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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To permit the Secretary of Transportation to approve Federal participation in the replacement or rehabilitation of certain bridges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To permit the Secretary of Transportation to approve Federal participation in the replacement or rehabilitation of certain bridges, 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 “Fixing America’s
5 Bridges Act”.

1 **SEC. 2. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**
2 **TATION PROGRAM.**

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

5 (1) in the section heading by striking “**Na-**
6 **tional bridge and tunnel inventory and**
7 **inspection standards**” and inserting “**High-**
8 **way bridge replacement and rehabilita-**
9 **tion**”; and

10 (2) by adding at the end the following:

11 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
12 BILITATION PROGRAM.—

13 “(1) PARTICIPATION.—On application by a
14 State or States to the Secretary for assistance for
15 one or more highway bridges that have been deter-
16 mined to be eligible for replacement or rehabilitation
17 under subsection (b), the Secretary may approve
18 Federal participation in—

19 “(A) replacing a bridge with a comparable
20 facility; or

21 “(B) rehabilitating a bridge.

22 “(2) TYPES OF ASSISTANCE.—On application
23 by a State or States to the Secretary, the Secretary
24 may approve Federal assistance for any of the fol-
25 lowing activities for a highway bridge that has been

1 determined to be eligible for replacement or rehabili-
2 tation under subsection (b):

3 “(A) Painting.

4 “(B) Seismic retrofit.

5 “(C) Systematic preventive maintenance.

6 “(D) Installation of scour countermea-
7 sures.

8 “(E) Application of calcium magnesium ac-
9 etate, sodium acetate/formate, or other environ-
10 mentally acceptable, minimally corrosive anti-
11 icing and de-icing compositions.

12 “(3) BASIS FOR DETERMINATION.—The Sec-
13 retary shall determine the eligibility of highway
14 bridges for replacement or rehabilitation for each
15 State based on highway bridges found to be in poor
16 condition in the State.

17 “(4) SPECIAL RULE FOR PREVENTIVE MAINTEN-
18 NANCE.—Notwithstanding any other provision of
19 this subsection, a State may carry out a project
20 under paragraph (2)(B), (2)(C), or (2)(D) for a
21 highway bridge without regard to whether the bridge
22 is eligible for replacement or rehabilitation under
23 this section.

24 “(5) APPORTIONMENT.—

1 “(A) IN GENERAL.—Funds authorized to
2 carry out this section shall be apportioned
3 among the several States on October 1 of the
4 fiscal year for which authorized in accordance
5 with this subsection.

6 “(B) CATEGORIES OF DEFICIENCY.—Each
7 deficient bridge shall be placed into one of the
8 following categories:

9 “(i) Federal-aid system bridges eligi-
10 ble for replacement.

11 “(ii) Federal-aid system bridges eligi-
12 ble for rehabilitation.

13 “(iii) Off-system bridges eligible for
14 replacement.

15 “(iv) Off-system bridges eligible for
16 rehabilitation.

17 “(C) CALCULATION OF APPORTION-
18 MENT.—

19 “(i) IN GENERAL.—The deck area of
20 deficient bridges in each category shall be
21 multiplied by the respective unit price on a
22 State-by-State basis, as determined by the
23 Secretary, and the total cost in each State
24 divided by the total cost of the deficient

1 bridges in all States shall determine the
2 apportionment factors.

3 “(ii) DETERMINATIONS.—The Sec-
4 retary shall make determinations under
5 clause (i) using the latest available data,
6 which shall be updated annually.

7 “(D) SPECIAL RULE FOR APPORTION-
8 MENT.—If a State transfers funds apportioned
9 to the State under this section in a fiscal year
10 beginning after September 30, 2019, to any
11 other apportionment of funds to such State
12 under this title, the total cost of deficient
13 bridges in such State and in all States to be de-
14 termined for the succeeding fiscal year shall be
15 reduced by the amount of such transferred
16 funds.

17 “(E) LIMITATION OF APPORTIONMENT.—
18 No State shall receive more than 10 percent or
19 less than 0.25 percent of the total appor-
20 tionment for any one fiscal year.

21 “(F) AVAILABILITY OF FUNDS.—Funds
22 apportioned under this section shall be available
23 for expenditure for the period specified in sec-
24 tion 118(b).

1 “(G) REAPPORTIONMENT OF FUNDS.—Any
2 funds not obligated at the expiration of the pe-
3 riod described in subparagraph (F) shall be re-
4 apportioned by the Secretary to the other
5 States in accordance with this subsection.

6 “(H) SPECIAL RULE FOR USE OF
7 FUNDS.—The use of funds authorized under
8 this section to carry out a project for the seis-
9 mic retrofit of a bridge shall not affect the ap-
10 portionment of funds under this section.

