

SUPPORTING STATEMENT

HIGHWAY BRIDGE AND NATIONAL BRIDGE INSPECTION PROGRAMS

This request is for OMB's approval to renew a currently approved information collection formally titled, "National Bridge Inspection Standards (NBIS) Structure Inventory and Appraisal Sheet," (OMB Control No. 2125-0501). This information collection is scheduled to expire on 02/29/08.

1. Circumstances that make collection of information necessary:

This collection of the information contained on the Structure Inventory and Appraisal (SI&A) Sheet (Attachment A) as well as the collection of construction costs associated with new and replaced bridges, the requirement that all highway bridges on public roads be inspected at intervals not to exceed 24 months, the establishment of quality control/quality assurance (QC/QA) procedures, follow up on critical findings and scour plans of actions is necessary to satisfy the requirements of 23 United States Code 144 and 151 (Attachment B and C, respectively), the Code of Federal Regulations, 23 Highways Part 650, Subpart C - National Bridge Inspection Standards (Attachment D) and Subpart D Highway Bridge Replacement and Rehabilitation Program (Attachment E).

Because of a catastrophic bridge failure in December 1967, the Congress enacted initial legislation which now requires the inspection of all highway bridges on public roads. It requires the State inventory and report a set of inspection data elements (SIA Sheet). States are required to follow up on critical findings, have quality control/quality assurance procedures in place, and for scour critical bridges prepare a plan of action to monitor deficiencies. States are required to report certain cost data associated with the bridge construction costs in order to carry out the apportionment of the Highway Bridge Program Funds. Routine inspections are to be done at an interval not to exceed 24 months. On the basis of the data reported structurally deficient and functionally obsolete highway bridges can be identified and prioritized according to legal requirements.

The Special Bridge Replacement Program (SBRP) was established in 1970 and was in existence through 1978. It authorized 835 million in funds during its existence.

In 1978 the Surface Transportation Assistance Act (STAA) replaced the SBRP with the Highway Bridge Replacement and Rehabilitation Program (HBRRP) and authorized 4.2 billion in funds for fiscal years 1979 through 1982 and required the reporting of bridge condition information on all highway bridges located on public roads. The 1982 STAA continued the HBRRP authorizing 7.05 billion in funds for fiscal years 1983 through 1986. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100-17) made bridge inventory and inspection a "stand alone" provision of Title 23 (Section 151). The STURAA extended the HBRRP by authorizing \$8.15 billion for FY's 1987 through 1991. This total was reduced to \$8.13 billion by the Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239).

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240) revised the Federal-aid highway system and created a National Highway System (NHS) of approximately 155,000 miles of principal routes, including the Interstate System. The ISTEA of 1991 extended the HBRRP by authorizing \$16.1 billion for FY's 1992 through 1997. The Transportation Equity Act for the 21st Century (TEA-21)(P.L. 105-178) authorized \$20.4 billion for fiscal years 1998 through 2003. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA-Lu)(Public Law 109-59) replaced the HBRRP with the Highway Bridge Program (HBP) and authorized \$21.6 billion for fiscal years 2005 through 2009.

This information collection supports the DOT Strategic Goals of Safety and Mobility by providing for safe highway bridges through a program to improve the condition of all deficient highway bridges on public roads.

2. How, by whom, and for what purpose is the information used:

The information is collected by the States as part of their bridge inspection programs, and it is used:

- As a basis for setting HBP priorities for the replacement, rehabilitation or preservation of highway bridges;
- As a basis for apportioning HBP funds to the States;
- For identifying strategic national defense needs; and
- To develop the required Report to Congress relative to the progress and status of the nation's bridges.

Users of the information are:

- Federal Highway Administration;
- Department of Transportation, Office of the Secretary;
- State and Local Transportation Departments;
- Congressional committees;
- Department of Defense;
- Highway construction industry;
- General public:
 - news agencies
 - special interest groups
 - private individuals;
- Universities, and
- Other Federal agencies.

The information is needed to:

- Comply with the requirements of Title 23;
- Have a national picture of the status of the condition of highway bridges for preparing the required Report to Congress;
- Have a rational basis for the apportionment of HBP funds;

- Assist the FHWA in its HBP and NBIS oversight responsibilities; and
- Be responsive to various inquiries regarding the status of the Nation's bridges.

3. Extent of automated information collection:

FHWA estimates that 99% of the data is transmitted electronically. In the past, the States transmitted the information contained on the SI&A Sheet to the FHWA via magnetic tapes, cartridges, and diskettes. With the development and implementation of the NBI web-based system, the data has been submitted electronically, or through e-mail. Utilization of computerized information technology, such as laptop and handheld computers for field use during inspections for recording data and direct transmittal into a State's inventory system along with the mechanism of electronic submittal effectively reduces the reporting burden when compared to the manual reporting system.

4. Efforts to identify duplication:

The FHWA is not aware of any other record keeping or bridge reporting requirements imposed by the FHWA or any other Federal agencies, which duplicates this process. The information collected is not available anywhere except under this program.

5. Efforts to minimize the burden on small businesses:

State and local transportation departments and Federal Agencies collect this information. There are no small businesses or other small entities involved.

6. Impact of less frequent collection of information:

The current regulations require a 24 month bridge inspection frequency as a standard. Regulation calls for annual reporting of the data. If the data were to be reported less frequently the formula that is used to apportion the bridge funds annually would distribute funds based on outdated data. If the inspection time interval was to be lengthened to more than 24 months, the collected data will be again be much older, also resulting in funds distribution based on outdated data. Increased inspection intervals may also have safety implications. Per 23 CFR 650.311(c), the maximum frequency between routine inspections may be increased to 48 months with FHWA approval.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

The collection of the SI&A information is in compliance with 5 CFR 1320.8.

+	4680	90 hours x 52 for unit cost data collection
+	<u>2080</u>	52 responses x 40hrs for follow up on critical findings
Burden Hours =	2,296,360	

13. Estimate of total annual costs to respondents:

There are no annual costs to respondents, other than the salaries described under Item 12 above.

14. Estimate of cost to the Federal government:

An estimate of the annual cost to the Federal government for the data collection involved with this collection is taken from the Exhibit 300 submitted to OMB. Those costs are summarized in the Summary of Spending Table. The costs for FY 2007 were \$95,000.

