110TH CONGRESS
2D SESSION

S. 3338

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 SENATE OF THE UNITED STATES

JULY 25, 2008

Ms. KLOBUCHAR (for herself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Highway Bridge Reconstruction and Inspection Act of 2008''.

SEC. 2. HIGHWAY BRIDGE PROGRAM.

(a) BRIDGES ON FEDERAL-AID HIGHWAYS.—

(1) RISK-BASED PRIORITIZATION FOR REPLACEMENT AND REHABILITATION OF DEFICIENT BRIDGES.—Section 144 of title 23, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

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

''(1) inventory all bridges on Federal-aid highways that are bridges over waterways, other topographical barriers, other highways, and railroads;

''(2) identify each bridge inventoried under paragraph (1) that is structurally deficient or functionally obsolete;

''(3) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use and public safety, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

''(c) BRIDGES ON OTHER PUBLIC ROADS.—

''(1) INVENTORY OF BRIDGES.—The Secretary, in consultation with the States, shall—

''(A) 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;

''(B) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

''(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use and public safety, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

''(2) INVENTORY OF BRIDGES FOR HISTORIC SIGNIFICANCE.—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) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

''(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use and public safety, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.''.

(2) PROCESS FOR ASSIGNING RISK-BASED PRIORITIES.—

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

(B) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing a description of the process for assigning risk-based priorities established under subparagraph (A).

(C) INDEPENDENT REVIEW.—

(i) PARTICIPATION OF NATIONAL ACADEMY OF SCIENCES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to permit the Academy to conduct an independent review of the process for assigning risk-based priorities established under subparagraph (A).

(ii) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Academy shall submit a report on the results of the review to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

(b) APPORTIONMENT.—Section 144(e) of title 23, United States Code, is amended by adding at the end the following: ''In this subsection, the term 'deficient bridge' means a bridge that is structurally deficient or functionally obsolete.''.

(c) PARTICIPATION.—Section 144(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) REQUIREMENTS FOR STATE PARTICIPATION.—

''(A) IN GENERAL.—As a condition for providing assistance to a State under this section, the Secretary shall require the State to take the following actions:

''(i) INSPECTIONS.—Not later than 24 months after the date of enactment of this paragraph, and at least once every 24 months thereafter (except as otherwise provided by section 151(d)), the State shall inspect all highway bridges described in subsections (b) and (c) that are located in the State in accordance with the standards established under section 151 and provide updated information on such bridges to the

Secretary for inclusion in the national bridge inventory.

''(ii) CALCULATION OF LOAD RATINGS.—The State shall—

''(I) not later than 24 months after the date of enactment of this paragraph, calculate the load rating for all highway bridges described in subsections (b) and (c) that are located in the State;

''(II) at least once every 24 months thereafter, reevaluate and, as appropriate, recalculate the load rating for each such bridge; and

''(III) ensure that the safe load-carrying capacities for such bridges are properly posted.

''(iii) PERFORMANCE PLAN.—The State shall develop, not later than 24 months after the date of enactment of this paragraph, update annually, and implement a 5-year performance plan for—

''(I) the inspection of highway bridges described in subsections (b)

and (c) that are located in the State; and

"(II) the rehabilitation and replacement of any of such bridges that are structurally deficient or functionally obsolete.

"(iv) BRIDGE MANAGEMENT SYSTEM.—Notwithstanding section 303(c), the State shall develop and implement a bridge management system that meets the requirements of section 303.

"(B) APPROVAL OF PERFORMANCE PLANS.—

"(i) SUBMISSION TO THE SECRETARY.—A State that establishes a 5-year performance plan under subparagraph (A)(iii) shall submit the plan and each update of the plan to the Secretary for approval.

"(ii) CRITERIA FOR APPROVAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish criteria for the approval of performance plans and updates submitted under clause (i).

''(iii) APPROVAL AND DISAPPROVAL.—The Secretary shall approve or disapprove each 5-year performance plan and update submitted by a State under this subparagraph. If the Secretary disapproves a plan or update, the Secretary shall inform the State of the reasons for the disapproval and shall require the State to resubmit the plan or update with such modifications as the Secretary determines necessary.

