

**H.R. 2428, THE “STRENGTHEN AND FORTIFY EXISTING BRIDGES ACT OF 2013”
OR “SAFE BRIDGES ACT OF 2013”**

**INTRODUCED BY
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BACKGROUND

In recent years, there have been a number of catastrophic failures of highway bridges:

- On August 1, 2007, the I-35W Bridge over the Mississippi River in Minneapolis, Minnesota, collapsed, killing 13 people and injuring an additional 145. The bridge had been classified as structurally deficient for more than 15 years, and had undergone annual inspections by the Minnesota Department of Transportation, prior to its collapse. The I-35W Bridge was also fracture critical.
- On May 23, 2013, the I-5 Bridge over the Skagit River in Mount Vernon, Washington, collapsed after it was struck by a truck. While the cause of the collapse is still being investigated, the bridge was classified as functionally obsolete and was also fracture critical.

The collapse of both the I-35W and the I-5 bridges highlights the devastating personal and economic costs of our decaying infrastructure and calls for action to ensure that this does not occur again. Addressing the condition, performance, and safety of the Nation’s highway bridges should be among the highest priorities for the U.S. Congress.

According to the U.S. Department of Transportation (DOT), one of every four bridges in the United States is classified as structurally deficient or functionally obsolete. Of the 607,380 bridges in the U.S., 151,497 are deficient, including 66,749 structurally deficient bridges and 84,748 functionally obsolete bridges. A bridge is considered structurally deficient if significant load-carrying elements of the bridge are found to be in poor or worse condition due to deterioration and or damage. A bridge is considered functionally obsolete if the bridge geometrics do not meet current design standards for traffic demand, such as lane widths, shoulder widths, or vertical clearances that are inadequate for current traffic levels.¹

There are also 20,808 bridges in the United States that include fracture-critical elements. These bridges do not contain redundant supporting elements. Therefore, if the supporting element fails, the bridge is likely to collapse.

¹ During an inspection, bridge inspectors rate bridge components using a numerical system to determine the condition of the bridge component. Using the data collected during bridge inspections, the Federal Highway Administration (FHWA) determines the status of the bridge: not deficient, structurally deficient, or functionally obsolete.

The high percentage of deficient bridges and the backlog of necessary bridge repairs are, in part, due to the age of the network. The average bridge in this country is 43 years old,² and one-half of all bridges in the United States were built before 1964.

While the fact that a bridge is deficient does not necessarily imply that it is likely to collapse or that it is unsafe, a deficient bridge typically requires significant maintenance and repair to remain in service and eventual rehabilitation or replacement to address deficiencies.

Last year, Congress enacted a two-year surface transportation authorization act, the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141). This legislation included provisions to strengthen the Federal Highway Administration's bridge inspection and inventory standards. These changes are important to ensuring that highway bridges remain safe to the traveling public.

However, despite the enormous backlog of bridge deficiencies, MAP-21 provided flat overall investment levels in our Nation's highways and highway bridges. Moreover, MAP-21 eliminated funding dedicated specifically to repair and replace deficient bridges.³

Without additional targeted investment, significant bridge deficiencies will remain.

² American Association of State Highway and Transportation Officials, *Bridging the Gap: Restoring and Rebuilding the Nation's Bridges*, July 2008, at 2.

³ Prior to enactment of MAP-21, the Highway Bridge Program provided specific Federal-aid highway funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance.

