(a) FINDING AND DECLARATION.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be carried out to enable States to improve the condition of their highway bridges over waterways, other topographical barriers, other highways, and railroads through replacement and rehabilitation of bridges that the States and the Secretary determine are structurally deficient or functionally obsolete and through systematic preventive maintenance of bridges.

(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid highway 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 Federal-aid highways, 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) PARTICIPATION.—

(1) BRIDGE REPLACEMENT AND REHABILITATION.—On application by a State or States to the Secretary for assistance for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

(A) replacing the bridge with a comparable facility; or

(B) rehabilitating the bridge.

(2) TYPES OF ASSISTANCE.—On application by a State or States to the Secretary, the Secretary may approve Federal assistance for any of the following activities for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c):

(A) Painting.

(B) Seismic retrofit.

(C) Systematic preventive maintenance.

(D) Installation of scour countermessages.

(E) Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions.

(3) BASIS FOR DETERMINATION.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on structurally deficient and functionally obsolete bridge in the State.

(4) SPECIAL RULE FOR SYSTEMATIC PREVENTIVE MAINTENANCE.—Notwithstanding any other provision of this subsection, a State may carry out a project under paragraph (2)(B), (2)(C), or (2)(D) for a highway bridge without regard to whether the bridge is eligible for replacement or rehabilitation under this section.

(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 highway bridges eligible for replacement, (2) Federal-aid highway bridges eligible for rehabilitation, (3) bridges not on Federal-aid highways eligible for replacement, and (4) bridges not on Federal-aid highways eligible for rehabilitation. The deck area 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, 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 cent or less than 0.25 per cent 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 period specified in section 118(b)(2). 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) BRIDGE SET-ASIDES.—

(1) DESIGNATED PROJECTS.—
(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available as follows:
   (i) $12,500,000 per fiscal year for the Golden Gate Bridge.
   (ii) $18,750,000 per fiscal year for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.
   (iii) $12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.
   (iv) $12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.
   (v) $12,500,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oklahoma.
   (vi) $4,500,000 per fiscal year for replacement of the Mississquoi Bay Bridge and the removal of the Mississqui Bay causeway, Vermont.
   (vii) $8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.
   (viii) $8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.
   (ix) $10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.
   (B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.

(2) BRIDGES NOT ON FEDERAL-aid HIGHWAYS.—
(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, paint, perform systematic preventive maintenance or seismic retrofit of, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, or install scour counters for, highways located on public roads, other than those on a Federal-aid highway, or to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport).

(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditure for bridges not on a Federal-aid highway under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

(g) 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.

(h) 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.
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Such reports shall be submitted to such committees biennially.

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

(j) 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.

(k) 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 of the cost of such replacement project with funds made available under 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 1955,

(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.

(m) PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—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 enactment of this subsection from State and local sources for such project in excess of 20 percent 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.

(n) 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 Federal-aid highways 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 transportation department 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.
(o) **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.

(p) As used in this section the term “rehabilitation” in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct major safety defects.

(q) **Annual Materials Report on New Bridge Construction and Bridge Rehabilitation.**—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish in the Federal Register a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

(r) **Federal Share.**—Except as provided under paragraph (2), the Federal share of the cost of a project payable from funds made available to carry out this section shall be determined under section 120(b).

(2) **Interstate System.**—The Federal share of the cost of a project on the Interstate System payable from funds made available to carry out this section shall be determined under section 120(a).

**References in Text**

The General Bridge Act of 1946, referred to in subsection (g), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, as amended, which is classified generally to subchapter III 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 subsection (g), is 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 subsection (g), is section 9 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, which is classified to section 401 of Title 33.

The date of enactment of this subsection, referred to in subsection (j), is the date of enactment of Pub. L. 95–509, which was approved Nov. 6, 1978.

The date of the enactment of this subsection, referred to in subsection (m), is the date of enactment of Pub. L. 109–17, which was approved Apr. 2, 1997.

The date of the enactment of this subsection, referred to in subsection (q), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

**Amendments**


Subsecs. (b)(1), (c)(1)(1), Pub. L. 110–244, § 101(m)(1)(B), substituted “Federal-aid highway” for “Federal-aid system”.

Subsec. (c)(2), Pub. L. 110–244, § 101(m)(1)(C), substituted “Federal-aid highways” for “the Federal-aid system”.


Subsec. (e)(1), (2), Pub. L. 110–244, § 101(m)(1)(B), substituted “Federal-aid highway” for “Federal-aid system”.