15. Explanation of program changes or adjustments:

The FHWA has determined that the National Bridge Inspection Program (23 U.S.C. 151), the Highway Bridge Program (23 U.S.C. 144) and the National Bridge Inspection Standards (23 CFR 650 Subpart C) result in 2,296,360 burden hours on the States. This is based on review of the requirements of the Highway Bridge Program, the National Bridge Inspection Program and the National Bridge Inspection Standards imposed on the States. We are requesting that the burden hours be increased from 542,080 to 2,296,360. The revised total annual burden on the States would be 2,296,360 hours.

The title of this collection has been modified to more accurately reflect the collection's purpose.

16. Publication of results of data collection:

The information collected is used to:

- * Monitor the progress made toward the reduction of deficient bridges through the HBP and other Federal-aid highway programs.
- * Basic information on bridge conditions is extracted from the NBI and published in the required Report to Congress on the condition of the nation's bridges.
- * Bridge data in conjunction with information extracted from FHWA's financial system is used to prepare the Annual Materials Report on New Bridge Construction and Rehabilitation.
- * Basic statistical information as well as the data itself is made available through the FHWA's website.

17. Approval for not displaying the expiration date for OMB approval:

The FHWA is not requesting OMB's approval for not displaying the expiration date.

18. Exceptions to certification statement:

The FHWA is not requesting exceptions to the certification statement.

ATTACHMENTS:

- A. Structure Inventory and Appraisal Sheet
- B. 23 USC 144
- C. 23 USC 151
- D. 23 CFR 650, Subpart C – National Bridge Inspection Standards
- E. 23 CFR 650, Subpart D – Highway Bridge Replacement and Rehabilitation Program

Federal Register notice dated April 8, 2004 (69 FR 18672)

Structure Inventory and Appraisal Sheet

NATIONAL BRIDGE INVENTORY - - - - - STRUCTURE INVENTORY AND APPRAISAL 10/15/94

***** IDENTIFICATION *****

- (1) STATE NAME - CODE
(8) STRUCTURE NUMBER #
(5) INVENTORY ROUTE (ON/UNDER) - =
(2) HIGHWAY AGENCY DISTRICT
(3) COUNTY CODE (4) PLACE CODE
(6) FEATURES INTERSECTED -
(7) FACILITY CARRIED -
(9) LOCATION
(11) MILEPOINT/KILOMETERPOINT
(12) BASE HIGHWAY NETWORK - CODE
(13) LRS INVENTORY ROUTE & SUBROUTE #
(16) LATITUDE DEG MIN SEC
(17) LONGITUDE DEG MIN SEC
(98) BORDER BRIDGE STATE CODE % SHARE %
(99) BORDER BRIDGE STRUCTURE NO. #

***** STRUCTURE TYPE AND MATERIAL *****

- (43) STRUCTURE TYPE MAIN: MATERIAL - CODE
TYPE -
(44) STRUCTURE TYPE APPR: MATERIAL - CODE
TYPE -
(45) NUMBER OF SPANS IN MAIN UNIT
(46) NUMBER OF APPROACH SPANS
(107) DECK STRUCTURE TYPE - CODE
(108) WEARING SURFACE / PROTECTIVE SYSTEM:
A) TYPE OF WEARING SURFACE - CODE
B) TYPE OF MEMBRANE - CODE
C) TYPE OF DECK PROTECTION - CODE

***** AGE AND SERVICE *****

- (27) YEAR BUILT
(106) YEAR RECONSTRUCTED
(42) TYPE OF SERVICE: ON - UNDER - CODE
(28) LANES: ON STRUCTURE UNDER STRUCTURE
(29) AVERAGE DAILY TRAFFIC
(30) YEAR OF ADT (109) TRUCK ADT %
(19) BYPASS, DETOUR LENGTH KM

***** GEOMETRIC DATA *****

- (48) LENGTH OF MAXIMUM SPAN M
(49) STRUCTURE LENGTH M
(50) CURB OR SIDEWALK: LEFT M RIGHT M
(51) BRIDGE ROADWAY WIDTH CURB TO CURB M
(52) DECK WIDTH OUT TO OUT M
(32) APPROACH ROADWAY WIDTH (W/SHOULDERS) M
(33) BRIDGE MEDIAN CODE
(34) SKEW DEG (35) STRUCTURE FLARED
(10) INVENTORY ROUTE MIN VERT CLEAR M
(47) INVENTORY ROUTE TOTAL HORIZ CLEAR M
(53) MIN VERT CLEAR OVER BRIDGE RDWY M
(54) MIN VERT UNDERCLEAR REF - M
(55) MIN LAT UNDERCLEAR RT REF - M
(56) MIN LAT UNDERCLEAR LT M

***** NAVIGATION DATA *****

- (38) NAVIGATION CONTROL - CODE
(111) PIER PROTECTION - CODE
(39) NAVIGATION VERTICAL CLEARANCE M
(116) VERT-LIFT BRIDGE NAV MIN VERT CLEAR M
(40) NAVIGATION HORIZONTAL CLEARANCE M

***** CLASSIFICATION *****

- SUFFICIENCY RATING =
STATUS =
(112) NBIS BRIDGE LENGTH -
(104) HIGHWAY SYSTEM -
(26) FUNCTIONAL CLASS -
(100) DEFENSE HIGHWAY -
(101) PARALLEL STRUCTURE -
(102) DIRECTION OF TRAFFIC -
(103) TEMPORARY STRUCTURE -
(105) FEDERAL LANDS HIGHWAYS -
(110) DESIGNATED NATIONAL NETWORK -
(20) TOLL -
(21) MAINTAIN -
(22) OWNER -
(37) HISTORICAL SIGNIFICANCE -

***** CONDITION *****

- (58) DECK
(59) SUPERSTRUCTURE
(60) SUBSTRUCTURE
(61) CHANNEL & CHANNEL PROTECTION
(62) CULVERTS

***** LOAD RATING AND POSTING *****

- (31) DESIGN LOAD - OR
(63) OPERATING RATING METHOD -
(64) OPERATING RATING -
(65) INVENTORY RATING METHOD -
(66) INVENTORY RATING -
(70) BRIDGE POSTING -
(41) STRUCTURE OPEN, POSTED OR CLOSED - DESCRIPTION -

***** APPRAISAL *****

- (67) STRUCTURAL EVALUATION
(68) DECK GEOMETRY
(69) UNDERCLEARANCES, VERTICAL & HORIZONTAL
(71) WATERWAY ADEQUACY
(72) APPROACH ROADWAY ALIGNMENT
(36) TRAFFIC SAFETY FEATURES
(113) SCOUR CRITICAL BRIDGES

