

117TH CONGRESS
1ST SESSION

H. R. 3718

To amend title 23, United States Code, to direct States to obligate certain funding to repair, improve, rehabilitate, or replace bridges to improve the safety, efficiency, and reliability of the movement of people and freight over bridge crossings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. GRAVES of Louisiana, Mr. BLUMENAUER, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to direct States to obligate certain funding to repair, improve, rehabilitate, or replace bridges to improve the safety, efficiency, and reliability of the movement of people and freight over bridge crossings, 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 “Bridge Investment Act
5 of 2021”.

1 **SEC. 2. BRIDGE INVESTMENT.**

2 (a) IN GENERAL.—Section 144 of title 23, United
3 States Code, is amended—

4 (1) in the section heading by striking “National
5 bridge and tunnel inventory and inspection stand-
6 ards” and inserting “Bridges and tunnels”;

7 (2) in subsection (a)(1)(B) by striking “defi-
8 cient”;

9 (3) in subsection (b)(5) by striking “struc-
10 turally deficient bridge” and inserting “bridge classi-
11 fied as in poor condition”;

12 (4) in subsection (d)—

13 (A) in paragraph (2) by striking “Not
14 later than 2 years after the date of enactment
15 of the MAP-21, each” and inserting “Each”;
16 and

17 (B) by striking paragraph (4);

18 (5) in subsection (j) in paragraph (5) by strik-
19 ing “financial characteristics” and all that follows
20 through the end and inserting “Federal share.”; and

21 (6) by adding at the end the following:

22 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
23 BILITATION.—

24 “(1) GOALS.—The goals of this subsection shall
25 be to—

1 “(A) support the achievement of a state of
2 good repair for the Nation’s bridges;

3 “(B) improve the safety, efficiency, and re-
4 liability of the movement of people and freight
5 over bridges; and

6 “(C) improve the condition of bridges in
7 the United States by reducing—

8 “(i) the number of bridges—

9 “(I) in poor condition; or

10 “(II) in fair condition and at risk
11 of falling into poor condition;

12 “(ii) the total person miles traveled
13 over bridges—

14 “(I) in poor condition; or

15 “(II) in fair condition and at risk
16 of falling into poor condition;

17 “(iii) the number of bridges that—

18 “(I) do not meet current geo-
19 metric design standards; or

20 “(II) cannot meet the load and
21 traffic requirements typical of the re-
22 gional transportation network; and

23 “(iv) the total person miles traveled
24 over bridges that—

1 “(I) do not meet current geo-
2 metric design standards; or

3 “(II) cannot meet the load and
4 traffic requirements typical of the re-
5 gional transportation network.

6 “(2) BRIDGES ON PUBLIC ROADS.—

7 “(A) MINIMUM BRIDGE INVESTMENT.—
8 Excluding the amounts described in subpara-
9 graph (C), of the total funds apportioned to a
10 State under paragraphs (1) and (2) of section
11 104(b) for fiscal years 2022 to 2025, a State
12 shall obligate not less than 20 percent for
13 projects described in subparagraph (E).

14 “(B) PROGRAM FLEXIBILITY.—A State re-
15 quired to obligate funds under subparagraph
16 (A) may use any combination of funds appor-
17 tioned to a State under paragraphs (1) and (2)
18 of section 104(b).

19 “(C) LIMITATION.—Amounts described
20 below may not be used for the purposes of cal-
21 culating or meeting the minimum bridge invest-
22 ment requirement under subparagraph (A)—

23 “(i) amounts described in section
24 133(d)(1)(A);

1 “(ii) amounts set aside under section
2 133(h); and

3 “(iii) amounts described in section
4 505(a).

5 “(D) RULE OF CONSTRUCTION.—Nothing
6 in this section shall be construed to prohibit the
7 expenditure of funds described in subparagraph
8 (C) for bridge projects eligible under such sec-
9 tion.

10 “(E) ELIGIBLE PROJECTS.—Funds re-
11 quired to be obligated in accordance with para-
12 graph (2)(A) may be obligated for projects or
13 activities that—

14 “(i) are otherwise eligible under either
15 section 119 or section 133, as applicable;

16 “(ii) provide support for the condition
17 and performance of bridges on public roads
18 within the State; and

19 “(iii) remove a bridge classified as in
20 poor condition in order to improve commu-
21 nity connectivity, or replace, reconstruct,
22 rehabilitate, preserve, or protect a bridge
23 included on the national bridge inventory
24 authorized by subsection (b), including
25 through—

1 “(I) seismic retrofits;

2 “(II) systematic preventive main-
3 tenance;

4 “(III) installation of scour coun-
5 termeasures;

6 “(IV) the use of innovative mate-
7 rials that extend the service life of the
8 bridge and reduce preservation costs,
9 as compared to conventionally de-
10 signed and constructed bridges;

11 “(V) the use of nontraditional
12 production techniques, including fac-
13 tory prefabrication;

