

113TH CONGRESS  
2D SESSION

# S. 2063

To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthen And For-  
5 tify Existing Bridges Act of 2014” or the “SAFE Bridges  
6 Act of 2014”.

7 **SEC. 2. ASSISTANCE TO STATES TO REHABILITATE OR RE-**  
8 **PLACE CERTAIN BRIDGES.**

9 (a) DEFINITIONS.—In this section:

1           (1) BRIDGE.—The term “bridge” means a  
2 bridge on a public road, without regard to whether  
3 the bridge is on a Federal-aid highway.

4           (2) ELIGIBLE BRIDGE.—The term “eligible  
5 bridge” means a bridge that is—

6                   (A) structurally deficient;

7                   (B) functionally obsolete; or

8                   (C) fracture critical.

9           (3) FEDERAL-AID HIGHWAY.—The term “Fed-  
10 eral-aid highway” has the meaning given the term in  
11 section 101(a) of title 23, United States Code.

12           (4) FRACTURE CRITICAL.—The term “fracture  
13 critical” means, with respect to a bridge, a bridge  
14 with a steel member in tension, or with a tension  
15 element, the failure of which would likely cause a  
16 portion of the bridge or the entire bridge to collapse.

17           (5) FUNCTIONALLY OBSOLETE.—The term  
18 “functionally obsolete” means, with respect to a  
19 bridge, a bridge that, as determined by the Sec-  
20 retary, no longer meets the most current design  
21 standards for the traffic demands on the bridge.

22           (6) PUBLIC ROAD.—The term “public road”  
23 has the meaning given the term in section 101(a) of  
24 title 23, United States Code.

1           (7) REHABILITATION.—The term “rehabilita-  
2           tion” means, with respect to a bridge, the carrying  
3           out of major work necessary, as determined by the  
4           Secretary—

5                   (A) to restore the structural integrity of  
6           the bridge; or

7                   (B) to correct a major safety defect of the  
8           bridge.

9           (8) REPLACEMENT.—The term “replacement”  
10          means, with respect to a bridge, the construction of  
11          a new facility that, as determined by the Secretary,  
12          is in the same general traffic corridor as the re-  
13          placed bridge.

14          (9) SECRETARY.—The term “Secretary” means  
15          the Secretary of Transportation.

16          (10) STATE.—The term “State” means—

17                   (A) a State; and

18                   (B) the District of Columbia.

19          (11) STRUCTURALLY DEFICIENT.—The term  
20          “structurally deficient” means, with respect to a  
21          bridge, a bridge that, as determined by the Sec-  
22          retary—

23                   (A) has significant load-carrying elements  
24          that are in poor or worse condition due to dete-  
25          rioration, damage, or both;

1 (B) has a load capacity that is significantly  
2 below truckloads using the bridge and that re-  
3 quires replacement; or

4 (C) has a waterway opening causing fre-  
5 quent flooding of the bridge deck and ap-  
6 proaches resulting in significant traffic inter-  
7 ruptions.

8 (b) ESTABLISHMENT.—Not later than 30 days after  
9 the date of enactment of this Act, the Secretary shall es-  
10 tablish a program to assist States to rehabilitate or re-  
11 place eligible bridges.

12 (c) APPORTIONMENT OF FUNDS.—

13 (1) IN GENERAL.—Amounts made available to  
14 carry out the program established under subsection  
15 (b) for a fiscal year shall be apportioned to each  
16 State according to the ratio that—

17 (A) the total cost to rehabilitate or replace  
18 structurally deficient and functionally obsolete  
19 bridges in that State; bears to

20 (B) the total cost to rehabilitate or replace  
21 structurally deficient and functionally obsolete  
22 bridges in all States.

23 (2) CALCULATION OF TOTAL COST.—

24 (A) CATEGORIES OF BRIDGES.—The Sec-  
25 retary shall place each structurally deficient or

1 functionally obsolete bridge into one of the fol-  
2 lowing categories:

3 (i) Federal-aid highway bridges eligi-  
4 ble for rehabilitation.