***** PROPOSED IMPROVEMENTS *****

- (75) TYPE OF WORK - CODE
(76) LENGTH OF STRUCTURE IMPROVEMENT M
(94) BRIDGE IMPROVEMENT COST \$,000
(95) ROADWAY IMPROVEMENT COST \$,000
(96) TOTAL PROJECT COST \$,000
(97) YEAR OF IMPROVEMENT COST ESTIMATE
(114) FUTURE ADT
(115) YEAR OF FUTURE ADT

***** INSPECTIONS *****

- (90) INSPECTION DATE / / (91) FREQUENCY MO
(92) CRITICAL FEATURE INSPECTION: (93) CFI DATE
A) FRACTURE CRIT DETAIL - MO A)
B) UNDERWATER INSP - MO B)
C) OTHER SPECIAL INSP - MO C)

Attachment B

From the U.S. Code Online via GPO Access
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[Laws in effect as of January 7, 2003]
[Document not affected by Public Laws enacted between
January 7, 2003 and February 12, 2003]
[CITE: 23USC144]

TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

SUBCHAPTER I--GENERAL PROVISIONS

Sec. 144. Highway bridge replacement and rehabilitation program

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States and the Secretary finds that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid system which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(c)(1) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid system, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(2) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

(3) Inventory of Indian reservation and park bridges.--As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(d) Whenever any State or States make application to the Secretary

for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures to, such structure. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State, except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section. In approving projects (other than projects for bridge structure painting or seismic retrofit or application of such acetate or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures) under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.

(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds. No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection. The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge shall not affect the apportionment of funds under this section.

(f) The Federal share payable on account of any project under this section shall be 80 per centum of the cost thereof.

(g) Set Asides.--

(1) Discretionary bridge program.--

(A) Fiscal years 1992 through 1997.--Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, all but \$57,000,000 in the case of fiscal year 1992, \$68,000,000 in the case of fiscal years 1993 and 1994, and \$69,000,000 in the case of fiscal years 1995, 1996, and 1997 shall be apportioned as provided in subsection (e) of this section. \$49,000,000 in the case of fiscal year 1992, \$59,500,000 in the case of fiscal years 1993 and 1994, and \$60,500,000 in the case of fiscal years 1995, 1996, and 1997 of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of \$49,000,000 in the case of fiscal year 1992, \$59,500,000 in the case of fiscal years 1993 and 1994, and \$60,500,000 in the case of fiscal years 1995, 1996, and 1997 shall be at the discretion of the Secretary, and \$8,500,000 per fiscal year (\$8,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991, relating to highway timber bridges.

(B) Fiscal year 1998.--Of the amounts authorized to be appropriated to carry out the bridge program under this section for fiscal year 1998, all but \$25,000,000 shall be apportioned as provided in subsection (e) of this section. Such \$25,000,000 shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

(C) Fiscal years 1999 through 2003.--Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 1999 through 2003, all but \$100,000,000 shall be apportioned as provided in subsection (e). Such \$100,000,000 shall be available at the discretion of the Secretary; except that not to exceed \$25,000,000 shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

(2) Eligible discretionary projects.--Subject to section 149(d) of the Federal-Aid Highway Act of 1987, amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only--

(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than \$10,000,000, and

(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than \$10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

(3) Off-system bridges.--Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal

years 1987 through 2003 shall be expended for projects to replace, rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid highway when the Secretary determines that such State has inadequate needs to justify such expenditure.

(h) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if such bridge is over waters (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce, and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

(i) Inventories and Reports.--The Secretary shall--

(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on projects approved under this section;

(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

(3) report to such committees on such inventories; and

(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Such reports shall be submitted to such committees biennially at the same time as the report required by section 307(f) \1\ of this title is submitted to Congress.

\1\ See References in Text note below.

(j) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

(k) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine months after the date of enactment of this subsection, the Secretary shall submit a report to Congress which describes such review and such changes, including any recommendations for legislative changes.

(l) Notwithstanding any other provision of law, any bridge which is

owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, shall be eligible for assistance under this section but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project. Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.

(m) Replacement of Destroyed Bridges and Ferryboat Service.--

(1) General rule.--Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of the funds provided under this section to construct any bridge which--

(A) replaces any low water crossing (regardless of the length of such low water crossing),

(B) replaces any bridge which was destroyed prior to 1965,

(C) replaces any ferry which was in existence on January 1, 1984, or

(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

(2) Federal share.--The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.

(n) Off-System Bridge Program.--Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the date of the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.

(o) Historic Bridge Program.--

(1) Coordination.--The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

(2) State inventory.--The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

(3) Eligibility.--Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

(4) Preservation.--Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to--

(A) maintain the bridge and the features that give it its historic significance; and

(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action.

Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

(5) Historic bridge defined.--As used in this subsection, ``historic bridge'' means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

(p) Applicability of State Standards for Projects.--A project not on a Federal-aid highway under this section shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(q) As used in this section the term ``rehabilitate'' in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

(Added Pub. L. 91-605, title II, Sec. 204(a), Dec. 31, 1970, 84 Stat. 1741; amended Pub. L. 93-87, title II, Sec. 204, Aug. 13, 1973, 87 Stat. 284; Pub. L. 93-643, Sec. 113, Jan. 4, 1975, 88 Stat. 2286; Pub. L. 95-599, title I, Sec. 124(a), Nov. 6, 1978, 92 Stat. 2702; Pub. L. 96-106, Secs. 7, 8(a), Nov. 9, 1979, 93 Stat. 797; Pub. L. 97-327, Sec. 5(c), Oct. 15, 1982, 96 Stat. 1612; Pub. L. 97-424, title I, Secs. 121(a), 122(a), Jan. 6, 1983, 96 Stat. 2111, 2112; Pub. L. 100-17, title I, Secs. 123(a)-(d)(1), (3), (e), (f)(2), 128, 133(b)(11), Apr. 2, 1987, 101 Stat. 161-163, 167, 172; Pub. L. 102-240, title I, Sec. 1028(a)-(f), Dec. 18, 1991, 105 Stat. 1967, 1968; Pub. L. 103-220, Sec. 1, Mar. 17, 1994, 108 Stat. 100; Pub. L. 104-59, title III, Secs. 318, 325(b), Nov. 28, 1995, 109 Stat. 588, 592; Pub. L. 105-178, title I, Secs. 1109, 1115(f)(3); June 9, 1998, 112 Stat. 141; Pub. L. 105-206, title IX, Sec. 9002(i), July 22, 1998, 112 Stat. 836.)