Subsec. (e)(3), (4), Pub. L. 110–244, § 101(m)(1)(E), substituted “bridges not on Federal-aid highways” for “off-system bridges”.

Subsec. (f), Pub. L. 110–244, § 101(m)(1)(F), (G), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: “The Federal share payable on account of any project under this section shall be 80 per centum of the cost thereof.”


Subsec. (f)(2), Pub. L. 110–244, § 101(m)(1)(I), inserted heading and struck out former heading “Off-system bridges”.

Subsecs. (g) to (i), Pub. L. 110–244, § 101(m)(1)(G), redesignated subsecs. (h) to (m) as (g) to (l), respectively.

Former subsec. (g) redesignated (f).

Subsec. (m), Pub. L. 110–244, § 101(m)(1)(G), (J), redesignated subsec. (n) as (m), inserted heading, and struck out former heading “Off-System Bridge Program”.

Former subsec. (m) redesignated (l).

Subsec. (n), Pub. L. 110–244, § 101(m)(1)(G), redesignated subsec. (o) as (n). Former subsec. (n) redesignated (m).

Subsec. (n)(4)(B), Pub. L. 110–244, § 101(m)(1)(K), substituted “State transportation department” for “State highway agency”.

Subsec. (o), Pub. L. 110–244, § 101(m)(1)(G), redesignated subsec. (p) as (o). Former subsec. (o) redesignated (n).

Subsec. (o)(2), Pub. L. 110–244, § 101(m)(1)(C), substituted “Federal-aid highways” for “the Federal-aid system”.

Subsecs. (p) to (u), Pub. L. 110–244, § 101(m)(1)(G), redesignated subsec. (p) as (o) to (t), respectively.

2005—Subsec. (a), Pub. L. 109–59, § 1114(a), inserted heading and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “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.”

Subsec. (d), Pub. L. 109–59, § 1114(b), inserted heading and amended text of subsec. (d) generally. Prior to amendment, text read as follows: “The General Bridge Act of 1946, referred to in subsection (g), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, as amended, which is classified generally to subchapter III 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.”
amendment, text related to approval of Federal participa-
tion in replacement or rehabilitation of bridges.

Subsec. (e). Pub. L. 109–59, § 1114(c), in third sentence, substituted "deck area" for "square footage", in fourth sentence, struck out "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," after "For purposes of the preceding sentence, ", and, in seventh sentence, substituted "for the period specified in section 118(b)(2) for "for the same period as funds apportioned for projects on the Federal-aid primary system under this title".


Subsec. (g)(1). Pub. L. 109–59, § 1114(e)(2)(A), added par. (1) and struck out heading and text of former par. (1), which related to apportionments for the discretionary bridge program for fiscal years 1962 through 2005.


Subsec. (g)(2). Pub. L. 109–59, § 1114(e)(2)(B), redesignated par. (3) as (2).

Pub. L. 109–59, § 1114(e)(2)(A), (B), both amended subsec. (g) by striking out heading and text of par. (2). Text read as follows: "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.

Subsec. (g)(3). Pub. L. 109–59, § 1114(e)(2)(C), redesignated par. (3) as (2).

Pub. L. 109–59, § 1114(d), reenacted without change and amended text of par. (3) generally. Prior to amendment, text read as follows: "Not less than 15 percent or more than 35 percent of the amount apportioned to each State in each of fiscal years 1987 through 2004 and in the period of October 1, 2004, through July 30, 2005, 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 after "magnesium acetate" and inserted "sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures" after "such acetate" in two places.

Subsec. (e). Pub. L. 109–59, § 1114(d), inserted "sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures" after "such acetate" in two places.


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


Subsec. (g)(4). Pub. L. 105–178, § 1115(f)(3), as added by Pub. L. 105–206, § 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, § 1109(e), substituted "Federal-aid highway" for "Federal-aid system"

1995—Subsec. (i)(1). Pub. L. 104–59, § 325(b), substituted "Committee on Transportation and Infrastructure" for "Committee on Public Works and Transportation".

Subsec. (l). Pub. L. 104–59, § 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, § 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, § 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.".


Subsec. (d). Pub. L. 102–240, § 1202(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, §102(c), substituted "project" for "highway bridge replaced or rehabilitated".

