

110TH CONGRESS
1ST SESSION

H. R. 3999

To amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2007

Mr. OBERSTAR (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, 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 “National Highway
5 Bridge Reconstruction and Inspection Act of 2007”.

1 **SEC. 2. HIGHWAY BRIDGE PROGRAM.**

2 (a) BRIDGES ON FEDERAL-AID HIGHWAYS.—

3 (1) RISK-BASED PRIORITIZATION FOR REPLACE-
4 MENT AND REHABILITATION OF DEFICIENT
5 BRIDGES.—Section 144(b) of title 23, United States
6 Code, is amended to read as follows:

7 “(b) BRIDGES ON FEDERAL-AID HIGHWAYS.—The
8 Secretary, in consultation with the States, shall—

9 “(1) inventory all bridges on Federal-aid high-
10 ways that are bridges over waterways, other topo-
11 graphical barriers, other highways, and railroads;

12 “(2) identify each bridge inventoried under
13 paragraph (1) that is structurally deficient or func-
14 tionally obsolete;

15 “(3) assign a risk-based priority for replace-
16 ment or rehabilitation of each such bridge after con-
17 sideration of safety, serviceability, and essentiality
18 for public use, including the potential impacts to re-
19 gional and national freight and passenger mobility if
20 the serviceability of the bridge is restricted or dimin-
21 ished; and

22 “(4) determine the cost of replacing each such
23 bridge with a comparable facility or of rehabilitating
24 such bridge.”.

25 (2) PROCESS FOR ASSIGNING RISK-BASED PRI-
26 ORITIES.—

1 (A) DEADLINE FOR ESTABLISHMENT.—
2 After modifying national bridge inspection
3 standards in accordance with the amendments
4 made by section 3 and not later than 18
5 months after the date of enactment of this Act,
6 the Secretary shall establish a process for as-
7 signing risk-based priorities under section
8 144(b)(3) of title 23, United States Code, as
9 amended by paragraph (1) of this subsection.

10 (B) REPORT TO CONGRESS.—Not later
11 than 18 months after the date of enactment of
12 this Act, the Secretary shall submit to the Com-
13 mittee on Transportation and Infrastructure of
14 the House of Representatives and the Com-
15 mittee on Environment and Public Works of the
16 Senate a report containing a description of the
17 process for assigning risk-based priorities estab-
18 lished under subparagraph (A).

19 (C) INDEPENDENT REVIEW.—

20 (i) PARTICIPATION OF NATIONAL
21 ACADEMY OF SCIENCES.—Not later than
22 18 months after the date of enactment of
23 this Act, the Secretary shall enter into ap-
24 propriate arrangements with the National
25 Academy of Sciences to permit the Acad-

1 emy to conduct an independent review of
2 the process for assigning risk-based prior-
3 ities established under subparagraph (A).

4 (ii) REPORT TO CONGRESS.—Not later
5 than 2 years after the date of enactment
6 of this Act, the Academy shall submit a re-
7 port on the results of the review to the
8 Secretary, the Committee on Transpor-
9 tation and Infrastructure of the House of
10 Representatives, and the Committee on
11 Environment and Public Works of the Sen-
12 ate.

13 (iii) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appro-
15 priated to carry out this subparagraph
16 \$2,000,000 for fiscal year 2008. Such
17 sums shall remain available until expended.

18 (b) APPORTIONMENT.—Section 144(e) of such title
19 is amended by adding at the end the following: “In this
20 subsection, the term ‘deficient bridge’ means a bridge that
21 is structurally deficient or functionally obsolete.”.

22 (c) PARTICIPATION.—Section 144(d) of such title is
23 amended by adding at the end the following:

24 “(5) REQUIREMENTS FOR STATE PARTICIPA-
25 TION.—

1 “(A) IN GENERAL.—As a condition for
2 providing assistance to a State under this sec-
3 tion, the Secretary shall require the State—

4 “(i) not later than 2 years after the
5 date of enactment of this paragraph, and
6 at least once every 2 years thereafter (ex-
7 cept as otherwise provided by section
8 151(d)), to inspect all highway bridges de-
9 scribed in subsections (b) and (c) that are
10 located in the State in accordance with the
11 standards established under section 151
12 and provide updated information on such
13 bridges to the Secretary for inclusion in
14 the national bridge inventory;

