**Section 3706.620 Protection and Construction**

a) When failure or interruption of service of roadways, bridges, or public utilities would endanger public health or safety, roadways, bridges, or public utilities shall be protected to the regulatory flood protection elevation. In other instances where only economic losses are threatened, protection shall be provided to the extent practical. For minor or auxiliary roads or utilities, a degree of protection less than the regulatory flood may be justified.

b) Anyone constructing roadways, bridges and public utilities within the regulatory flood plain shall either:

1) Provide waterway openings adequate to pass the regulatory flood with no increase in flood stage, or

2) Provide, through legal means, compensation for possible damage due to backwater effects. Usually, this option would require the following actions:

A) Establish backwater effects of preliminary hydraulic design of proposed bridge.

B) Estimate present and potential flood damages created by this backwater.

C) Successively repeat steps (A) and (B) to identify the optimum hydraulic design.

D) If the design of step (C) creates significant backwater, secure adequate land evaluation data and land ownership determinations to identify parcels affected.

E) Secure land rights-purchase, flowage easement, quitclaim, negotiated damages, etc. - as required to compensate those damaged.

c) The following provisions shall apply to all applicable construction:

1) Overhead crossings such as transmission lines shall be constructed in a manner which will provide adequate clearance above the regulatory flood protection elevation for navigation purposes.

2) Buried crossings such as pipelines shall be at least 3 feet below the channel bottom.

3) Modification, addition and replacement of existing roadways, bridges, and public utilities shall be permitted providing adequate compensation is made for the backwater effects of new flow obstructions.