§ 144. Highway bridge program

(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 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 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 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.

(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 countermeasures.
(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 highway bridges 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 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 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 for 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 and reconstruction of the Missisquoi Bay Bridge and the removal of the Missisquoi 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 countermeasures to, highway bridges 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 re-
placed 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.

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placed 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.

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§ 144—HIGHWAYS

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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 “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.

(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.—

(1) IN GENERAL.—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 subsec. (g), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 877, as amended, which is classified generally to subchapter III (§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 523 of Title 33 and Tables.

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

Section 9 of the Act of March 3, 1899, referred to in subsec. (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 subsec. (m), is the date of enactment of Pub. L. 95–599, which was approved Nov. 6, 1979.

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

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

AMENDMENTS


Subsecs. (b)(1), (c)(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 percent 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. (m) as (m), inserted heading, and struck out former heading “Off-System Bridge Program”.

Former subsec. (m) redesignated (f).


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

Subsecs. (p) to (t). Pub. L. 110–244, §101(m)(1)(G), redesignated subsecs. (p) to (o) as (o) to (r), respectively. 2005—Subsec. (a). Pub. L. 109–59, §111(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 related to approval of Federal participation in replacement or rehabilitation of bridges.

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

Pub. L. 109–59, §1114(e)(2)(A), (B), both amended subsection by striking out heading and text of par. (2). Text read as follows: "Subject to section 149(d) of the Federal-Aid Highways 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 $15,000,000, 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 heading without change and amended text of par. (3) generally. Prior to amendment, text read as follows: "Not less than 15 percent nor 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, 2003, 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 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.""
available for Indian reservation roads under chapter 2 of this title.

Subsec. (a). Pub. L. 105–178, §1190(e), substituted "Federal-aid highway" for "Federal-aid system".

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

Subsec. (i). Pub. L. 104–59, §313, 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 a "for Federal projects, if the proceeds from the asset are not being used, the proceeds shall be deposited in the Treasury of the United States, available only for projects for the same period as funds made available for expenditure for the same period as funds made available for Federal projects."

"The use of funds authorized under this section to cover the cost of a project for 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, §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.

"project" for "highway bridge replaced or rehabilitated".

Subsec. (g)(1). Pub. L. 102–240, §1028(d), amended par. (1). 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 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." 1991—Subsec. (g)(3). Pub. L. 102–240, §1028(e)(1), substituted "‘91, 1992, 1993, 1994, 1995, 1996, and 1997’ for ‘and 1991’ and ‘rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to’ for ‘renewals and painting, or rehabilitation 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.

1990—Subsec. (d). Pub. L. 103–220, §1(1), inserted before period a "For purposes of the preceding sentence, the total cost of any highway bridge replaced or rehabilitated for provisions relating to apportionment of funds for fiscal years ending Sept. 30, 1979, through Sept. 30, 1993, availability for expenditure of such funds, and apportionment by the Secretary.


Subsec. (g). Pub. L. 96–106, §17(b), substituted "major work" for "major repairs".

1979—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. (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. (f). Pub. L. 95–599 redesignated former subsec. (d) as (f), substituted "90" for "75", and inserted "highway" after "account of any". Former subsec. (f) was struck out.

Subsec. (i). Pub. L. 100–17, §128, substituted "307(f)" for "307(e)" in last sentence.

Pub. L. 100–17, §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). Former subsec. (m) redesignated (p).

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

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

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


Subsec. (g). Pub. L. 96–106, §17(b), substituted "major work" for "major repairs".

1979—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. (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. (f). Pub. L. 95–599 redesignated former subsec. (d) as (f), substituted "90" for "75", and inserted "highway" after "account of any". Former subsec. (f) was struck out.
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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 1966. 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. 93–97, §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. 93–97, §204(b), (c), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Effective Date of 2005 Amendment

“(a) IN GENERAL.—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 141 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.

“(b) RECIPIENT RESPONSIBILITIES.—A recipient of the debris described in subsection (a) shall—

“(1) bear the additional cost associated with having the debris made available; and

“(2) ensure that placement of the debris complies with applicable law; and

“(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.

“(c) DEFINITION.—In this section, the term ‘beneficial use’ means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.

NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) HISTORIC COVERED BRIDGE.—The term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

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

“(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary [of Transportation] shall—

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

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

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).

“(2) 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.

“(3) AUTHENTICITY REQUIREMENTS.—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.

USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES
“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out 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.

“(e) 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 appropriated 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.”


“(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


“(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 appropriation under section 144g(1) [now 144f(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 1099 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. (B) REPORT.—Not later than 1 year after entering into 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 completing the construction of such 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, §123(h), Apr. 2, 1987, 101 Stat. 161, provided that: "The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) [now 144(f)] 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 subsection (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 subsection (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 conduct 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 projects.

§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 eli-