14 “(VI) painting for purposes of
15 bridge protection;

16 “(VII) application of calcium
17 magnesium acetate, sodium acetate/
18 formate, or other environmentally ac-
19 ceptable, minimally corrosive anti-
20 icing and deicing compositions;

21 “(VIII) corrosion control;

22 “(IX) construction of protective
23 features (including natural infrastruc-
24 ture) alone or in combination with
25 other activities eligible under this

1 paragraph to enhance resilience of a
2 bridge;

3 “(X) bridge security counter-
4 measures;

5 “(XI) impact protection meas-
6 ures for bridges;

7 “(XII) inspection and evaluation
8 of bridges; and

9 “(XIII) training for bridge in-
10 spectors consistent with subsection (i).

11 “(F) BUNDLES OF PROJECTS.—A State
12 may use a bundle of projects as described in
13 subsection (j) to satisfy the requirements of
14 subparagraph (A), if each project in the bundle
15 is otherwise eligible under subparagraph (E).

16 “(G) FLEXIBILITY.—The Secretary may,
17 at the request of a State, reduce the required
18 obligation under subparagraph (A) if—

19 “(i) the reduction is consistent with a
20 State’s asset management plan for the Na-
21 tional Highway System;

22 “(ii) the reduction will not limit a
23 State’s ability to improve the condition and
24 performance of bridges on public roads
25 within the State; and

1 “(iii) the State demonstrates that it
2 has inadequate needs to justify the expend-
3 iture.

4 “(H) CONSIDERATIONS.—In selecting
5 bridge projects, States shall consider—

6 “(i) the average amount of people and
7 freight supported by the eligible project;

8 “(ii) the extent to which the eligible
9 project demonstrates cost savings by bun-
10 dling multiple bridge projects;

11 “(iii) geographic diversity among
12 projects, including the need for a balance
13 between the needs of rural and urban com-
14 munities;

15 “(iv) the extent to which an eligible
16 project improves intermodal freight trans-
17 portation; and

18 “(v) whether the project serves as
19 part of a State or Federal evacuation
20 route.

21 “(I) BRIDGE INVESTMENT REPORT.—The
22 Secretary shall annually publish on the website
23 of the Department of Transportation a bridge
24 investment report that includes—

1 “(i) the total Federal funding obli-
2 gated for bridge projects in the most re-
3 cent fiscal year, on a State-by-State basis
4 and broken out by Federal program;

5 “(ii) the total Federal funding obli-
6 gated, on a State-by-State basis and bro-
7 ken out by Federal program, for bridge
8 projects carried out pursuant to the min-
9 imum bridge investment requirements
10 under subparagraph (A);

11 “(iii) the progress made by each State
12 toward meeting the minimum bridge in-
13 vestment requirement under subparagraph
14 (A) for such State, both cumulatively and
15 for the most recent fiscal year;

16 “(iv) the total Federal funding obli-
17 gated for bridge projects, broken out by
18 rural and urban area;

19 “(v) the total Federal funding obli-
20 gated for bridge projects on off-system
21 bridges;

22 “(vi) a summary of—

23 “(I) each request made under
24 subparagraph (G) by a State for a re-
25 duction in the minimum bridge invest-

1 ment requirement under subpara-
2 graph (A); and

3 “**(II)** for each request described
4 in subclause (I) that is granted by the
5 Secretary—

6 “**(aa)** the percentage and
7 dollar amount of the reduction;
8 and

9 “**(bb)** an explanation of how
10 the State met each of the criteria
11 described in subparagraph (G);
12 and

13 “**(vii)** a summary of—

14 “**(I)** each request made by a
15 State for a reduction in the obligation
16 requirements under section 133(f);
17 and

18 “**(II)** for each request that is
19 granted by the Secretary—

20 “**(aa)** the percentage and
21 dollar amount of the reduction;
22 and

23 “**(bb)** an explanation of how
24 the Secretary made the deter-

1 mination under section
2 133(f)(2)(B).

3 “(J) OFF-SYSTEM BRIDGES.—A State may
4 apply amounts obligated under this subsection
5 or section 133(f)(2)(A) to the obligation re-
6 quirements of both this subsection and section
7 133(f).

8 “(K) NHS PENALTY.—A State may apply
9 amounts obligated under this subsection or sec-
10 tion 119(f)(2) to the obligation requirements of
11 both this subsection and section 119(f)(2).

12 “(L) COMPLIANCE.—If a State fails to sat-
13 isfy the requirements of subparagraph (A) by
14 the end of fiscal year 2025, the Secretary may
15 subject the State to appropriate program sanc-
16 tions under section 1.36 of title 23, Code of
17 Federal Regulations (or successor regula-
18 tions).”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code, is amended by strik-
21 ing the item relating to section 144 and inserting the fol-
22 lowing:

“144. Bridges and tunnels.”.

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