

shall not impose any condition on the use of funds transferred under section 143 of title 23, United States Code, to the Internal Revenue Service. The Secretary of the Treasury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which such funds are to be transferred, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986 [26 U.S.C. 9503(b)(1)].

“[(h) Repealed. Pub. L. 105–178, title I, § 1114(b)(3)(B), June 9, 1998, 112 Stat. 154.]”

§ 144. National bridge and tunnel inventory and inspection standards

(a) FINDINGS AND DECLARATIONS.—

(1) FINDINGS.—Congress finds that—

(A) the condition of the bridges of the United States has improved since the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 107), yet continued improvement to bridge conditions is essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the economy of the United States relies; and

(B) the systematic preventative maintenance of bridges, and replacement and rehabilitation of deficient bridges, should be undertaken through an overall asset management approach to transportation investment.

(2) DECLARATIONS.—Congress declares that it is in the vital interest of the United States—

(A) to inventory, inspect, and improve the condition of the highway bridges and tunnels of the United States;

(B) to use a data-driven, risk-based approach and cost-effective strategy for systematic preventative maintenance, replacement, and rehabilitation of highway bridges and tunnels to ensure safety and extended service life;

(C) to use performance-based bridge management systems to assist States in making timely investments;

(D) to ensure accountability and link performance outcomes to investment decisions; and

(E) to ensure connectivity and access for residents of rural areas of the United States through strategic investments in National Highway System bridges and bridges on all public roads.

(b) NATIONAL BRIDGE AND TUNNEL INVENTORIES.—The Secretary, in consultation with the States and Federal agencies with jurisdiction over highway bridges and tunnels, shall—

(1) inventory all highway bridges on public roads, on and off Federal-aid highways, including tribally owned and Federally owned bridges, that are bridges over waterways, other topographical barriers, other highways, and railroads;

(2) inventory all tunnels on public roads, on and off Federal-aid highways, including tribally owned and Federally owned tunnels;

(3) classify the bridges according to serviceability, safety, and essentiality for public use,

including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished;

(4) based on that classification, assign each a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation; and

(5) determine the cost of replacing each structurally deficient bridge identified under this subsection with a comparable facility or the cost of rehabilitating the bridge.

(c) GENERAL BRIDGE AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to bridges authorized to be replaced, in whole or in part, by this title.

(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if the bridge is over waters that—

(A) are not used and are not susceptible to use in the natural condition of the bridge or by reasonable improvement as a means to transport interstate or foreign commerce; and

(B) are—

(i) not tidal; or

(ii) if tidal, used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

(d) INVENTORY UPDATES AND REPORTS.—

(1) IN GENERAL.—The Secretary shall—

(A) annually revise the inventories authorized by subsection (b); and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the inventories.

(2) INSPECTION REPORT.—Not later than 2 years after the date of enactment of the MAP-21, each State and appropriate Federal agency shall report element level data to the Secretary, as each bridge is inspected pursuant to this section, for all highway bridges on the National Highway System.

(3) GUIDANCE.—The Secretary shall provide guidance to States and Federal agencies for implementation of this subsection, while respecting the existing inspection schedule of each State.

(4) BRIDGES NOT ON NATIONAL HIGHWAY SYSTEM.—The Secretary shall—

(A) conduct a study on the benefits, cost-effectiveness, and feasibility of requiring element-level data collection for bridges not on the National Highway System; and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

(e) BRIDGES WITHOUT TAXING POWERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this title, but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system.

(2) INSUFFICIENT ASSETS.—Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the bridge project or activity eligible for assistance under this title.

(3) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.

(f) REPLACEMENT OF DESTROYED BRIDGES AND FERRY BOAT SERVICE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use the funds apportioned under section 104(b)(2) to construct any bridge that replaces—

(A) any low water crossing (regardless of the length of the low water crossing);

(B) any bridge that was destroyed prior to January 1, 1965;

(C) any ferry that was in existence on January 1, 1984; or

(D) any road bridge that is rendered obsolete as a result of a Corps of Engineers flood control or channelization project and is not rebuilt with funds from the Corps of Engineers.