''(C) HISTORIC BRIDGES.—

''(i) IN GENERAL.—A 5-year performance plan of a State under subparagraph (A)(iii) may provide for more frequent, in-depth inspection of a historic bridge located in the State in lieu of replacement of the bridge if the Secretary determines that—

''(I) it is appropriate based on the age, design, traffic characteristics, and any known deficiency of the bridge; and

''(II) granting the exception will increase the overall safety of the State's bridge inventory.

''(ii) HISTORIC BRIDGE DEFINED.—In this subparagraph, the term 'historic bridge' means any bridge that is listed on the National Register of Historic Places.''.

(d) INFORMATION AND REPORTS.—Section 144(h) of title 23, United States Code, is amended to read as follows:

''(h) INFORMATION AND REPORTS.—

''(1) UPDATES OF INFORMATION.—The Secretary shall annually revise, as necessary, the information required under subsections (b) and (c).

''(2) REPORTS TO CONGRESS.—Concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

''(A) a description of projects and activities approved under this section;

''(B) the information updated under paragraph (1), including a description of the priority assigned, on a national basis and by State, for the replacement or rehabilitation of each

structurally deficient or functionally obsolete bridge on a Federal-aid highway;

''(C) a description of any project or activity carried out by a State under this section in the preceding fiscal year that is inconsistent with the priorities assigned by the Secretary under subsection (b)(3), (c)(1)(C), and (c)(3)(C); and

''(D) such recommendations as the Secretary may have for improvements of the program authorized by this section.''.

(e) TRANSFERABILITY OF FUNDING.—Section 144 of title 23, United States Code, is amended by inserting after subsection (r) the following:

''(s) TRANSFERABILITY OF FUNDING.—Notwithstanding section 126 or any other provision of law, a State may transfer funds apportioned to the State under this section for a fiscal year to another apportionment of funds to the State under this title only if the State demonstrates to the satisfaction of the Secretary that there are not any bridges on the National Highway System located in the State that are eligible for replacement.''.

(f) DEFINITIONS.—Section 144 of title 23, United States Code, is further amended by adding at the end the following:

''(t) DEFINITIONS.—In this section, the following definitions apply:

''(1) FUNCTIONALLY OBSOLETE.—The term 'functionally obsolete' as used with respect to a bridge means a bridge that no longer meets current design standards relating to geometrics, including roadway width, shoulder width, and approach alignment, for the traffic demands on the bridge.

''(2) STRUCTURALLY DEFICIENT.—The term 'structurally deficient' as used with respect to a bridge means a bridge that has—

''(A) significant load-carrying elements that are in poor or worse condition due to deterioration or damage, or both;

''(B) a load capacity that is significantly below current truckloads and that requires replacement; or

''(C) a waterway opening causing frequent flooding of the bridge deck and approaches resulting in significant traffic interruptions.

''(3) REHABILITATION.—The term 'rehabilitation' means major work necessary to restore the structural integrity of a bridge and work necessary to correct a major safety defect.

''(4) REPLACEMENT.—The term 'replacement' as used with respect to a structurally deficient or functionally obsolete bridge means a new facility constructed in the same general traffic corridor that meets the geometric, construction, and structural standards, in effect at the time of such construction, required for the types and volume of projected traffic of the facility over its design life.''.

(g) NATIONAL BRIDGE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall take necessary actions to make information contained in the national bridge inventory established under section 144 of title 23, United States Code, more readily available to the public, including actions to make the information easier to understand.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

SEC. 3. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) NATIONAL BRIDGE INSPECTION STANDARDS.—Section 151(a) of title 23, United States Code, is amended by adding at the end the following: ''The standards estab-

lished under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.''.

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

(1) in paragraph (4) by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(6) establish procedures for conducting annual compliance reviews of State inspections, quality control and quality assurance procedures, load ratings, and weight limit postings of structurally deficient highway bridges;

''(7) establish procedures for States to follow in reporting to the Secretary—

''(A) critical findings relating to structural or safety-related deficiencies of highway bridges; and

''(B) monitoring activities and corrective actions taken in response to such a finding; and

''(8) provide for testing with a state-of-the-art technology that detects growth activity of fatigue

cracks as small as 0.01 inches on steel bridges exhibiting fatigue damage or bridges with fatigue susceptible members.''.

