

117TH CONGRESS
1ST SESSION

H. R. 1299

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

FEBRUARY 24, 2021

Mr. HIGGINS of Louisiana (for himself and Mr. KRISHNAMOORTHY) 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.

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”.

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

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

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

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

7 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
 8 BILITATION PROGRAM.—

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

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

17 “(B) rehabilitating a bridge.

18 “(2) TYPES OF ASSISTANCE.—On application
 19 by a State or States to the Secretary, the Secretary
 20 may approve Federal assistance for any of the fol-
 21 lowing activities for a highway bridge that has been
 22 determined to be eligible for replacement or rehabili-
 23 tation under subsection (b):

24 “(A) Painting.

25 “(B) Seismic retrofit.

1 “(C) Systematic preventive maintenance.

2 “(D) Installation of scour countermea-
3 sures.

4 “(E) Application of calcium magnesium ac-
5 etate, sodium acetate/formate, or other environ-
6 mentally acceptable, minimally corrosive anti-
7 icing and de-icing compositions.

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

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

20 “(5) APPORTIONMENT.—

21 “(A) IN GENERAL.—Funds authorized to
22 carry out this section shall be apportioned
23 among the several States on October 1 of the
24 fiscal year for which authorized in accordance
25 with this subsection.

1 “(B) CATEGORIES OF DEFICIENCY.—Each
2 deficient bridge shall be placed into one of the
3 following categories:

4 “(i) Federal-aid system bridges eligi-
5 ble for replacement.

6 “(ii) Federal-aid system bridges eligi-
7 ble for rehabilitation.

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

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

12 “(C) CALCULATION OF APPORTION-
13 MENT.—

14 “(i) IN GENERAL.—The deck area of
15 deficient bridges in each category shall be
16 multiplied by the respective unit price on a
17 State-by-State basis, as determined by the
18 Secretary, and the total cost in each State
19 divided by the total cost of the deficient
20 bridges in all States shall determine the
21 apportionment factors.

22 “(ii) DETERMINATIONS.—The Sec-
23 retary shall make determinations under
24 clause (i) using the latest available data,
25 which shall be updated annually.

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

11 “(E) LIMITATION OF APPORTIONMENT.—
12 No State shall receive more than 10 percent or
13 less than 0.25 percent of the total appor-
14 tionment for any one fiscal year.

15 “(F) AVAILABILITY OF FUNDS.—Funds
16 apportioned under this section shall be available
17 for expenditure for the period specified in sec-
18 tion 118(b).

19 “(G) REAPPORTIONMENT OF FUNDS.—Any
20 funds not obligated at the expiration of the pe-
21 riod described in subparagraph (F) shall be re-
22 apportioned by the Secretary to the other
23 States in accordance with this subsection.

24 “(H) SPECIAL RULE FOR USE OF
25 FUNDS.—The use of funds authorized under

1 this section to carry out a project for the seis-
2 mic retrofit of a bridge shall not affect the ap-
3 portionment of funds under this section.

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

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

17 “(B) REDUCTION OF EXPENDITURES.—

18 The Secretary, after consultation with State
19 and local officials, may reduce the requirement
20 for expenditure for bridges not on a Federal-aid
21 highway under subparagraph (A) with respect
22 to the State if the Secretary determines that
23 the State has inadequate needs to justify the
24 expenditure.

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

3 “(A) biennially report to the Committee on
4 Environment and Public Works of the Senate
5 and the Committee on Transportation and In-
6 frastructure of the House of Representatives on
7 projects approved under this section;

8 “(B) annually revise the current inven-
9 tories authorized by subsection (b) of this sec-
10 tion;

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

13 “(D) biennially report to such committees
14 such recommendations as the Secretary may
15 have for improvements of the program author-
16 ized by this section.

17 “(8) FAIR AND EQUITABLE BASIS.—Sums ap-
18 portioned to a State under this section shall be made
19 available for obligation throughout such State on a
20 fair and equitable basis.

21 “(9) PERIODIC REVIEW OF APPLICATION PRO-
22 CEDURES.—

23 “(A) IN GENERAL.—Not later than 6
24 months after the date of enactment of this sub-
25 section, and periodically thereafter, the Sec-

1 retary shall review the procedure used in ap-
2 proving or disapproving applications submitted
3 under this section to determine what changes,
4 if any, may be made to expedite such proce-
5 dure.

6 “(B) IMPLEMENTATION OF CHANGES.—

7 The Secretary shall implement the changes de-
8 termined under subparagraph (A) as soon as
9 possible.

10 “(C) REPORT TO CONGRESS.—Not later

11 than 9 months after the date of enactment of
12 this subsection, the Secretary shall submit a re-
13 port to Congress which describes such review
14 and such changes, including any recommenda-
15 tions for legislative changes.

16 “(10) CREDIT FOR BRIDGES NOT ON FEDERAL-
17 AID HIGHWAYS.—

18 “(A) IN GENERAL.—Notwithstanding any

19 other provision of law, with respect to any
20 project not on a Federal-aid highway for the re-
21 placement of a bridge or rehabilitation of a
22 bridge that is wholly funded from State and
23 local sources, is eligible for Federal funds under
24 this section, is noncontroversial, is certified by
25 the State to have been carried out in accord-

1 ance with all standards applicable to such
2 projects under this section, and is determined
3 by the Secretary upon completion to be no
4 longer a deficient bridge any amount expended
5 after the date of enactment of this subsection
6 from State and local sources for the project in
7 excess of 20 percent of the cost of construction
8 of the project may be credited to the non-Fed-
9 eral share of the cost of other bridge projects
10 in the State that are eligible for Federal funds
11 under this section.

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

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

17 “(A) The term ‘rehabilitate’ means per-
18 forming major work necessary to restore the
19 structural integrity of a bridge as well as work
20 necessary to correct a major safety defect.

21 “(B) The term ‘rehabilitation’ means
22 major work necessary to restore the structural
23 integrity of a bridge as well as work necessary
24 to correct a major safety defect.

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

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

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

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

 “144. Highway bridge replacement and rehabilitation.”.

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

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