



U.S. Department  
of Transportation

Federal Highway  
Administration

# Memorandum

Subject: **ACTION**: Final Rule: Culvert Pipe Selection

Date: April 22, 2013

From: /s/ Charles W. Bolinger  
Acting Director, Office of Program Administration  
Washington, D.C.

In Reply Refer To:  
HIPA-30

To: Associate Administrators  
Director, Office of Technical Services  
Directors of Field Services  
Division Administrators  
Federal Lands Highway Division Engineers

The Final Rule regarding Culvert Pipe Selection was published in the January 28, 2013 edition of the Federal Register. In the Final Rule Paragraph (f) was added to 23 CFR 635.411 as follows:

*(f) State transportation departments (State DOTs) shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.*

As the rule making implemented a specific legislative requirement (Section 1525 of [MAP-21](#)), it was decided by DOT leadership that it progress directly to a Final Rule.

The effective date of the Final Rule is February 27, 2013, and is located at the following link: <http://www.gpo.gov/fdsys/pkg/FR-2013-01-28/pdf/2013-01583.pdf>

Implementing guidance may be located in Questions and Answers (Q&As) K1-K5 regarding Title 23 CFR 635.411 at <http://www.fhwa.dot.gov/programadmin/contracts/011106qa.cfm>. Q&A #K5 is repeated below:

**K5. Will the FHWA update relevant agency policies and regulations to implement Section 1525?**

Yes. On January 28, 2013, the Final Rule implementing the requirements of Section 1525 was published in the Federal Register; The Final Rule added Paragraph (f) to 23 CFR 635.411 as follows:

*(f) State transportation departments (State DOTs) shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.*

The Final Rule is effective February 27, 2013, and is located at the following link:  
<http://www.gpo.gov/fdsys/pkg/FR-2013-01-28/pdf/2013-01583.pdf>.

FHWA will modify the FHWA Contract Administration Core Curriculum Manual, the [FHWA Construction Program Guide Culvert Selection web page](#), and other agency policies and guidance as appropriate. Additionally, Division Offices should revise any standard operating procedures relating to the selection of culvert and storm sewer material type to conform to the requirements of Section 1525.

If you have any questions or desire further information, please contact one of the following:

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