(c) REGULATIONS ON CRITICAL FINDINGS OF BRIDGE DEFICIENCIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations establishing procedures to be used by States in reporting critical findings of bridge deficiencies, and subsequent monitoring activities and corrective actions, to the Secretary in accordance with the standards to be established under section 151(b)(7) of title 23, United States Code, as added by subsection (b)(3) of this section.

(2) CONTENTS.—Regulations to be issued under paragraph (1) shall—

(A) establish a uniform definition of the term ''critical finding'';

(B) establish deadlines for State reporting of critical finding determinations to the Secretary;

(C) establish requirements for monitoring and follow-up actions and reporting following a critical finding determination; and

(D) provide for enhanced training of bridge inspectors relating to critical findings.

(d) TRAINING PROGRAM FOR ALL BRIDGE INSPECTORS.—Section 151(c) of title 23, United States Code, is amended by adding at the end the following: ''The Secretary shall expand the scope of the training program to ensure that all persons conducting highway bridge inspections receive appropriate training and certification under the program.''.

(e) FREQUENCY OF BRIDGE INSPECTIONS.—Section 151 of title 23, United States Code, is amended—

(1) in subsection (b)(2) by inserting ''in accordance with subsection (d)'' before the semicolon;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) FREQUENCY OF BRIDGE INSPECTIONS.—

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

''(A) annual inspections of structurally deficient highway bridges using the best practicable technologies and methods;

"(B) annual in depth inspections of fracture critical members, as such terms are defined in section 650.305 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(C) biennial inspections of highway bridges that have not been determined to be structurally deficient.

"(2) EXTENSIONS.—Upon the request of a State, the Secretary may extend, to a maximum period of 48 months, the time between required inspections of a highway bridge that has not been determined to be structurally deficient if the Secretary determines that—

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

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

"(C) granting the extension will increase the overall safety of the State's bridge inventory.".

(f) QUALIFICATIONS OF PROGRAM MANAGERS AND TEAM LEADERS.—

(1) REVISION OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall revise regulations contained in section 650.309 of title 23, Code of Federal Regulations, relating to the qualifications of highway bridge inspection personnel, to require that, in addition to meeting the qualifications identified in such section (as in effect on the date of enactment of this Act)—

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

(B) an individual serving as a team leader for a State for the inspection of complex bridges or follow-up inspections of bridges for which there has been a critical finding be a licensed professional engineer; and

(C) an individual serving as a team leader for a State for the inspection of all other bridges be a licensed professional engineer or have at least 10 years of bridge inspection experience.

(2) APPLICABILITY.—The additional qualification requirements specified in paragraphs (1)(A), (1)(B), and (1)(C) shall apply only to an individual

selected by a State to serve as the program manager or a team leader after the date of issuance of revised regulations under paragraph (1).

(3) COMPLEX BRIDGE DEFINED.—In this subsection, the term ''complex bridge'' means a highway bridge with unusual characteristics, including movable, suspension, and cable-stayed highway bridges.

(g) EFFECTIVE DATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall modify national bridge inspection standards and modify the training program for bridge inspectors in accordance with the amendments made by this section.

(h) REPORT TO CONGRESS.—Not later than 15 days after a critical finding determination is made by a State which results in the closure of a bridge, the Secretary of Transportation shall report to the appropriate Committees of Congress regarding the impact, including the economic impact, on regional transportation and transit that will result from the such bridge closure and recommend solutions to mitigate such impact.

SEC. 4. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall conduct a study and report its findings to the Secretary of Transportation regarding—

(1) the identification of factors that contribute to construction delays of bridge rehabilitation; and

(2) any recommendations the Comptroller General may have to simplify and expedite the construction of bridges that are to be rehabilitated.

SEC. 5. SURFACE TRANSPORTATION RESEARCH.

