



United States Department of Agriculture
Rural Development

MAY 05 2009

SUBJECT: Compliance with RUS Seismic Safety Regulations

TO: State Directors
Rural Development

ATTENTION: State Program Directors
State Engineers

FROM: JACQUELINE PONTI-LAZARUK
Assistant Administrator
Water and Environmental Programs
Rural Utilities Service

A handwritten signature in black ink, appearing to read "Jacqueline Ponti-Lazaruk", written over the typed name in the "FROM:" field.

Water and Waste Disposal program design policies to address seismic safety are included at 7 CFR 1780.57(o) and 7 CFR 1792, Subpart C. Subpart C, "Seismic Safety of Federally Assisted New Building Construction" includes requirements applicable to the design of any building, defined as a structure fully or partially enclosed and intended for sheltering persons or property.

Design engineers and architects must ensure that all new buildings are designed in compliance with the International Code Council's "*International Building Code*," the American Society of Civil Engineers' "*Minimum Design Loads for Buildings and Other Structures*," or other standard providing a level of safety substantially equivalent to the level provided by the National Earthquake Hazards Reduction Program, "*Recommended Provisions for the Development of Seismic Regulation for New Buildings*."

Subpart C requires that the design engineer place an acknowledgement on the plan cover sheet submitted for Rural Development concurrence indicating the identification and date of the model code or standard that was used in the seismic design of the building project. The plans and specifications must also be dated, signed, and sealed by the registered architect or engineer; however, there is no requirement for completion of a certification form for WWD.

If there are any questions, please contact me at ben.shuman@wdc.usda.gov or 202-720-1784.

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requires that measures to assure seismic safety be imposed on federally assisted new building construction.

(b) This subpart identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by the Rural Utilities Service (RUS) or the Rural Telephone Bank (RTB) (or through lien accommodations or subordinations approved by RUS or RTB).

[58 FR 32437, June 10, 1993, as amended at 65 FR 76916, Dec. 8, 2000]

§ 1792.102 Definitions.

As used in this subpart, the following terms have the following meaning:

Administrator—Administrator of RUS or the Governor of the Rural Telephone Bank or his or her designee.

Borrower—An entity which borrows or seeks to borrow money from, or arranges financing with the assistance of RUS through guarantees, lien accommodations or lien subordinations.

Building—Any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Federally assisted—The provision of financing assistance by RUS through loans, loan guarantees, grants, and lien accommodations and subordinations.

Grant recipient—Any entity which receives a grant from RUS.

Lien accommodation—The consensual sharing of the government's (RUS's) lien on property or the release of government's lien on property.

Lien subordination—Agreement that the government's (RUS) lien on property will rank below the lien of another entity.

Model Code—A building code developed for the adoption of local or state authorities or to be used as the basis of a local or state building code.

NEHRP—National Earthquake Hazards Reduction Program.

Registered—A person licensed by the State(s) or Authority(ies) to perform architectural or engineering services in the State(s) where construction occurs.

RUS—Rural Utilities Service, and for the purposes of this subpart, shall include the Rural Telephone Bank. For the purposes of RTB borrowers, as used in this subpart, RUS means RTB and Administrator means Governor.

State—Each of the 50 States of the United States, the District of Columbia, and territories and possessions of the United States which are authorized to receive loans, loan guarantees, or grants from RUS.

[58 FR 32437, June 10, 1993, as amended at 59 FR 66440, Dec. 27, 1994; 65 FR 76916, Dec. 8, 2000; 69 FR 23642, Apr. 30, 2004]

§ 1792.103 Seismic design and construction standards for new buildings.

(a) In the design and construction of federally assisted buildings, the borrowers and grant recipients must utilize the seismic provisions of the most recent edition of those standards and practices that are substantially equivalent to or exceed the seismic safety level in the 1994, 1997, or 2000 editions of the NEHRP Recommended Provisions for the Development of Seismic Regulation for New Buildings.

(b) Each of the following model codes or standards provides a level of seismic safety substantially equivalent to that provided by the 1994 or 1997 NEHRP Recommended Provisions and are appropriate for federally assisted new building construction:

(1) 1997 International Conference of Building Officials (ICBO) Uniform Building Code. Copies of the book or CD-ROM are available from the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA 90601-2298, phone: 1-800-284-4406, fax: 1-888-329-4226.

(2) 1995 or 1998 American Society of Civil Engineers (ASCE) 7, *Minimum Design Loads for Buildings and Other Structures*. Copies are available from the American Society of Civil Engineers, Publications Marketing Department, 1801 Alexander Bell Drive, Reston, VA 20191-4400, e-mail: marketing@asce.org, fax: 1-703-295-6211.

(3) 2000 International Code Council (ICC) *International Building Code*. Copies of the book or CD-ROM are available from the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA 90601-2298, phone: 1-800-284-4406, fax: 1-888-329-4226.

(c) The NEHRP Recommended Provisions for the Development of Seismic

Regulations for New Buildings is available from the Office of Earthquakes and Natural Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

[69 FR 23642, Apr. 30, 2004]

§ 1792.104 Seismic acknowledgments.

For each applicable building, borrowers and grant recipients must provide RUS a written acknowledgment from a registered architect or engineer responsible for the building design stating that seismic provisions pursuant to §1792.103 of this subpart will be used in the design of the building.

(a) For projects in which plans and specifications are required to be submitted to RUS, this acknowledgement shall be on the title page of the drawings included with the final plans and specifications. This acknowledgement will include the identification and date of the model code or standard that is used in the seismic design of the building project. The plans and specifications must be dated, signed, and sealed by the registered architect or engineer.

(b) For projects in which plans and specifications are not submitted, this acknowledgement shall be in the form of a statement from the architect or engineer responsible for the building design. The statement shall identify the model code or standard identified that is used in the seismic design of the building or buildings and, shall be dated and signed.

[69 FR 23642, Apr. 30, 2004]

PART 1794—ENVIRONMENTAL POLICIES AND PROCEDURES

Subpart A—General

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- 1794.1 Purpose.
- 1794.2 Authority.
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- 1794.10 Applicant responsibilities.

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- 1794.20 Control.
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- 1794.40 General.
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- 1794.61 Environmental impact statement.
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Reference: 7 CFR 1780.50(o)

- (o) Seismic safety. All new structures, fully or partially enclosed, used or intended for sheltering persons or property will be designed with appropriate seismic safety provisions in compliance with the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (3 CFR 1990 Comp., p. 269). Designs of components essential for system operation and substantial rehabilitation of structures that are used for sheltering persons or property should incorporate seismic safety provisions to the extent practicable. RUS implementing regulations for seismic safety are in 7 CFR part 1972, subpart C. ***[Added, revision 2, 06/04/99]***

SEISMIC DESIGN & ACKNOWLEDGEMENT POLICY & REGULATIONS

Water and Waste Disposal program design policies to address seismic safety are included at 7 CFR 1780.57(o) and 7 CFR 1792, Subpart C. Subpart C, "Seismic Safety of Federally Assisted New Building Construction" includes requirements applicable to the design of any building, defined as a structure fully or partially enclosed and intended for sheltering persons or property.

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SAMPLE ACKNOWLEDGEMENT FOR DRAWING COVER SHEET

The undersigned hereby acknowledges that the project structures and buildings have been designed in accordance with the following model building code or standard and complies with the requirements of 7 CFR Part 1792, §1792.103:

[Identification and Date of Model Code or Standard]

Signature

Date

State & License No.

(Seal)