116TH CONGRESS
1ST SESSION

H. R. 4591

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

OCTOBER 1, 2019

Ms. FINKENAUER (for herself and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

SEC. 2. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM.

(a) In General.—Section 144 of title 23, United States Code, is amended—
(1) in the section heading by striking “National bridge and tunnel inventory and inspection standards” and inserting “Highway bridge replacement and rehabilitation”; and

(2) by adding at the end the following:

“(l) Highway Bridge Replacement and Rehabilitation Program.—

“(1) Participation.—On application by a State or States to the Secretary for assistance for one or more highway bridges that have been determined to be eligible for replacement or rehabilitation under subsection (b), the Secretary may approve Federal participation in—

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

“(B) rehabilitating a bridge.

“(2) Types of Assistance.—On application by a State or States to the Secretary, the Secretary may approve Federal assistance for any of the following activities for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b):

“(A) Painting;

“(B) Seismic retrofit.
“(C) Systematic preventive maintenance.

“(D) Installation of scour countermeasures.

“(E) Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions.

“(3) BASIS FOR DETERMINATION.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on highway bridges found to be in poor condition in the State.

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

“(5) APPORTIONMENT.—

“(A) IN GENERAL.—Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection.
“(B) Categories of deficiency.—Each deficient bridge shall be placed into one of the following categories:

“(i) Federal-aid system bridges eligible for replacement.

“(ii) Federal-aid system bridges eligible for rehabilitation.

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

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

“(C) Calculation of apportionment.—

“(i) In general.—The deck area of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary, and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors.

“(ii) Determinations.—The Secretary shall make determinations under clause (i) using the latest available data, which shall be updated annually.
“(D) Special rule for apportionment.—If a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 2019, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds.

“(E) Limitation of apportionment.—No State shall receive more than 10 percent or less than 0.25 percent of the total apportionment for any one fiscal year.

“(F) Availability of funds.—Funds apportioned under this section shall be available for expenditure for the period specified in section 118(b).

“(G) Reapportionment of funds.—Any funds not obligated at the expiration of the period described in subparagraph (F) shall be reapportioned by the Secretary to the other States in accordance with this subsection.

“(H) Special rule for use of funds.—The use of funds authorized under
this section to carry out a project for the seis-
mic retrofit of a bridge shall not affect the ap-
portionment of funds under this section.

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

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

“(B) REDUCTION OF EXPENDITURES.—
The Secretary, after consultation with State
and local officials, may reduce the requirement
for expenditure for bridges not on a Federal-aid
highway under subparagraph (A) with respect
to the State if the Secretary determines that
the State has inadequate needs to justify the
expenditure.
“(7) Inventories and reports.—The Secretary shall—

“(A) biennially report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on projects approved under this section;

“(B) annually revise the current inventories authorized by subsection (b) of this section;

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

“(D) biennially report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

“(8) Fair and equitable basis.—Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

“(9) Periodic review of application procedures.—

“(A) In general.—Not later than 6 months after the date of enactment of this subsection, and periodically thereafter, the Sec-
retary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure.

“(B) Implementation of Changes.—

The Secretary shall implement the changes determined under subparagraph (A) as soon as possible.

“(C) Report to Congress.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall submit a report to Congress which describes such review and such changes, including any recommendations for legislative changes.

“(10) Credit for Bridges Not on Federal-Aid Highways.—

“(A) In General.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accord-
ance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section.

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

“(11) DEFINITIONS.—In this section:

“(A) The term ‘rehabilitate’ means performing major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

“(B) The term ‘rehabilitation’ means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.
“(12) FEDERAL SHARE.—Notwithstanding section 120, the Federal share of the cost of a project carried out under this subsection shall be 90 percent.

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

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

“144. Highway bridge replacement and rehabilitation.”.

(c) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133(f) of title 23, United States Code, is repealed.