References in Text

Section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (g)(1)(A), probably means section 1003 of Pub. L. 102-240, title I, Dec. 18, 1991, 105 Stat. 1918, which is not classified to the Code. Pub. L. 102-240 does not contain a section 103.

Section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (g)(1)(A), is section 1039 of Pub. L. 102-240, which is set out as a note below.

Section 149(d) of the Federal-Aid Highway Act of 1987, referred to in subsec. (g)(2), is section 149(d) of Pub. L. 100-17, which is not classified to the Code.

The General Bridge Act of 1946, referred to in subsec. (h), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, as amended, which is classified generally to subchapter III (Sec. 525 et seq.) of chapter 11 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 525 of Title 33 and Tables.

Section 502(b) of such Act of 1946, referred to in subsec. (h), in section 502(b) of act Aug. 2, 1946, which is classified to section 525(b) of Title 33.

Section 9 of the Act of March 3, 1899, referred to in subsec. (h), is section 9 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, which is classified to section 401 of Title 33.

Section 307 of this title, referred to in subsec. (i), was repealed by Pub. L. 105-178, title V, Sec. 5119(b), June 9, 1998, 112 Stat. 452.

The date of enactment of this subsection, referred to in subsec. (k), is Nov. 6, 1978, the date of enactment of Pub. L. 95-599.

The date of the enactment of this subsection, referred to in subsec. (n), is the date of enactment of Pub. L. 100-17, which was approved Apr. 2, 1987.

Amendments

1998--Subsec. (d). Pub. L. 105-178, Sec. 1109(d)(1), (2), inserted ``sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures'' after ``magnesium acetate'' and inserted ``or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures'' after ``such acetate'' in two places.

Subsec. (e). Pub. L. 105-178, Sec. 1109(a), inserted ``and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds'' after ``destroyed bridges and ferryboat services''.

Subsec. (g)(1). Pub. L. 105-178, Sec. 1109(b), designated existing provisions as subpar. (A), inserted heading, realigned margins, and added subpars. (B) and (C).

Subsec. (g)(3). Pub. L. 105-178, Sec. 1109(c), (d)(3), substituted ``through 2003'' for ``1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997,'' substituted ``Federal-aid highway'' for ``Federal-aid system'' in two places, and inserted ``sodium acetate/formate, or

other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures'' after ``magnesium acetate''.

Subsec. (g)(4). Pub. L. 105-178, Sec. 1115(f)(3), as added by Pub. L. 105-206, Sec. 9002(i), struck out heading and text of par. (4). Text read as follows: ``Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title.''

Subsec. (n). Pub. L. 105-178, Sec. 1109(e), substituted ``Federal-aid highway'' for ``Federal-aid system''.

1995--Subsec. (i)(1). Pub. L. 104-59, Sec. 325(b), substituted ``Committee on Transportation and Infrastructure'' for ``Committee on Public Works and Transportation''.

Subsec. (l). Pub. L. 104-59, Sec. 318, inserted at end ``Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.''

1994--Subsec. (d). Pub. L. 103-220, Sec. 1(1), inserted before period at end of third sentence `` , except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section''.

Subsec. (e). Pub. L. 103-220, Sec. 1(2), inserted at end ``The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge shall not affect the apportionment of funds under this section.''

1991--Subsec. (c)(3). Pub. L. 102-240, Sec. 1028(a), added par. (3).

Subsec. (d). Pub. L. 102-240, Sec. 1028(b), inserted ``Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate to, such structure.''

after first sentence and ``(other than projects for bridge structure painting or seismic retrofit or application of such acetate)'' after ``projects'' in last sentence.

Subsec. (f). Pub. L. 102-240, Sec. 1028(c), substituted ``project'' for ``highway bridge replaced or rehabilitated''.

Subsec. (g)(1). Pub. L. 102-240, Sec. 1028(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ``Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but \$225,000,000 per fiscal year shall be apportioned as

provided in subsection (e) of this section. \$225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.'

Subsec. (g)(3). Pub. L. 102-240, Sec. 1028(e)(1), substituted ``1991, 1992, 1993, 1994, 1995, 1996, and 1997'' for ``and 1991'' and `` , rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to'' for ``or rehabilitate''.

Subsec. (g)(4). Pub. L. 102-240, Sec. 1028(f), added par. (4).

Subsecs. (p), (q). Pub. L. 102-240, Sec. 1028(e)(2), added subsec. (p) and redesignated former subsec. (p) as (q).

1987--Subsec. (e). Pub. L. 100-17, Sec. 133(b)(11), inserted at end ``Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.''

Pub. L. 100-17, Sec. 123(d)(3), inserted after third sentence ``For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services.''

Subsec. (g). Pub. L. 100-17, Sec. 123(a), amended subsec. (g) generally, revising and restating as pars. (1) to (3) provisions formerly contained in pars. (1) and (2).

Subsec. (h). Pub. L. 100-17, Sec. 123(b), substituted ``(1)'' for ``which are not subject to the ebb and flow of the tide, and'' and added cl. (2).

Subsec. (i). Pub. L. 100-17, Sec. 128, substituted ``307(f)'' for ``307(e)'' in last sentence.

Pub. L. 100-17, Sec. 123(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) read as follows: ``The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section.''

Subsec. (m). Pub. L. 100-17, Sec. 123(d)(1), added subsec. (m). Former subsec. (m) redesignated (p).

Subsec. (n). Pub. L. 100-17, Sec. 123(e), which directed that this section be amended by adding subsec. (n) after subsec. (l), was executed by adding subsec. (n) after subsec. (m), to reflect the probable intent of Congress.

Subsec. (o). Pub. L. 100-17, Sec. 123(f)(2), which directed that this section be amended by adding subsec. (o) after subsec. (l), was executed by adding subsec. (o) after subsec. (n), to reflect the probable intent of Congress.

Subsec. (p). Pub. L. 100-17, Sec. 123(d)(1), redesignated former subsec. (m) as (p).

1983--Subsec. (e). Pub. L. 97-424, Sec. 121(a), substituted provisions setting forth categorization, formula for apportionment factors, and limitations respecting deficient bridges for provisions relating to apportionment of funds for fiscal years ending Sept. 30, 1979, through Sept. 30, 1983, availability for expenditure of such

funds, and reapportionment by the Secretary.