(2) FEDERAL SHARE.—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of the construction.

(g) HISTORIC BRIDGES.—

(1) DEFINITION OF HISTORIC BRIDGE.—In this subsection, the term “historic bridge” means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

(2) COORDINATION.—The Secretary shall, in cooperation with the States, encourage the retention, rehabilitation, adaptive reuse, and future study of historic bridges.

(3) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off Federal-aid highways to determine the historic significance of the bridges.

(4) ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of a historic bridge shall be eligible as reimbursable project costs under section

133 if the load capacity and safety features of the historic bridge are adequate to serve the intended use for the life of the historic bridge.

(B) BRIDGES NOT USED FOR VEHICLE TRAFFIC.—In the case of a historic bridge that is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this chapter shall not exceed the estimated cost of demolition of the historic bridge.

(5) PRESERVATION.—Any State that proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the historic bridge available for donation to a State, locality, or responsible private entity if the State, locality, or responsible entity enters into an agreement—

(A) to maintain the bridge and the features that give the historic bridge its historic significance; and

(B) to assume all future legal and financial responsibility for the historic bridge, which may include an agreement to hold the State transportation department harmless in any liability action.

(6) COSTS INCURRED.—

(A) IN GENERAL.—Costs incurred by the State to preserve a historic bridge (including funds made available to the State, locality, or private entity to enable it to accept the bridge) shall be eligible as reimbursable project costs under this chapter in an amount not to exceed the cost of demolition.

(B) ADDITIONAL FUNDING.—Any bridge preserved pursuant to this paragraph shall not be eligible for any other funds authorized pursuant to this title.

(h) NATIONAL BRIDGE AND TUNNEL INSPECTION STANDARDS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall establish and maintain inspection standards for the proper inspection and evaluation of all highway bridges and tunnels for safety and serviceability.

(B) UNIFORMITY.—The standards under this subsection shall be designed to ensure uniformity of the inspections and evaluations.

(2) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under paragraph (1) shall, at a minimum—

(A) specify, in detail, the method by which the inspections shall be carried out by the States, Federal agencies, and tribal governments;

(B) establish the maximum time period between inspections;

(C) establish the qualifications for those charged with carrying out the inspections;

(D) require each State, Federal agency, and tribal government to maintain and make available to the Secretary on request—

(i) written reports on the results of highway bridge and tunnel inspections and notations of any action taken pursuant to the findings of the inspections; and

(ii) current inventory data for all highway bridges and tunnels reflecting the findings of the most recent highway bridge and tunnel inspections conducted; and

(E) establish a procedure for national certification of highway bridge inspectors and tunnel inspectors.

(3) STATE COMPLIANCE WITH INSPECTION STANDARDS.—The Secretary shall, at a minimum—

(A) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures to conduct reviews of State compliance with—

(i) the standards established under this subsection; and

(ii) the calculation or reevaluation of bridge load ratings; and

(B) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures for States to follow in reporting to the Secretary—

(i) critical findings relating to structural or safety-related deficiencies of highway bridges and tunnels; and

(ii) monitoring activities and corrective actions taken in response to a critical finding described in clause (i).

(4) REVIEWS OF STATE COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall annually review State compliance with the standards established under this section.

(B) NONCOMPLIANCE.—If an annual review in accordance with subparagraph (A) identifies noncompliance by a State, the Secretary shall—

(i) issue a report detailing the issues of the noncompliance by December 31 of the calendar year in which the review was made; and

(ii) provide the State an opportunity to address the noncompliance by—

(I) developing a corrective action plan to remedy the noncompliance; or

(II) resolving the issues of noncompliance not later than 45 days after the date of notification.