H.R. 2428, THE SAFE BRIDGES ACT:
TARGETED INVESTMENT IN THE NATION’S DEFICIENT BRIDGES

According to DOT, more than \$121 billion could be invested immediately in a cost-beneficial way, by all levels of government, to replace or otherwise address existing bridge deficiencies.⁴ To eliminate the backlog of deficient bridges over the next 20 years, DOT estimates that annual investment in bridge repair and replacement must increase from \$12.8 billion in 2008 to \$20.5 billion annually.⁵

To begin to address this backlog and the chronic underinvestment in the Nation’s deficient highway bridges, H.R. 2428, the “Strengthen and Fortify Existing Bridges Act of 2013” (“SAFE Bridges Act”), provides \$2.75 billion in each of fiscal year 2013 and fiscal year 2014 for States to rehabilitate and reconstruct deficient bridges, including bridges classified as structurally deficient, functionally obsolete, or fracture critical. This level of bridge-specific funding is in addition to States’ Federal-aid highway apportionments, and represents a 50 percent increase of Federal-aid highway bridge funding.⁶ The funds are distributed among the States pursuant to a needs-based formula based on each State’s relative share of the total cost to repair or replace deficient highway bridges.

SECTION-BY-SECTION

Section 1. Short title.

This section provides that the short title of the Act is the “Strengthen and Fortify Existing Bridges Act of 2013” or the “SAFE Bridges Act of 2013”.

Section 2. Assistance to states to rehabilitate or replace deficient bridges.

This section establishes a program to assist States to rehabilitate or replace deficient bridges.

Subsection (a) requires the Secretary of Transportation, not later than 30 days after the date of enactment of this Act, to establish a program to assist States to rehabilitate or replace structurally deficient, functionally obsolete, and fracture-critical bridges.

Subsection (b) establishes a formula to distribute the funds among the States based on the ratio that the total cost to rehabilitate or replace structurally deficient and functionally obsolete bridges in that State bears to the total cost to rehabilitate or replace all structurally deficient and functionally obsolete bridges in the Nation.

⁴ U.S. Department of Transportation, *2010 Status of the Nation’s Highways, Bridges, and Transit: Conditions and Performance* (Washington, D.C., March 15, 2012), www.fhwa.dot.gov/policy/2010cpr/pdfs/cp2010.pdf, at 7-17.

⁵ *Id.*, at 7-27.

⁶ In FY 2012, States received \$5.5 billion of Highway Bridge Program funding. MAP-21 eliminated the Highway Bridge Program and States did not receive specific Federal-aid highway bridge funding in FY 2013. Assuming that States continue to spend approximately \$5.5 billion per year on Federal-aid highway bridge improvements, H.R. 2428’s level of bridge-specific funding represents a 50 percent increase of Federal-aid highway bridge funding.

Subsection (b) also requires the Secretary to place each structurally deficient or functionally obsolete bridge into one of the following categories: Federal-aid highway bridges eligible for rehabilitation; Federal-aid highway bridges eligible for replacement; bridges not on Federal-aid highways eligible for rehabilitation; and bridges not on Federal-aid highways eligible for replacement. It also prescribes the method that the Secretary shall use to determine the total cost to rehabilitate or replace bridges in each State, and requires the Secretary to make the determination on the latest available data and using the National Bridge Inventory prepared under section 144(b) of title 23, United States Code.

Subsection (c) requires that the funds provided under this program only be used for the rehabilitation and replacement of structurally deficient, functionally obsolete, and fracture-critical bridges. It also provides that the funds provided under this program are administered in the same manner as funds provided under chapter 1 of title 23, except that the funds are not transferable.

Subsection (d) requires that a bridge that is rehabilitated or replaced under this program may not be structurally deficient, functionally obsolete, or fracture critical upon the completion of the project.

Subsection (e) establishes the Federal share for projects carried out under this program as 100 percent.

Subsection (f) prescribes that the funds made available under this program that are not obligated by the end of the fourth year shall be redistributed among other States in accordance with the formula specified in subsection (b).

Subsection (g) requires the Secretary to ensure that the funds made available to a State under this program supplement other Federal-aid highway apportionments and do not supplant obligations that the State planned to invest in deficient bridges.

Subsection (h) requires the Secretary to submit an annual report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate that describes the amounts obligated by each State for projects carried out under this program.

Subsection (i) provides definitions of terms used in this bill.

Subsection (j) authorizes \$2.75 billion to be appropriated in each of fiscal years 2013 and 2014 to carry out this program. The funds provided are available until expended.