15 “(ii) not later than 2 years after the
16 date of enactment of this paragraph, and
17 at least once every 2 years thereafter, to
18 calculate the load rating for highway
19 bridges located in the State that have a
20 structural deficiency in a load-carrying
21 member and ensure that the safe load-car-
22 rying capacities for such bridges are prop-
23 erly posted;

24 “(iii) to establish, not later than 2
25 years after the date of enactment of this

1 paragraph, and update annually, a 5-year
2 performance plan for—

3 “(I) the inspection of highway
4 bridges described in subsections (b)
5 and (c) that are located in the State;
6 and

7 “(II) the rehabilitation and re-
8 placement of any of such bridges that
9 are structurally deficient or function-
10 ally obsolete; and

11 “(iv) to establish and implement a
12 bridge management system that complies
13 with the standards established for such
14 systems under section 151.

15 “(B) APPROVAL OF PERFORMANCE
16 PLANS.—

17 “(i) SUBMISSION TO THE SEC-
18 RETARY.—A State that establishes a 5-
19 year performance plan under subparagraph
20 (A)(iii) shall submit the plan and each up-
21 date of the plan to the Secretary for ap-
22 proval.

23 “(ii) APPROVAL AND DISAPPROVAL.—
24 The Secretary shall approve or disapprove
25 each 5-year performance plan and update

1 submitted by a State under this subpara-
2 graph. If the Secretary disapproves a plan
3 or update, the Secretary shall inform the
4 State of the reasons for the disapproval
5 and shall require the State to resubmit the
6 plan or update with such modifications as
7 the Secretary determines necessary.”.

8 (d) INFORMATION AND REPORTS.—Section 144(h) of
9 such title (as redesignated by subsection (g)(1)(G) of this
10 section) is amended to read as follows:

11 “(h) INFORMATION AND REPORTS.—

12 “(1) UPDATES OF INFORMATION.—The Sec-
13 retary shall annually revise, as necessary, the infor-
14 mation required under subsections (b) and (c).

15 “(2) REPORTS TO CONGRESS.—Concurrently
16 with the President’s annual budget submission to
17 Congress under section 1105(a) of title 31, the Sec-
18 retary shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Represent-
20 atives and the Committee on Environment and Pub-
21 lic Works of the Senate a report containing—

22 “(A) a description of projects and activities
23 approved under this section;

24 “(B) the information updated under para-
25 graph (1), including a description of the pri-

1 ority assigned, on a national basis and by State,
2 for the replacement or rehabilitation of each
3 structurally deficient or functionally obsolete
4 bridge on a Federal-aid highway;

5 “(C) a description of any project or activ-
6 ity carried out by a State under this section in
7 the preceding fiscal year that is inconsistent
8 with the priorities assigned by the Secretary
9 under subsection (b)(3); and

10 “(D) such recommendations as the Sec-
11 retary may have for improvements of the pro-
12 gram authorized by this section.”.

13 (e) FLEXIBLE FUNDING.—Section 144 of such title
14 is amended by inserting after subsection (r) (as redesign-
15 nated by subsection (g)(1)(G) of this section) the fol-
16 lowing:

17 “(s) FLEXIBLE FUNDING.—Notwithstanding section
18 126 or any other provision of law, a State may transfer
19 funds apportioned to the State under this section for a
20 fiscal year to another apportionment of funds to the State
21 under this title only if the State demonstrates to the satis-
22 faction of the Secretary that the State has no structurally
23 deficient bridges on Federal-aid highways located in the
24 State.”.

1 (f) DEFINITIONS.—Section 144 of such title is fur-
2 ther amended by adding at the end the following:

3 “(t) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) FUNCTIONALLY OBSOLETE.—The term
6 ‘functionally obsolete’ as used with respect to a
7 bridge means a bridge that no longer meets current
8 design standards relating to geometries, including
9 roadway width, shoulder width, and approach align-
10 ment, for the traffic demands on the bridge.

11 “(2) STRUCTURALLY DEFICIENT.—The term
12 ‘structurally deficient’ as used with respect to a
13 bridge means a bridge that has—

14 “(A) significant load-carrying elements
15 that are in poor or worse condition due to dete-
16 rioration or damage, or both; or

17 “(B) a waterway opening that is insuffi-
18 cient to the point of causing significant traffic
19 interruptions.

20 “(3) REHABILITATION.—The term ‘rehabilita-
21 tion’ means major work necessary to restore the
22 structural integrity of a bridge and work necessary
23 to correct a major safety defect.

