accommodate interior drainage blocked by levees or floodwall projects (such as intercepting ditches, ponding areas, pumping stations gravity outlets and pressurized conduits), and (3) share in the construction costs of measures such as gated outlets, gatewell structures, and stoplog structures that provide for positive flood control.

5. Reference 1c, paragraph 13a states: “Projects will be designed and implemented in the most cost efficient manner (considering both Federal and non-Federal costs), using appropriate engineering, economic, and environmental criteria. This practice defines the alignment, size and location of project features and LERRD requirements needed to make the project function in a safe and reliable manner, independent of cost sharing determinations. From this basic project design the appropriate Federal and non-Federal participation can then be calculated.” This is the controlling philosophy. Cost sharing considerations should not dictate project design.

6. After the basic project is designed, determination on cost sharing should be controlled by the following principles:

a. Relocations. In accordance with reference 1a, all costs for relocations are part of LERR, including costs for measures needed to prevent serious adverse effects to the flood control project structures, in the event of failure/rupture. Examples of items classified as LERR under this policy include: stronger pipe requirements, special compacting or cementing to provide for added strength or to prevent piping, mechanical bolt joints to prevent leakage, new valves, relocated structures, etc. The review and approval process for the design of these features should be closely monitored to insure that the integrity of project structures is maintained.

b. Intercepted Interior Drainage. Interception and conveyance of drainage that is blocked by levees or floodwalls from the protected side to the stream side of the line of protection with measures such as intercepting ditches, ponding areas, pumping plants, gravity outlets, and pressurized conduits, is part of project construction, with the costs shared as construction costs. Any costs of increasing the size of the facilities to meet special local needs, as for betterments, will be paid for by non-Federal interests.

c. Storm water Sewer Collection Systems and Interceptor Storm Sewers. Stormwater collection systems consisting of sewer pipes are utilities, and alterations of such systems are part of LERR-Interceptor sewers and associated features may be more efficient than a number of separate sewer relocations, and such features are also LERR. All lands associated with the relocation of storm sewers and interceptor sewers are the responsibility of the non-Federal sponsor.

d. Combined Facilities. Efficient design may result in a single pumping plant and detention basin to accommodate blocked interior drainage and the requirements for sanitary/ storm sewers collected via interceptors. In such cases, a fair share of the cost of the pumping plant and detention basin shall be assigned to non-Federal interests as part of the LERR. The fair share is to be based on the costs associated with separate facilities. All lands are a non-Federal responsibility.

e. Headwall Structures. Accommodation of pipes through the side slopes of channel projects may be accomplished along with construction, but any identifiable added costs for end treatment of sewer pipes will be a part of the non-Federal responsibility to provide LERR.

7. Questions on this policy, or determinations on features not covered in this letter should be addressed to CECW-RP.

FOR THE DIRECTOR OF CIVIL WORKS:

BORY STEINBERG  
Chief, Policy, Review and Initiatives Division  
Directorate of Civil Works

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