Pub. L. 97-327, Sec. 5(c)(1), substituted ``September 30, 1982, and September 30, 1983'' for ``and September 30, 1982''.

Subsec. (g). Pub. L. 97-424, Sec. 122(a), designated existing provisions as par. (1), struck out provisions added by section 5(c)(2) of Pub. L. 97-327 relating to apportionment of amounts for fiscal year ending Sept. 30, 1983, and added par. (2).

Pub. L. 97-327, Sec. 5(c)(2), inserted provision that, of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but \$200,000,000 (multiplied by the factor determined under section 4(a) of such Act) be apportioned, and that \$200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date with specific limitations applicable to the obligation of such \$200,000,000.

1979--Subsec. (d). Pub. L. 96-106, Sec. 7(a), substituted ``such bridge with a comparable facility or in rehabilitating such bridge'' for ``or rehabilitating such bridge with a comparable facility''.

Subsec. (g). Pub. L. 96-106, Sec. 8(a), inserted `` , and for any project for a highway bridge the replacement or rehabilitation costs of which is less than \$10,000,000 if such costs is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge''.

Subsec. (m). Pub. L. 96-106, Sec. 7(b), substituted ``major work'' for ``major repairs''.

1978--Subsec. (a). Pub. L. 95-599 substituted provisions relating to Congressional findings as to highway bridge replacement and rehabilitation for provisions relating to Congressional findings as to special bridge replacement.

Subsec. (b). Pub. L. 95-599 added cl. (4).

Subsec. (c). Pub. L. 95-599 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 95-599 redesignated former subsec. (c) as (d) and among other amendments struck out provisions requiring Secretary to consider economy of area and approval of projects without regard to allocation formulas under this title.

Subsec. (e). Pub. L. 95-599 added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 95-599 redesignated former subsec. (d) as (f), substituted ``80'' for ``75'', and inserted ``highway'' after ``account of any''. Former subsec. (f) was struck out.

Subsec. (g). Pub. L. 95-599 redesignated former subsec. (e) as (g) and inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1979 through Sept. 30, 1982. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 95-599 redesignated former subsec. (g) as (h) and inserted provisions relating to exceptions to applications of the General Bridge Act of 1946. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 95-599 redesignated former subsec. (h) as (i) and inserted provisions relating to revision and report of current inventories.

Subsecs. (j) to (m). Pub. L. 95-599 added subsecs. (j) to (m).

1975--Subsec. (e). Pub. L. 93-643 increased appropriations authorization to \$125,000,000 from \$75,000,000 for fiscal year ending

June 30, 1976.

1973--Subsec. (e). Pub. L. 93-87, Sec. 204(a), provided for appropriations authorization of \$25,000,000, \$75,000,000, and \$75,000,000 for fiscal years ending June 30, 1974, 1975, and 1976.

Subsecs. (f) to (h). Pub. L. 93-87, Sec. 204(b), (c), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Effective Date of 1998 Amendment

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of this title.

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date of 1987 Amendment

Section 123(d)(2) of Pub. L. 100-17 provided that: ``The amendment made by subsection (a) [amending this section] shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986.''

Effective Date of 1983 Amendment

Section 121(b) of Pub. L. 97-424 provided that: ``The amendment made by subsection (a) of this section [amending this section] shall take effect October 1, 1982, and shall apply with respect to each fiscal year beginning on or after such date. Notwithstanding subsection (e) of section 144 of title 23, United States Code, as soon as practical after the date of enactment of this Act [Jan. 6, 1983], the Secretary of Transportation shall apportion under such subsection (e), as amended by subsection (a) of this section, sums authorized to be appropriated to carry out such section 144 for the fiscal year ending September 30, 1983.''

Termination of Reporting Requirements

For termination, effective May 15, 2000, of reporting provisions in subsec. (i)(1), (3), and (4) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103-7.

National Historic Covered Bridge Preservation

Pub. L. 105-178, title I, Sec. 1224, as added by Pub. L. 105-206, title IX, Sec. 9003(a), July 22, 1998, 112 Stat. 837, provided that:

“(a) Historic Covered Bridge Defined.--In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

“(b) Historic Covered Bridge Preservation.--Subject to the availability of appropriations under subsection (d), the Secretary shall--

“(1) collect and disseminate information concerning historic covered bridges;

“(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

“(3) conduct research on the history of historic covered bridges; and

“(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

“(c) Direct Federal Assistance.--

“(1) In general.--Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

“(2) Types of project.--A grant under paragraph (1) may be made for a project--

“(A) to rehabilitate or repair a historic covered bridge;

and

“(B) to preserve a historic covered bridge, including through--

“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

“(ii) installation of a system to prevent vandalism and arson; or

“(iii) relocation of a bridge to a preservation site.

“(3) Authenticity.--A grant under paragraph (1) may be made for a project only if--

“(A) to the maximum extent practicable, the project--

“(i) is carried out in the most historically appropriate manner; and

“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(4) Federal share.--The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

“(d) Funding.--There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.”

Highway Timber Bridge Research and Demonstration Program

Section 1039 of Pub. L. 102-240, as amended by Pub. L. 102-388, title IV, Sec. 408, Oct. 6, 1992, 106 Stat. 1564, provided that:

((a) Research Grants.--The Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:

((1) Development of new, economical highway timber bridge systems.

((2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

((3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

((4) Alternative transportation system timber structures which demonstrate the development of applications for railing, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

((5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

((b) Technology and Information Transfer.--The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.

((c) Construction Grants.--

((1) Authority.--The Secretary shall make grants to States for construction of highway timber bridges on public roads.

((2) Applications.--A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

((3) Approval criteria.--The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

((A) Bridge designs which have both initial and long-term structural and environmental integrity.

((B) Bridge designs which utilize timber species native to the State or region.

((C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

((D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.

((d) Federal Share.--The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

((e) Funding.--From the funds reserved from apportionment under section 144(g)(1) of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997--

((1) \$1,000,000 shall be available to the Secretary for

carrying out subsections (a) and (b); and
``(2) \$7,500,000 (\$7,000,000 in the case of fiscal year 1992)
shall be available to the Secretary for carrying out subsection (c).
Such sums shall remain available until expended.
``(f) State Defined.--For purposes of this section, the term `State'
has the meaning such term has under section 101 of title 23, United
States Code.''