5 (ii) Federal-aid highway bridges eligi-  
6 ble for replacement.

7 (iii) Bridges not on Federal-aid high-  
8 ways eligible for rehabilitation.

9 (iv) Bridges not on Federal-aid high-  
10 ways eligible for replacement.

11 (B) CALCULATION.—For purposes of the  
12 calculation under paragraph (1), the Secretary  
13 shall multiply the deck area of structurally defi-  
14 cient and functionally obsolete bridges in each  
15 category described in subparagraph (A) by the  
16 respective unit price on a State-by-State basis,  
17 as determined by the Secretary, to determine  
18 the total cost to rehabilitate or replace bridges  
19 in each State.

20 (C) DATA USED IN MAKING DETERMINA-  
21 TIONS.—The Secretary shall make determina-  
22 tions under this subsection based on the latest  
23 available data, which shall be updated not less  
24 than annually.

1 (D) USE OF EXISTING INVENTORIES.—To  
2 the extent practicable, the Secretary shall make  
3 determinations under this subsection using in-  
4 ventories prepared under section 144 of title  
5 23, United States Code.

6 (d) USE OF FUNDS.—Funds apportioned to a State  
7 under the program established under subsection (b)  
8 shall—

9 (1) be used by that State for the rehabilitation  
10 and replacement of eligible bridges;

11 (2) except as otherwise specified in this section,  
12 be administered as if apportioned under chapter 1 of  
13 title 23, United States Code, except that the funds  
14 shall not be transferable;

15 (3) be subject to the requirements described in  
16 section 1101(b) of MAP-21 (23 U.S.C. 101 note;  
17 126 Stat. 414) in the same manner as amounts  
18 made available for programs under divisions A and  
19 B of that Act; and

20 (4) not be subject to any limitation on obliga-  
21 tions for Federal-aid highways or highway safety  
22 construction programs set forth in any Act.

23 (e) CONDITION AT PROJECT COMPLETION.—A bridge  
24 that is rehabilitated or replaced under the program estab-  
25 lished under subsection (b) may not be structurally defi-

1 cient, functionally obsolete, or fracture critical upon the  
2 completion of the rehabilitation or replacement.

3 (f) FEDERAL SHARE.—The Federal share of the cost  
4 of a project carried out with funds apportioned to a State  
5 under the program established under subsection (b) shall  
6 be 100 percent.

7 (g) REAPPORTIONMENT OF UNOBLIGATED FUNDS.—  
8 Any funds apportioned to a State under the program es-  
9 tablished under subsection (b) and not obligated by that  
10 State at the end of the third fiscal year beginning after  
11 the fiscal year during which the funds were apportioned  
12 shall be withdrawn from that State and reapportioned by  
13 the Secretary to States that have not had funds withdrawn  
14 under this subsection in accordance with the formula spec-  
15 ified in subsection (b).

16 (h) NONSUBSTITUTION.—In carrying out the pro-  
17 gram established under subsection (b), the Secretary shall  
18 ensure that funding made available to a State under the  
19 program supplements, and does not supplant—

20 (1) other Federal funding made available for  
21 the rehabilitation or replacement of eligible bridges;  
22 and

23 (2) the planned obligations of that State with  
24 respect to eligible bridges.

1 (i) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, and each year thereafter if  
3 States obligated funds apportioned under the program es-  
4 tablished under subsection (b) during that year, the Sec-  
5 retary shall submit to the Committee on Transportation  
6 and Infrastructure of the House of Representatives and  
7 the Committee on Environment and Public Works of the  
8 Senate a report that describes the amounts obligated by  
9 each State for projects under the program.

10 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to the Secretary to carry  
12 out this section \$2,750,000,000 for each of fiscal years  
13 2014 and 2015, to remain available until expended.

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