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

(1) in paragraph (2) in the matter preceding subparagraph (A) by inserting ''and enhance the safety'' before ''of bridge structures''; and

(2) in paragraph (4) by striking ''for use with existing infrastructure facilities and with next-generation infrastructure facilities'' and inserting ''for assessing the structural integrity of existing infrastructure facilities and next-generation infrastructure facilities''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out section 144 of title 23, United States Code, $1,000,000,000 for fiscal year 2009.

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

(1) shall be apportioned among the States under paragraphs (1) and (2) of section 144(e) of title 23, United States Code;

(2) shall be used for the replacement and rehabilitation of structurally deficient highway bridges on the National Highway System; and

(3) shall be available for obligation in the same manner as other funds apportioned under chapter 1 of title 23, United States Code, except that such funds shall not be transferable and shall remain available until expended.

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

(d) COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.—None of the funds appropriated pursuant to subsection (a) may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

SEC. 7. BRIDGE ADVANCED CONDITION ASSESSMENT PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program to

evaluate the effectiveness, accuracy, and reliability of the use of advanced condition assessment inspection processes and technologies (including fiber optic, vibrating wire, acoustical emissions, and peak strain displacement technologies) in monitoring and evaluating the structural health of a highway bridge. Technologies evaluated under the pilot program shall be real-time sensing technologies that record objective data to determine accurate conditions assessments of critical bridge elements.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to States to conduct projects under the pilot program.

(2) APPLICATIONS.—A State seeking a grant under the pilot program shall submit an application to the Secretary in such form and containing such information as the Secretary may require by regulation.

(c) ELIGIBILITY.—

(1) SELECTION OF HIGHWAY BRIDGES.—

(A) IN GENERAL.—In awarding grants under the pilot program, the Secretary shall select not more than 15 highway bridges in not more than 5 States for participation in the program.

(B) BRIDGE REQUIREMENTS.—The Secretary may select a highway bridge under subparagraph (A) only if the bridge is—

(i) as of the date of enactment of this Act, classified as structurally deficient under section 144 of title 23, United States Code;

(ii) a nonredundant, fracture critical structure; and

(iii) greater than 200 feet in length.

(2) SELECTION AND USE OF TECHNOLOGIES.—

(A) IN GENERAL.—The Secretary shall select no fewer than 2 types of real-time, in-service, sensor-based, commercially-available, advanced-condition assessment technologies to be used in the pilot program.

(B) DURATION OF REAL-TIME DATA COLLECTION.—The duration of real-time data collection from each highway bridge selected for participation in the pilot program shall be not less than 1 year.

(C) USE OF CALIBRATED FINITE ELEMENT ANALYSIS MODEL.—At least one-half of the highway bridges selected for participation in the pilot program shall also be evaluated using a

calibrated finite element analysis model of the bridge, based upon data from the advanced condition assessment technologies.

(d) FEDERAL SHARE.—The Federal share payable on account of a project carried out under the pilot program shall be 80 percent of the cost of the project.

(e) DURATION OF THE PILOT PROGRAM.—The Secretary shall carry out the pilot program for a period of 2 fiscal years.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of the pilot program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness and benefits of the pilot program carried out under this section.

(2) CONTENTS.—The report shall describe, at a minimum—

(A) the cost effectiveness of the technologies and processes selected;

(B) the objectivity, reliability, and accuracy of the technologies and processes employed in

providing condition assessments of the highway bridge;

(C) the quality of the data collected and measured; and

(D) any recommendations for improving or expanding the pilot program or the use of structural health monitoring technologies or processes, including a suggested plan for wider adoption based on potential highway bridge repair and replacement savings by the Federal Government and State governments.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

(h) AVAILABILITY OF AMOUNTS.—Amounts appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under chapter 1 of title 23, United States Code, except that such funds shall not be transferable and shall remain available until expended.

SEC. 8. EFFECTIVENESS OF BRIDGE RATING SYSTEM.

(a) STUDY.—The Comptroller General shall conduct a study of the effectiveness of the bridge rating system of the Federal Highway Administration, including the use of the terms ''structurally deficient'' and ''functionally ob-

solete'' to describe the condition of highway bridges in the United States.