24 “(4) REPLACEMENT.—The term ‘replacement’
25 as used with respect to a structurally deficient or

1 functionally obsolete bridge means a new facility
2 constructed in the same general traffic corridor that
3 meets the geometric, construction, and structural
4 standards, in effect at the time of such construction,
5 required for the types and volume of projected traf-
6 fic of the facility over its design life.”.

7 (g) TECHNICAL AMENDMENTS.—

8 (1) IN GENERAL.—Section 144 of such title is
9 amended—

10 (A) in the section heading by striking “**re-**
11 **placement and rehabilitation**”;

12 (B) in subsections (c)(1) and (e) by strik-
13 ing “Federal-aid system” each place it appears
14 and inserting “Federal-aid highway”;

15 (C) in subsections (c)(2) and (o) by strik-
16 ing “the Federal-aid system” each place it ap-
17 pears and inserting “Federal-aid highways”;

18 (D) in the heading to paragraph (4) of
19 subsection (d) by inserting “SYSTEMATIC” be-
20 fore “PREVENTIVE”;

21 (E) in subsection (e) by striking “off-sys-
22 tem bridges” each place it appears and insert-
23 ing “bridges not on Federal-aid highways”;

24 (F) by striking subsection (f);

1 (G) by redesignating subsections (g)
2 through (s) as subsections (f) through (r), re-
3 spectively;

4 (H) in paragraph (1)(A)(vi) of subsection
5 (f) (as redesignated by subparagraph (G) of
6 this paragraph) by inserting “, except that any
7 unobligated funds remaining upon completion of
8 the project under this clause shall be trans-
9 ferred to and used to carry out the project de-
10 scribed in clause (vii)” after “Vermont”;

11 (I) in paragraph (2) of subsection (f) (as
12 redesignated by subparagraph (G) of this para-
13 graph) by striking the paragraph heading and
14 inserting “BRIDGES NOT ON FEDERAL-AID
15 HIGHWAYS”;

16 (J) in subsection (m) (as redesignated by
17 subparagraph (G) of this paragraph) by strik-
18 ing the subsection heading and inserting “PRO-
19 GRAM FOR BRIDGES NOT ON FEDERAL-AID
20 HIGHWAYS”; and

21 (K) in paragraph (4)(B) of subsection (n)
22 (as redesignated by subparagraph (G) of this
23 paragraph) by striking “State highway agency”
24 and inserting “State transportation depart-
25 ment”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) METROPOLITAN PLANNING.—Section
3 104(f)(1) of such title is amended by striking
4 “replacement and rehabilitation”.

5 (B) EQUITY BONUS PROGRAM.—Sub-
6 sections (a)(2)(C) and (b)(2)(C) of section 105
7 of such title are amended by striking “replace-
8 ment and rehabilitation” each place it appears.

9 (C) ANALYSIS.—The analysis for chapter 1
10 of such title is amended in the item relating to
11 section 144 by striking “replacement and reha-
12 bilitation”.

13 (h) NATIONAL BRIDGE INVENTORY.—Not later than
14 one year after the date of enactment of this Act, the Sec-
15 retary shall take necessary actions to make information
16 contained in the national bridge inventory established
17 under section 144 of title 23, United States Code, more
18 readily available to the public.

19 **SEC. 3. NATIONAL BRIDGE INSPECTION PROGRAM.**

20 (a) NATIONAL BRIDGE INSPECTION STANDARDS.—
21 Section 151(a) of title 23, United States Code, is amended
22 by adding at the end the following: “The standards estab-
23 lished under this subsection shall be designed to ensure
24 uniformity among the States in the conduct of such in-
25 spections and evaluations.”.

1 (b) MINIMUM REQUIREMENTS OF INSPECTION
2 STANDARDS.—Section 151(b) of title 23, United States
3 Code, is amended—

4 (1) in paragraph (4) by striking “and” at the
5 end;

6 (2) in paragraph (5) by striking the period at
7 the end and inserting a semicolon; and

8 (3) by adding at the end the following:

9 “(6) establish procedures for conducting annual
10 compliance reviews of State inspections, quality con-
11 trol and quality assurance procedures, load ratings,
12 and weight limit postings of structurally deficient
13 highway bridges; and

14 “(7) establish standards for State bridge man-
15 agement systems to improve the bridge inspection
16 process and the quality of data collected and re-
17 ported by the States to the Secretary for inclusion
18 in the national bridge inventory.”.