Feasibility of International Border Highway Infrastructure Discretionary Program

Section 1089 of Pub. L. 102-240 directed Secretary of Transportation to conduct a study of advisability and feasibility of establishing an international border highway infrastructure discretionary program and, not later than Sept. 30, 1993, transmit to Congress a report on results of the study, together with any recommendations.

Historic Bridges; Congressional Findings and Declarations

Section 123(f)(1) of Pub. L. 100-17 provided that: ``Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.''

Study by Transportation Research Board on Effects of Bridge Program on Preservation and Rehabilitation of Historic Bridges; Recommendation of Standards for Rehabilitation of Historic Bridges; Report

Section 123(f)(3) of Pub. L. 100-17 provided that:

``(A) Transportation research board.--The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to carry out a study on the effects of the bridge program conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

``(B) Report.--Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).''

Study of Highway Bridges Which Cross Rail Lines; Report

Section 160 of Pub. L. 100-17 directed Secretary to conduct a

comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed and, not later than 30 months after Apr. 2, 1987, submit to Congress a report on the study and investigation along with recommendations on how the bridge needs could best be addressed on a long term basis in a cost-effective manner.

Four-Lane Bridges

Section 130 of Pub. L. 97-424 provided that: ``Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act [Jan. 6, 1983], authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.''

Discretionary Bridge Criteria

Section 161 of Pub. L. 97-424, as amended by Pub. L. 100-17, title I, Sec. 123(h), Apr. 2, 1987, 101 Stat. 164, provided that: ``The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act [Jan. 6, 1983], including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code, including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 [Pub. L. 98-63] (97 Stat. 341). Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

- ``(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition);
- ``(2) average daily traffic using the most current value from the national bridge inventory data;
- ``(3) average daily truck traffic;
- ``(4) defense highway system status;
- ``(5) the State's unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;
- ``(6) total project cost; and
- ``(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.''

Transfer of Discretionary Bridge Funds

Section 8(b) of Pub. L. 96-106 provided for the transfer of discretionary bridge funds authorized under subsec. (g) of this section for fiscal year 1980 to a State's apportionment under section 104(b)(6) of this title to repay funds obligated under section 104(b)(6) between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment of subsec. (g) of this section by section 8(a) of Pub. L. 96-106.

Time for Completion of Inventory and Classification of Highway Bridges

Section 124(c) of Pub. L. 95-599 directed Secretary of Transportation to complete the requirements of subsec. (c) of this section, as amended by subsec. (a) of section 124 of Pub. L. 95-599, not later than the last day of the second full calendar year which begins after Nov. 6, 1978.

Acceleration of Bridge Projects; Ohio River Bridge Fund Reprogramming; Reports to Congress

Section 147 of Pub. L. 95-599, as amended by Pub. L. 96-106, Sec. 15, Nov. 19, 1979, 93 Stat. 798; Pub. L. 99-272, title IV, Sec. 4105, Apr. 7, 1986, 100 Stat. 116, directed Secretary of Transportation to conduct two projects to construct or replace high-traffic-volume bridges on the Federal-aid highway system which span major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges; authorized funds for the projects; directed Secretary to report to Congress within six months after the completion of each project; redirected certain funds in excess of amounts needed to complete the projects for use in further projects for construction of three state-of-the-art Ohio River bridges linking designated cities in Kentucky and Ohio; and directed Secretary to report to Congress within a year after the completion of these bridges.

Section Referred to in Other Sections

This section is referred to in sections 104, 105, 115, 117, 126, 140, 151, 204, 303, 409, 505 of this title; title 49 section 104.

Attachment C:

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 7, 2003]
[Document not affected by Public Laws enacted between
January 7, 2003 and February 12, 2003]
[CITE: 23USC151]

TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

SUBCHAPTER I--GENERAL PROVISIONS

Sec. 151. National bridge inspection program

(a) National Bridge Inspection Standards.--The Secretary, in consultation with the State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

(b) Minimum Requirements of Inspection Standards.--The standards established under subsection (a) shall, at a minimum--

(1) specify, in detail, the method by which such inspections shall be carried out by the States;

(2) establish the maximum time period between inspections;

(3) establish the qualification for those charged with carrying out the inspections;

(4) require each State to maintain and make available to the Secretary upon request--

(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

(5) establish a procedure for national certification of highway bridge inspectors.

(c) Training Program for Bridge Inspectors.--The Secretary, in cooperation with the State transportation departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

(d) Availability of Funds.--To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 502, and section 144 of this title.

(Added Pub. L. 100-17, title I, Sec. 125(a), Apr. 2, 1987, 101 Stat. 166; amended Pub. L. 105-178, title I, Sec. 1212(a)(2)(A)(ii), title V, Sec. 5119(e), June 9, 1998, 112 Stat. 193, 452.)

Prior Provisions

A prior section 151, added Pub. L. 93-87, title II, Sec. 205(a), Aug. 13, 1973, 87 Stat. 284; amended Pub. L. 94-280, title II, Sec. 207, May 5, 1976, 90 Stat. 454; Pub. L. 95-599, title I, Sec. 127, Nov. 6, 1978, 92 Stat. 2707; Pub. L. 96-470, title II, Sec. 209(c), Oct. 19, 1980, 94 Stat. 2245; Pub. L. 97-375, title I, Sec. 111(a), Dec. 21, 1982, 96 Stat. 1821, related to a pavement marking demonstration

program, prior to repeal by Pub. L. 100-17, title I, Sec. 125(a), Apr. 2, 1987, 101 Stat. 166.

Amendments

1998--Subsecs. (a), (c). Pub. L. 105-178, Sec. 1212(a)(2)(A)(ii), substituted ``State transportation departments'' for ``State highway departments''.

Subsec. (d). Pub. L. 105-178, Sec. 5119(e), substituted ``section 502, '' for ``section 307(a), ''.

Attachment D

FEDERAL-AID POLICY GUIDE
December 7, 1994, Transmittal 12

23 CFR 650C

OPI: HNG-33

SUBCHAPTER G - ENGINEERING AND TRAFFIC OPERATIONS

PART 650 - BRIDGES, STRUCTURES, AND HYDRAULICS

Subpart C - National Bridge Inspection Standards

Sec.