(b) EVALUATION OF STATE SYSTEMS.—In conducting the study, the Comptroller General shall evaluate bridge rating systems used by State departments of transportation and provide recommendations on how successful aspects of such bridge rating systems may be incorporated into the bridge rating system of the Federal Highway Administration.

(c) REPORT.—Not later than February 1, 2009, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the results of the study.

SEC. 9. USE OF CARBON FIBER COMPOSITE MATERIALS IN BRIDGE REPLACEMENT AND REHABILITATION PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the cost benefits of using carbon fiber composite materials in bridge replacement and rehabilitation projects instead of traditional construction materials.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of

the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

SEC. 10. SENSE OF CONGRESS.

It is the sense of Congress that each State should prepare a corrosion mitigation and prevention plan, for a project for construction, replacement, or rehabilitation of a bridge, that includes the following:

(1) An estimate of the expected useful life of the bridge.

(2) An estimate of environmental exposure of the bridge, including marine, deicer application, industrial, rural, rainfall, temperature, freeze-thaw, and other factors that influence corrosion prevention and corrosion mitigation strategies.

(3) An identification of the functional classification of the bridge.

(4) Details of corrosion mitigation and prevention methods that will be used with respect to the bridge, taking into account—

(A) material selection;

(B) coating considerations;

(C) cathodic protection considerations;

(D) design considerations for corrosion; and

(E) concrete requirements.

(5) Details of a project maintenance program for the life of the bridge.

(6) A certification that the plan was developed by the State or States and approved by a corrosion expert.

(7) A certification that each individual conducting inspections of Federal-aid highway bridges in the State or States receives training from a corrosion expert.

SEC. 11. FLOOD RISKS TO BRIDGES.

(a) STUDY.—The Secretary of Transportation, in consultation with the States, shall conduct a study of the risks posed by floods to bridges on Federal-aid highways, bridges on other public roads, bridges on Indian reservations, and park bridges that are located in a 500-year floodplain.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall give consideration to safety, serviceability, essentiality for public use, and public safety, including the potential impacts to regional and national freight and passenger mobility if the serviceability of a bridge is restricted or diminished.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to

the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

SEC. 12. NATIONAL TUNNEL INSPECTION PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 149 the following:

"§ 150. National tunnel inspection program

''(a) NATIONAL TUNNEL INSPECTION STANDARDS.—The Secretary, in consultation with State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels. The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.

''(b) MINIMUM REQUIREMENTS FOR INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

''(1) specify, in detail, the method by which highway tunnel inspections shall be carried out by the States;

''(2) establish the maximum time period between the inspections based on a risk-management approach;

''(3) establish the qualifications for those charged with carrying out the inspections;

''(4) require each State to maintain and make available to the Secretary upon request—

''(A) written reports on the results of the inspections together with notations of any action taken pursuant to the findings of the inspections; and

''(B) current inventory data for all highway tunnels located in the State reflecting the findings of the most recent highway tunnel inspections conducted;

''(5) establish procedures for national certification of highway tunnel inspectors;

''(6) establish procedures for conducting annual compliance reviews of State inspections and State implementation of quality control and quality assurance procedures; and

''(7) establish standards for State tunnel management systems to improve the tunnel inspection process and the quality of data collected and reported by the States to the Secretary for inclusion

in the national tunnel inventory to be established under this section.

''(c) TRAINING AND CERTIFICATION PROGRAM FOR TUNNEL INSPECTORS.—The Secretary, in cooperation with State transportation departments, shall establish a program designed to ensure that all individuals carrying out highway tunnel inspections receive appropriate training and certification. Such program shall be revised from time to time to take into account new and improved techniques.

''(d) NATIONAL TUNNEL INVENTORY.—The Secretary shall establish a national inventory of highway tunnels reflecting the findings of the most recent highway tunnel inspections conducted by States under this section.

''(e) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of sections 104(a) and 502.''.

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(1) of title 23, United States Code, is amended by inserting '', tunnels that are eligible for assistance under this title (including safety inspection of such tunnels),'' after ''highways)''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by

inserting after the item relating to section 149 the following:

"150. National tunnel inspection program.".

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