

Union Calendar No. 476

110TH CONGRESS
2^D SESSION

H. R. 3999

[Report No. 110-750]

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

JULY 10, 2008

Additional sponsor: Mr. ELLISON

JULY 10, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

6 **SEC. 2. HIGHWAY BRIDGE PROGRAM.**

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

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

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

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

17 “(2) identify each bridge inventoried under
18 paragraph (1) that is structurally deficient or func-
19 tionally obsolete;

20 “(3) assign a risk-based priority for replace-
21 ment or rehabilitation of each such bridge after con-
22 sideration of safety, serviceability, and essentiality
23 for public use, including the potential impacts to re-
24 gional and national freight and passenger mobility if

1 the serviceability of the bridge is restricted or dimin-
2 ished; and

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

6 (2) PROCESS FOR ASSIGNING RISK-BASED PRI-
7 ORITIES.—

8 (A) DEADLINE FOR ESTABLISHMENT.—

9 After modifying national bridge inspection
10 standards in accordance with the amendments
11 made by section 3 and not later than 18
12 months after the date of enactment of this Act,
13 the Secretary shall establish a process for as-
14 signing risk-based priorities under section
15 144(b)(3) of title 23, United States Code, as
16 amended by paragraph (1) of this subsection.

17 (B) REPORT TO CONGRESS.—Not later
18 than 18 months after the date of enactment of
19 this Act, the Secretary shall submit to the Com-
20 mittee on Transportation and Infrastructure of
21 the House of Representatives and the Com-
22 mittee on Environment and Public Works of the
23 Senate a report containing a description of the
24 process for assigning risk-based priorities estab-
25 lished under subparagraph (A).

1 (C) INDEPENDENT REVIEW.—

2 (i) PARTICIPATION OF NATIONAL
3 ACADEMY OF SCIENCES.—Not later than
4 18 months after the date of enactment of
5 this Act, the Secretary shall enter into ap-
6 propriate arrangements with the National
7 Academy of Sciences to permit the Acad-
8 emy to conduct an independent review of
9 the process for assigning risk-based prior-
10 ities established under subparagraph (A).

11 (ii) REPORT TO CONGRESS.—Not later
12 than 2 years after the date of enactment
13 of this Act, the Academy shall submit a re-
14 port on the results of the review to the
15 Secretary, the Committee on Transpor-
16 tation and Infrastructure of the House of
17 Representatives, and the Committee on
18 Environment and Public Works of the Sen-
19 ate.

20 (iii) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There is authorized to be appro-
22 priated to carry out this subparagraph
23 \$2,000,000 for fiscal year 2008. Such
24 sums shall remain available until expended.

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

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

7 “(5) REQUIREMENTS FOR STATE PARTICIPA-
8 TION.—

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

12 “(i) not later than 2 years after the
13 date of enactment of this paragraph, and
14 at least once every 2 years thereafter (ex-
15 cept as otherwise provided by section
16 151(d)), to inspect all highway bridges de-
17 scribed in subsections (b) and (c) that are
18 located in the State in accordance with the
19 standards established under section 151
20 and provide updated information on such
21 bridges to the Secretary for inclusion in
22 the national bridge inventory;

23 “(ii) not later than 2 years after the
24 date of enactment of this paragraph, and
25 at least once every 2 years thereafter, to

1 calculate the load rating for highway
2 bridges located in the State that have a
3 structural deficiency in a load-carrying
4 member and ensure that the safe load-car-
5 rying capacities for such bridges are prop-
6 erly posted;

7 “(iii) to establish, not later than 2
8 years after the date of enactment of this
9 paragraph, and update annually, a 5-year
10 performance plan for—

11 “(I) the inspection of highway
12 bridges described in subsections (b)
13 and (c) that are located in the State;
14 and

15 “(II) the rehabilitation and re-
16 placement of any of such bridges that
17 are structurally deficient or function-
18 ally obsolete; and

19 “(iv) to establish and implement a
20 bridge management system that complies
21 with the standards established for such
22 systems under section 151.

23 “(B) APPROVAL OF PERFORMANCE
24 PLANS.—

1 “(i) SUBMISSION TO THE SEC-
2 RETARY.—A State that establishes a 5-
3 year performance plan under subparagraph
4 (A)(iii) shall submit the plan and each up-
5 date of the plan to the Secretary for ap-
6 proval.