650.301 Application of standards.

650.303 Inspection procedures.

650.305 Frequency of inspections.

650.307 Qualifications of personnel.

650.309 Inspection report.

650.311 Inventory.

Authority: 23 U.S.C. 109 (a) and (h), 144, 151, 315, and 319; 23 CFR 1.32; 49 CFR 1.48(b), E.O. 11988 (3 CFR, 1977 Comp. p. 117); Department of Transportation Order 5650.2 dated April 23, 1979 (44 FR 24678); section 161 of Public Law 97-424, 96 Stat. 2097, 3135; section 4(b) of Public Law 97-134, 95 Stat. 1699; and 33 U.S.C. 401, 491 et seq., 511 et seq.; and section 1057 of Public Law 102-240, 105 Stat. 2002.

[59 FR 37935, July 26, 1994]

Source: 36 FR 7851, Apr. 27, 1971, unless otherwise noted. Redesignated at 39 FR 10430, Mar. 20, 1974.

Sec. 650.301 Application of standards.

The National Bridge Inspection Standards in this part apply to all structures defined as bridges located on all public roads. In accordance with the AASHTO (American Association of State Highway and Transportation Officials) Transportation Glossary, "bridge" is defined as a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple

pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

[44 FR 25435, May 1, 1979 as amended at 51 FR 16834, May 7, 1986]

Sec. 650.303 Inspection procedures.

(a) Each highway department shall include a bridge inspection organization capable of performing inspections, preparing reports, and determining ratings in accordance with the provisions of the AASHTO Manual [The "AASHTO Manual" referred to in this part is the "Manual for Maintenance Inspection of Bridges 1983" together with subsequent interim changes or the most recent version of the AASHTO Manual published by the American Association of State Highway and Transportation Officials. A copy of the Manual may be examined during normal business hours at the office of each Division Administrator of the Federal Highway Administration, at the office of each Regional Federal Highway Administrator, and at the Washington Headquarters of the Federal Highway Administration. The addresses of those document inspection facilities are set forth in Appendix D to Part 7 of the regulations of the Office of the Secretary (49 CFR Part 7). In addition, a copy of the Manual may be secured upon payment in advance by writing to the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 225, Washington, D.C. 20001.] and the Standards contained herein.

(b) Bridge inspectors shall meet the minimum qualifications stated in Sec. 650.307.

(c) Each structure required to be inspected under the Standards shall be rated as to its safe load carrying capacity in accordance with section 4 of the AASHTO Manual. If it is determined under this rating procedure that the maximum legal load under State law exceeds the load permitted under the Operating Rating, the bridge must be posted in conformity with the AASHTO Manual or in accordance with State law.

(d) Inspection records and bridge inventories shall be prepared and maintained in accordance with the Standards.

(e) The individual in charge of the organizational unit that has been delegated the responsibilities for bridge inspection, reporting and inventory shall determine and designate on the individual inspection and inventory records and maintain a master list of the following:

(1) Those bridges which contain fracture critical members, the location and description of such members on the bridge and the inspection frequency and procedures for inspection of such members. (Fracture critical members are tension members of a bridge whose failure will probably cause a portion of or the entire bridge to collapse.)

(2) Those bridges with underwater members which cannot be visually evaluated during periods of low flow or examined by feel for condition, integrity and safe load capacity due to excessive water depth or turbidity. These members shall be described, the inspection frequency stated, not to exceed five years, and the inspection procedure specified.

(3) Those bridges which contain unique or special features requiring additional attention during inspection to ensure the safety of such bridges and the inspection frequency and procedure for inspection of each such feature.

(4) The date of last inspection of the features designated in paragraphs (e)(1) through (e)(3) of this section and a description of the findings and follow-up actions, if necessary, resulting from the most recent inspection of fracture critical details, underwater members or special features of each so designated bridge.

[36 FR 7851, Apr. 27, 1971. Redesignated at 39 FR 10430, Mar. 20, 1974, and amended at 44 FR 25435, May 1, 1979; 53 FR 32616, Aug. 26, 1988]

Sec. 650.305 Frequency of inspections.

(a) Each bridge is to be inspected at regular intervals not to exceed 2 years in accordance with section 2.3 of the AASHTO Manual.

(b) Certain types or groups of bridges will require inspection at less than 2-year intervals. The depth and frequency to which bridges are to be inspected will depend on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors will be the responsibility of the individual in charge of the inspection program.

(c) The maximum inspection interval may be increased for certain types or groups of bridges where past inspection reports and favorable experience and analysis justifies the increased interval of inspection. If a State proposes to inspect some bridges at greater than the specified two-year interval, the State shall submit a detailed proposal and supporting data to the Federal Highway Administrator for approval. The maximum time period between inspections shall not exceed four years.

[36 FR 7851, Apr. 27, 1971. Redesignated at 39 FR 10430, Mar. 20, 1974, and amended at 39 FR 29590, Aug. 16, 1974; 53 FR 32616, Aug. 26, 1988; 57 FR 53281, Nov. 9, 1992]

Sec. 650.307 Qualifications of personnel.

(a) The individual in charge of the organizational unit that has been delegated the responsibilities for bridge inspection, reporting, and inventory shall possess the following minimum qualifications:

(1) Be a registered professional engineer; or

(2) Be qualified for registration as a professional engineer under the laws of the State; or

(3) Have a minimum of 10 years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the "Bridge Inspector's Training Manual," [The "Bridge Inspector's Training Manual" may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.] which has been developed by a joint Federal-State task force and subsequent additions to the manual. [The following publications are supplements to the "Bridge Inspector's Training Manual"; "Bridge Inspector's Manual for Movable Bridges." 1977, GPO Stock No. 050-002-00103-5; "Culvert Inspector's Training Manual," July 1986, GPO Stock No. 050-001- 0030-7; and "Inspection of Fracture Critical Bridge Members," 1986, GPO Stock No. 050-001-00302-3.]

(b) An individual in charge of a bridge inspection team shall possess the following minimum qualifications:

(1) Have the qualifications specified in paragraph (a) of this section; or

(2) Have a minimum of 5 years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course which has been developed by a joint Federal-State task force.

(3) Current certification as a Level III or IV Bridge Safety Inspector under the National Society of

Professional Engineer's program for National Certification in Engineering Technologies (NICET) [For information on NICET program certification contact: National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, Virginia 22314, Attention: John D. Antrim, P.E., Phone (703) 684-2835.] is an alternate acceptable means for establishing that a bridge inspection team leader is qualified.

[36 FR 7851, Apr. 27, 1971. Redesignated at 39 FR 10430, Mar. 20, 1974, and amended at 44 FR 25435, May 1, 1979; 53 FR 32616, Aug. 26, 1988]

Sec. 650.309 Inspection report.