11 “(6) SET-ASIDE FOR OFF-SYSTEM BRIDGES.—

12 “(A) IN GENERAL.—Not less than 20 per-
13 cent of the amount apportioned to each State in
14 each fiscal year shall be expended for projects
15 to replace, rehabilitate, paint, perform system-
16 atic preventive maintenance or seismic retrofit
17 of, or apply calcium magnesium acetate, sodium
18 acetate/formate, or other environmentally ac-
19 ceptable, minimally corrosive anti-icing and de-
20 icing compositions to, or install scour counter-
21 measures to, highway bridges located on public
22 roads, other than those on a Federal-aid high-
23 way.

24 “(B) REDUCTION OF EXPENDITURES.—
25 The Secretary, after consultation with State

1 and local officials, may reduce the requirement
2 for expenditure for bridges not on a Federal-aid
3 highway under subparagraph (A) with respect
4 to the State if the Secretary determines that
5 the State has inadequate needs to justify the
6 expenditure.

7 “(7) INVENTORIES AND REPORTS.—The Sec-
8 retary shall—

9 “(A) biennially report to the Committee on
10 Environment and Public Works of the Senate
11 and the Committee on Transportation and In-
12 frastructure of the House of Representatives on
13 projects approved under this section;

14 “(B) annually revise the current inven-
15 tories authorized by subsection (b) of this sec-
16 tion;

17 “(C) biennially report to such committees
18 on such inventories; and

19 “(D) biennially report to such committees
20 such recommendations as the Secretary may
21 have for improvements of the program author-
22 ized by this section.

23 “(8) FAIR AND EQUITABLE BASIS.—Sums ap-
24 portioned to a State under this section shall be made

1 available for obligation throughout such State on a
2 fair and equitable basis.

3 “(9) PERIODIC REVIEW OF APPLICATION PRO-
4 CEDURES.—

5 “(A) IN GENERAL.—Not later than 6
6 months after the date of enactment of this sub-
7 section, and periodically thereafter, the Sec-
8 retary shall review the procedure used in ap-
9 proving or disapproving applications submitted
10 under this section to determine what changes,
11 if any, may be made to expedite such proce-
12 dure.

13 “(B) IMPLEMENTATION OF CHANGES.—
14 The Secretary shall implement the changes de-
15 termined under subparagraph (A) as soon as
16 possible.

17 “(C) REPORT TO CONGRESS.—Not later
18 than 9 months after the date of enactment of
19 this subsection, the Secretary shall submit a re-
20 port to Congress which describes such review
21 and such changes, including any recommenda-
22 tions for legislative changes.

23 “(10) CREDIT FOR BRIDGES NOT ON FEDERAL-
24 AID HIGHWAYS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, with respect to any
3 project not on a Federal-aid highway for the re-
4 placement of a bridge or rehabilitation of a
5 bridge that is wholly funded from State and
6 local sources, is eligible for Federal funds under
7 this section, is noncontroversial, is certified by
8 the State to have been carried out in accord-
9 ance with all standards applicable to such
10 projects under this section, and is determined
11 by the Secretary upon completion to be no
12 longer a deficient bridge any amount expended
13 after the date of enactment of this subsection
14 from State and local sources for the project in
15 excess of 20 percent of the cost of construction
16 of the project may be credited to the non-Fed-
17 eral share of the cost of other bridge projects
18 in the State that are eligible for Federal funds
19 under this section.

20 “(B) CREDITING.—Crediting described
21 under subparagraph (A) shall be conducted in
22 accordance with procedures established by the
23 Secretary.

24 “(11) DEFINITIONS.—In this section:

1 “(A) The term ‘rehabilitate’ means per-
2 forming major work necessary to restore the
3 structural integrity of a bridge as well as work
4 necessary to correct a major safety defect.

5 “(B) The term ‘rehabilitation’ means
6 major work necessary to restore the structural
7 integrity of a bridge as well as work necessary
8 to correct a major safety defect.

9 “(12) FEDERAL SHARE.—Notwithstanding sec-
10 tion 120, the Federal share of the cost of a project
11 carried out under this subsection shall be 90 per-
12 cent.

13 “(13) TREATMENT OF OFF-SYSTEM BRIDGE
14 PROJECTS.—Notwithstanding any other provision of
15 law, off-system bridge projects funded in whole, or
16 in part, under paragraphs (5) or (6) shall be treated
17 as projects on a Federal-aid highway under this
18 chapter.

19 “(14) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated such sums as
21 may be necessary to carry out this subsection.”.

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

“144. Highway bridge replacement and rehabilitation.”.

1 (c) SURFACE TRANSPORTATION BLOCK GRANT PRO-
2 GRAM.—Section 133(f) of title 23, United States Code, is
3 repealed.