7 “(ii) APPROVAL AND DISAPPROVAL.—
8 The Secretary shall approve or disapprove
9 each 5-year performance plan and update
10 submitted by a State under this subpara-
11 graph. If the Secretary disapproves a plan
12 or update, the Secretary shall inform the
13 State of the reasons for the disapproval
14 and shall require the State to resubmit the
15 plan or update with such modifications as
16 the Secretary determines necessary.”.

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

20 “(h) INFORMATION AND REPORTS.—

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

24 “(2) REPORTS TO CONGRESS.—Concurrently
25 with the President’s annual budget submission to

1 Congress under section 1105(a) of title 31, the Sec-
2 retary shall submit to the Committee on Transpor-
3 tation and Infrastructure of the House of Represent-
4 atives and the Committee on Environment and Pub-
5 lic Works of the Senate a report containing—

6 “(A) a description of projects and activities
7 approved under this section;

8 “(B) the information updated under para-
9 graph (1), including a description of the pri-
10 ority assigned, on a national basis and by State,
11 for the replacement or rehabilitation of each
12 structurally deficient or functionally obsolete
13 bridge on a Federal-aid highway;

14 “(C) a description of any project or activ-
15 ity carried out by a State under this section in
16 the preceding fiscal year that is inconsistent
17 with the priorities assigned by the Secretary
18 under subsection (b)(3); and

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

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

1 “(s) FLEXIBLE FUNDING.—Notwithstanding section
2 126 or any other provision of law, a State may transfer
3 funds apportioned to the State under this section for a
4 fiscal year to another apportionment of funds to the State
5 under this title only if the State demonstrates to the satis-
6 faction of the Secretary that the State has no structurally
7 deficient bridges on Federal-aid highways located in the
8 State.”.

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

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

13 “(1) FUNCTIONALLY OBSOLETE.—The term
14 ‘functionally obsolete’ as used with respect to a
15 bridge means a bridge that no longer meets current
16 design standards relating to geometrics, including
17 roadway width, shoulder width, and approach align-
18 ment, for the traffic demands on the bridge.

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

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

1 “(B) a waterway opening that is insuffi-
2 cient to the point of causing significant traffic
3 interruptions.

4 “(3) REHABILITATION.—The term ‘rehabilita-
5 tion’ means major work necessary to restore the
6 structural integrity of a bridge and work necessary
7 to correct a major safety defect.

8 “(4) REPLACEMENT.—The term ‘replacement’
9 as used with respect to a structurally deficient or
10 functionally obsolete bridge means a new facility
11 constructed in the same general traffic corridor that
12 meets the geometric, construction, and structural
13 standards, in effect at the time of such construction,
14 required for the types and volume of projected traf-
15 fic of the facility over its design life.”.

16 (g) TECHNICAL AMENDMENTS.—

17 (1) IN GENERAL.—Section 144 of such title is
18 amended—

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

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

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

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

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

10 (F) by striking subsection (f);

11 (G) by redesignating subsections (g)
12 through (s) as subsections (f) through (r), re-
13 spectively;

14 (H) in paragraph (1)(A)(vi) of subsection
15 (f) (as redesignated by subparagraph (G) of
16 this paragraph) by inserting “, except that any
17 unobligated funds remaining upon completion of
18 the project under this clause shall be trans-
19 ferred to and used to carry out the project de-
20 scribed in clause (vii)” after “Vermont”;

21 (I) in paragraph (2) of subsection (f) (as
22 redesignated by subparagraph (G) of this para-
23 graph) by striking the paragraph heading and
24 inserting “BRIDGES NOT ON FEDERAL-AID
25 HIGHWAYS”;

1 (J) in subsection (m) (as redesignated by
2 subparagraph (G) of this paragraph) by strik-
3 ing the subsection heading and inserting “PRO-
4 GRAM FOR BRIDGES NOT ON FEDERAL-AID
5 HIGHWAYS”; and

6 (K) in paragraph (4)(B) of subsection (n)
7 (as redesignated by subparagraph (G) of this
8 paragraph) by striking “State highway agency”
9 and inserting “State transportation depart-
10 ment”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) METROPOLITAN PLANNING.—Section
13 104(f)(1) of such title is amended by striking
14 “replacement and rehabilitation”.

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

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

23 (h) NATIONAL BRIDGE INVENTORY.—Not later than
24 one year after the date of enactment of this Act, the Sec-
25 retary shall take necessary actions to make information

1 contained in the national bridge inventory established
2 under section 144 of title 23, United States Code, more
3 readily available to the public.