The findings and results of bridge inspections shall be recorded on standard forms. The data required to complete the forms and the functions which must be performed to compile the data are contained in section 3 of the AASHTO Manual.

[39 FR 29590, Aug. 16, 1974]

Sec. 650.311 Inventory.

(a) Each State shall prepare and maintain an inventory of all bridge structures subject to the Standards. Under these Standards, certain structure inventory and

appraisal data must be collected and retained within the various departments of the State organization for collection by the Federal Highway Administration as needed. A tabulation of this data is contained in the structure inventory and appraisal sheet distributed by the Federal Highway Administration as part of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide) in January of 1979. Reporting procedures have been developed by the Federal Highway Administration.

(b) Newly completed structures, modification of existing structures which would alter previously recorded data on the inventory forms or placement of load restriction signs on the approaches to or at the structure itself shall be entered in the State's inspection reports and the computer inventory file as promptly as practical, but no later than 90 days after the change in the status of the structure for bridges directly under the State's jurisdiction and no later than 180 days after the change in status of the structure for all other bridges on public roads within the State.

[44 FR 25435, May 1, 1979, as amended at 53 FR 32617, Aug. 26, 1988]

Attachment E

Subpart D—Highway Bridge Replacement and Rehabilitation Program

§ 650.401 Purpose.

The purpose of this regulation is to prescribe policies and outline procedures for administering the Highway Bridge Replacement and Rehabilitation Program in accordance with 23 U.S.C. 144.

§ 650.403 Definition of terms.

As used in this regulation:

(a) Bridge. A structure, including supports, erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes; it may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

(b) Sufficiency rating. The numerical rating of a bridge based on its structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence.

(c) Rehabilitation. The major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects.

§ 650.405 Eligible projects.

(a) General. Deficient highway bridges on all public roads may be eligible for replacement or rehabilitation.

(b) Types of projects which are eligible. The following types of work are eligible for participation in the Highway Bridge Replacement and Rehabilitation Program (HBRRP), hereinafter known as the bridge program.

(1) Replacement. Total replacement of a structurally deficient or functionally obsolete bridge with a new facility constructed in the same general traffic corridor. A nominal amount of approach work, sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice is also eligible. The replacement structure must meet the current geometric, construction and structural standards required for the types and volume of projected traffic on the facility over its design life.

(2) Rehabilitation. The project requirements necessary to perform the major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects are eligible except as noted under ineligible work. Bridges to be rehabilitated both on or off the F-A System shall, as a minimum, conform with the

provisions of 23 CFR part 625, Design Standards for Federal-aid Highways, for the class of highway on which the bridge is a part.

(c) Ineligible work. Except as otherwise prescribed by the Administrator, the costs of long approach fills, causeways, connecting roadways, interchanges, ramps, and other extensive earth structures, when constructed beyond the attainable touchdown point, are not eligible under the bridge program.

§ 650.407 Application for bridge replacement or rehabilitation.

(a) Agencies participate in the bridge program by conducting bridge inspections and submitting Structure Inventory and Appraisal (SI&A) sheet inspection data. Federal and

local governments supply SI&A sheet data to the State agency for review and processing. The State is responsible for submitting the six computer card format or tapes containing all public road SI&A sheet bridge information through the Division Administrator of the Federal Highway Administration (FHWA) for processing. These requirements are prescribed in 23 CFR 650.309 and 650.311, the National Bridge Inspection Standards.

(b) Inventory data may be submitted as available and shall be submitted at such additional times as the FHWA may request.

(c) Inventory data on bridges that have been strengthened or repaired to eliminate deficiencies, or those that have been replaced or rehabilitated using bridge replacement and/or other funds, must be revised in the inventory through data submission.

(d) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

§ 650.409 Evaluation of bridge inventory.

(a) Sufficiency rating of bridges. Upon receipt and evaluation of the bridge inventory, a sufficiency rating will be assigned to each bridge by the Secretary in accordance with the approved AASHTO1 sufficiency rating formula. The sufficiency rating will be used as a basis for establishing eligibility and priority for replacement or rehabilitation of bridges; in general the lower the rating, the higher the priority.

1 American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW, Washington, DC 20001.

(b) Selection of bridges for inclusion in State program. After evaluation of the inventory and assignment of sufficiency ratings, the Secretary will provide the State with a selection list of bridges within the State that are eligible for the bridge program. From that list or from previously furnished selection lists, the State may select bridge projects.

§ 650.411 Procedures for bridge replacement and rehabilitation projects.

(a) Consideration shall be given to projects which will remove from service highway bridges most in danger of failure.

(b) Submission and approval of projects. (1) Bridge replacement or rehabilitation projects shall be submitted by the State to the Secretary in accordance with 23 CFR part 630, subpart A Federal-Aid Programs, Approval and Authorization.

(2) Funds apportioned to a State shall be made available throughout each State on a fair and equitable basis.

(c)(1) Each approved project will be designed, constructed, and inspected for acceptance in the same manner as other projects on the system on which the project is located. It shall be the responsibility of the State agency to properly maintain, or cause to be properly maintained, any project constructed under this bridge program. The State highway agency shall enter into a formal agreement for maintenance with appropriate local government officials in cases where an eligible project is located within and is under the legal authority of such a local government.

(2) Whenever a deficient bridge is replaced or its deficiency alleviated by a new bridge under the bridge program, the deficient bridge shall either be dismantled or demolished or its use limited to the type and volume of traffic the structure can safely service over its remaining life. For example, if the only deficiency of the existing structure is inadequate roadway width and the combination of the new and existing structure can be made to meet current standards for the volume of traffic the facility will carry over its design life, the existing bridge may remain in place and be incorporated into the system.

§ 650.413 Funding.

(a) Funds authorized for carrying out the Highway Bridge Replacement and Rehabilitation Program are available for obligation at the beginning of the fiscal year for which authorized and remain available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system.

(b) The Federal share payable on account of any project carried out under 23 U.S.C. 144 shall be 80 percent of the eligible cost.

(c) Not less than 15 percent nor more than 35 percent of the apportioned funds shall be expended for projects located on public roads, other than those on a Federal-aid system. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when he determines that such State has inadequate needs to justify such expenditure.

§ 650.415 Reports.

The Secretary must report annually to the Congress on projects approved and current inventories together with recommendations for further improvements.