19 (c) TRAINING PROGRAM FOR ALL BRIDGE INSPEC-
20 TORS.—Section 151(c) of such title is amended by adding
21 at the end the following: “The Secretary shall expand the
22 scope of the training program to ensure that all persons
23 conducting highway bridge inspections receive appropriate
24 training and certification under the program.”.

1 (d) FREQUENCY OF BRIDGE INSPECTIONS.—Section
2 151 of such title is amended—

3 (1) in subsection (b)(2) by inserting “in accord-
4 ance with subsection (d)” before the semicolon;

5 (2) by redesignating subsection (d) as sub-
6 section (e); and

7 (3) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) FREQUENCY OF BRIDGE INSPECTIONS.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the standards established under subsection (a), at a
12 minimum, shall provide for—

13 “(A) annual inspections of structurally de-
14 ficient highway bridges using the best prac-
15 ticable technologies and methods;

16 “(B) annual hands-on inspections of frac-
17 ture critical members, as such terms are de-
18 fined in section 650.305 of title 23, Code of
19 Federal Regulations (as in effect on the date of
20 enactment of this paragraph); and

21 “(C) biennial inspections of highway
22 bridges that have not been determined to be
23 structurally deficient.

24 “(2) EXTENSIONS.—Upon the request of a
25 State, the Secretary may extend, to a maximum pe-

1 riod of 4 years, the time between required inspec-
2 tions of a highway bridge that has not been deter-
3 mined to be structurally deficient if the Secretary
4 determines that—

5 “(A) the extension is appropriate based on
6 the age, design, traffic characteristics, and any
7 known deficiency of the bridge;

8 “(B) the extension is consistent with the 5-
9 year performance plan of the State approved
10 under section 144(d)(5)(B); and

11 “(C) granting the extension will increase
12 the overall safety of the State’s bridge inven-
13 tory.”.

14 (e) QUALIFICATIONS OF PROGRAM MANAGERS AND
15 TEAM LEADERS.—

16 (1) REVISION OF REGULATIONS.—Not later
17 than one year after the date of enactment of this
18 Act, the Secretary of Transportation shall revise reg-
19 ulations contained in section 650.309 of title 23,
20 Code of Federal Regulations, relating to the quali-
21 fications of State highway bridge inspection per-
22 sonnel, to require that, in addition to meeting the
23 qualifications identified in such section (as in effect
24 on the date of enactment of this Act)—

1 (A) an individual serving as the program
2 manager of a State be a professional engineer
3 licensed under the laws of that State; and

4 (B) an individual serving as a team leader
5 for a State be a professional engineer licensed
6 under the laws of that State or have at least 10
7 years of bridge inspection experience.

8 (2) **APPLICABILITY.**—The additional qualifica-
9 tion requirements specified in paragraphs (1)(A) and
10 (1)(B) shall apply only to an individual selected by
11 a State to serve as the program manager or a team
12 leader after the date of issuance of revised regula-
13 tions under paragraph (1).

14 (f) **EFFECTIVE DATE.**—Not later than one year after
15 the date of enactment of this Act, the Secretary shall mod-
16 ify national bridge inspection standards and modify the
17 training program for bridge inspectors in accordance with
18 the amendments made by this section.

19 **SEC. 4. SURFACE TRANSPORTATION RESEARCH.**

20 Section 502(d)(2) of title 23, United States Code, is
21 amended—

22 (1) in the matter preceding subparagraph (A)
23 by inserting “and enhance the safety” before “of
24 bridge structures”; and

1 (2) in subparagraph (B) by inserting before the
2 semicolon the following: “, including nondestructive
3 tests to assess the structural integrity of facilities”.

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) **IN GENERAL.**—There is authorized to be appro-
6 priated to carry out section 144 of title 23, United States
7 Code, \$1,000,000,000 for each of fiscal years 2008 and
8 2009.

9 (b) **APPORTIONMENT AND USE OF FUNDS.**—Funds
10 appropriated pursuant to subsection (a)—

11 (1) shall be apportioned among the States
12 under paragraphs (1) and (2) of section 144(e) of
13 such title;

14 (2) shall be used for the replacement and reha-
15 bilitation of structurally deficient highway bridges on
16 the National Highway System; and

17 (3) shall be available for obligation in the same
18 manner as other funds apportioned under chapter 1
19 of such title, except that such funds shall not be
20 transferable and shall remain available until ex-
21 pended.

22 (c) **LIMITATION.**—None of the funds appropriated
23 pursuant to subsection (a) may be earmarked by Congress

- 1 or any Federal department or agency for a specific project
- 2 or activity.