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

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

11 (b) MINIMUM REQUIREMENTS OF INSPECTION
12 STANDARDS.—Section 151(b) of title 23, United States
13 Code, is amended—

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

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

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

19 “(6) establish procedures for conducting annual
20 compliance reviews of State inspections, quality con-
21 trol and quality assurance procedures, load ratings,
22 and weight limit postings of structurally deficient
23 highway bridges; and

24 “(7) establish standards for State bridge man-
25 agement systems to improve the bridge inspection

1 process and the quality of data collected and re-
2 ported by the States to the Secretary for inclusion
3 in the national bridge inventory.”.

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

10 (d) FREQUENCY OF BRIDGE INSPECTIONS.—Section
11 151 of such title is amended—

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

14 (2) by redesignating subsection (d) as sub-
15 section (e); and

16 (3) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) FREQUENCY OF BRIDGE INSPECTIONS.—

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

22 “(A) annual inspections of structurally de-
23 ficient highway bridges using the best prac-
24 ticable technologies and methods;

1 “(B) annual hands-on inspections of frac-
2 ture critical members, as such terms are de-
3 fined in section 650.305 of title 23, Code of
4 Federal Regulations (as in effect on the date of
5 enactment of this paragraph); and

6 “(C) biennial inspections of highway
7 bridges that have not been determined to be
8 structurally deficient.

9 “(2) EXTENSIONS.—Upon the request of a
10 State, the Secretary may extend, to a maximum pe-
11 riod of 4 years, the time between required inspec-
12 tions of a highway bridge that has not been deter-
13 mined to be structurally deficient if the Secretary
14 determines that—

15 “(A) the extension is appropriate based on
16 the age, design, traffic characteristics, and any
17 known deficiency of the bridge;

18 “(B) the extension is consistent with the 5-
19 year performance plan of the State approved
20 under section 144(d)(5)(B); and

21 “(C) granting the extension will increase
22 the overall safety of the State’s bridge inven-
23 tory.”.

24 (e) QUALIFICATIONS OF PROGRAM MANAGERS AND
25 TEAM LEADERS.—

1 (1) REVISION OF REGULATIONS.—Not later
2 than one year after the date of enactment of this
3 Act, the Secretary of Transportation shall revise reg-
4 ulations contained in section 650.309 of title 23,
5 Code of Federal Regulations, relating to the quali-
6 fications of State highway bridge inspection per-
7 sonnel, to require that, in addition to meeting the
8 qualifications identified in such section (as in effect
9 on the date of enactment of this Act)—

10 (A) an individual serving as the program
11 manager of a State be a professional engineer
12 licensed under the laws of that State; and

13 (B) an individual serving as a team leader
14 for a State be a professional engineer licensed
15 under the laws of that State or have at least 10
16 years of bridge inspection experience.

17 (2) APPLICABILITY.—The additional qualifica-
18 tion requirements specified in paragraphs (1)(A) and
19 (1)(B) shall apply only to an individual selected by
20 a State to serve as the program manager or a team
21 leader after the date of issuance of revised regula-
22 tions under paragraph (1).

23 (f) EFFECTIVE DATE.—Not later than one year after
24 the date of enactment of this Act, the Secretary shall mod-
25 ify national bridge inspection standards and modify the

1 training program for bridge inspectors in accordance with
2 the amendments made by this section.

3 **SEC. 4. SURFACE TRANSPORTATION RESEARCH.**

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

6 (1) in the matter preceding subparagraph (A)
7 by inserting “and enhance the safety” before “of
8 bridge structures”; and

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

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to carry out section 144 of title 23, United States
15 Code, \$1,000,000,000 for each of fiscal years 2008 and
16 2009.

17 (b) APPORTIONMENT AND USE OF FUNDS.—Funds
18 appropriated pursuant to subsection (a)—

19 (1) shall be apportioned among the States
20 under paragraphs (1) and (2) of section 144(e) of
21 such title;

22 (2) shall be used for the replacement and reha-
23 bilitation of structurally deficient highway bridges on
24 the National Highway System; and

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

6 (c) LIMITATION.—None of the funds appropriated
7 pursuant to subsection (a) may be earmarked by Congress
8 or any Federal department or agency for a specific project
9 or activity.

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