Subsec. (g)(1). Pub. L. 102–240, §102(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, 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, §102(e)(1), substituted "1988, 1989, 1990, and 1991" for "1987, 1988, 1989, and 1991" for "and 1991", and "relubricate, paint or seismic retrofit, or apply calcium magnesium acetate to" for "or rehabilitate".


Subsecs. (p), (q). Pub. L. 102–240, §102(g)(2), added subsec. (p) and redesignated former subsec. (p) as (q).

1987—Subsec. (e). Pub. L. 100–17, §307(e), substituted "307(f)" for "307(e)" in last sentence.

Subsec. (f). Pub. L. 96–106, §1028(c), substituted "80" for "75", and inserted "highway" after "account of any". Former subsec. (f) was redesignated (g).

Subsec. (g). Pub. L. 96–106, §1028(d), amended par. (1) to (3) of section (e) of this section for the fiscal year in which the State in which such bridge is located under subsection (m) in such State, relating to Congressional findings as to highway replacement and rehabilitation for provisions relating to Congressional findings as to special bridge replacement.

Subsec. (h). Pub. L. 96–106, §1028(e)(2), added subsec. (h) as (i) and inserted provisions relating to revision to applications of the General Bridge Act of 1946. Former subsec. (h) redesignated (i).

Subsec. (i). 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. (j). 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. (k). Pub. L. 95–599 redesignated former subsec. (k) as (l) and inserted provisions requiring Secretary to consider economy of area and approval of projects without regard to allocation formulas under this title.


Subsec. (n). Pub. L. 102–240, §129(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, §129(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.

1983—Subsec. (e). Pub. L. 97–942, §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 reassignment by the Secretary.


Subsec. (h). Pub. L. 97–327, §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, §7(a), substituted "such bridge with a comparable facility or in rehabilitate such bridge for provisions relating to Congressional findings as to highway with a comparable facility".

Subsec. (g). Pub. L. 96–106, §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, §10(b), substituted "major work" for "major repairs".

1975—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. (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. (f) as (d), 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. (g) as (e) 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. (h) as (g) 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. (i) as (h) 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. 95–643 increased appropriations authorization by $125,000,000 from $75,000,000 for fiscal year ending June 30, 1976.

1973—Subsec. (e). Pub. L. 93–87, §204(a), provided for appropriations authorization of $20,000,000, $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, §204(b), (c), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Effective Date of 2005 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 101 of this title.


Definition of ‘Historic Covered Bridge’.—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.

‘State’.—The term ‘State’ has the meaning such term has in section 101(a) of title 23, United States Code.

Historic Covered Bridge Preservation.—The Secretary of Transportation shall—

(a) collect and disseminate information concerning historic covered bridges;

(b) conduct educational programs relating to the history and construction techniques of historic covered bridges;

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

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

Eligible Projects.—A grant under paragraph (1) may be made for a project—

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

(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.

Authentication Requirements.—A grant under paragraph (1) may be made 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.

Authorization of Appropriations.—There is authorized to be appropriated for grants provided under this section—

(A) to carry out the program under this section—

(1) from the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for each of fiscal years 2006 through 2009;

(B) to carry out the program under this section, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for each of fiscal years 2006 through 2009.

Applicability of Title 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.

Note.—The definitions of ‘Historic Covered Bridge Project’ and ‘Historic Covered Bridge’ appear in section 1457 of this title.
(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 appropriated funds, 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;
(B) to preserve a historic covered bridge, including—
(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 1992, 1993, 1994, 1995, 1996, and 1997.


(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) Preservation 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.
(6) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall carry out 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.

(b) 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.

(c) 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.

(4) 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) [now 144(f)(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.

§144

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 125(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 125(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.
§ 145. Federal-State relationship

(a) PROTECTION OF STATE SOVEREIGNTY.—The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program.

(b) PURPOSE OF PROJECTS.—The projects described in section 1702 of the SAFETEA-LU, section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligibility for Federal-aid highway funds made available for such projects by section 1101(a)(16) of the SAFETEA-LU, section 1101(a)(13) of the Transportation Equity Act for the 21st Century, section 117 of this title, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).

(Added Pub. L. 98–63, § 145, Aug. 19, 1979, 93 Stat. 798; Pub. L. 99–272, title IV, § 145, Apr. 7, 1986, 100 Stat. 116; directed Secretary to report to Congress within a year after the completion of these bridges.)

(b) 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, § 15, Nov. 19, 1979, 93 Stat. 798; Pub. L. 99–272, title IV, § 145, 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 these 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.

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