(5) PENALTY FOR NONCOMPLIANCE.—

(A) IN GENERAL.—If a State fails to satisfy the requirements of paragraph (4)(B) by August 1 of the calendar year following the year of a finding of noncompliance, the Secretary shall, on October 1 of that year, and each year thereafter as may be necessary, require the State to dedicate funds apportioned to the State under sections 119 and 133 after the date of enactment of the MAP-21 to correct the noncompliance with the minimum inspection standards established under this subsection.

(B) AMOUNT.—The amount of the funds to be directed to correcting noncompliance in accordance with subparagraph (A) shall—

(i) be determined by the State based on an analysis of the actions needed to address the noncompliance; and

(ii) require approval by the Secretary.

(6) UPDATE OF STANDARDS.—Not later than 3 years after the date of enactment of the MAP-21, the Secretary shall update inspection standards to cover—

(A) the methodology, training, and qualifications for inspectors; and

(B) the frequency of inspection.

(7) RISK-BASED APPROACH.—In carrying out the revisions required by paragraph (6), the Secretary shall consider a risk-based approach to determining the frequency of bridge inspections.

(i) TRAINING PROGRAM FOR BRIDGE AND TUNNEL INSPECTORS.—

(1) IN GENERAL.—The Secretary, in cooperation with the State transportation departments, shall maintain a program designed to train appropriate personnel to carry out highway bridge and tunnel inspections.

(2) REVISIONS.—The training program shall be revised from time to time to take into account new and improved techniques.

(j) AVAILABILITY OF FUNDS.—In carrying out this section—

(1) the Secretary may use funds made available to the Secretary under sections 104(a) and 503;

(2) a State may use amounts apportioned to the State under section 104(b)(1) and 104(b)(3);

(3) an Indian tribe may use funds made available to the Indian tribe under section 202; and

(4) a Federal agency may use funds made available to the agency under section 503.

(Added Pub. L. 91-605, title II, §204(a), Dec. 31, 1970, 84 Stat. 1741; amended Pub. L. 93-87, title II, §204, Aug. 13, 1973, 87 Stat. 284; Pub. L. 93-643, §113, Jan. 4, 1975, 88 Stat. 2286; Pub. L. 95-599, title I, §124(a), Nov. 6, 1978, 92 Stat. 2702; Pub. L. 96-106, §§7, 8(a), Nov. 9, 1979, 93 Stat. 797; Pub. L. 97-327, §5(c), Oct. 15, 1982, 96 Stat. 1612; Pub. L. 97-424, title I, §§121(a), 122(a), Jan. 6, 1983, 96 Stat. 2111, 2112; Pub. L. 100-17, title I, §§123(a)-(d)(1), (3), (e), (f)(2), 128, 133(b)(11), Apr. 2, 1987, 101 Stat. 161-163, 167, 172; Pub. L. 102-240, title I, §1028(a)-(f), Dec. 18, 1991, 105 Stat. 1967, 1968; Pub. L. 103-220, §1, Mar. 17, 1994, 108 Stat. 100; Pub. L. 104-59, title III, §§318, 325(b), Nov. 28, 1995, 109 Stat. 588, 592; Pub. L. 105-178, title I, §§1109, 1115(f)(3); June 9, 1998, 112 Stat. 141; Pub. L. 105-206, title IX, §9002(i), July 22, 1998, 112 Stat. 836; Pub. L. 108-88, §2(b)(5), Sept. 30, 2003, 117 Stat. 1111; Pub. L. 108-202, §2(b)(3), Feb. 29, 2004, 118 Stat. 478; Pub. L. 108-224, §2(b)(2), Apr. 30, 2004, 118 Stat. 627; Pub. L. 108-263, §2(b)(2), June 30, 2004, 118 Stat. 698; Pub. L. 108-280, §2(b)(2), July 30, 2004, 118 Stat. 876; Pub. L. 108-310, §2(b)(5), Sept. 30, 2004, 118 Stat. 1145; Pub. L. 109-14, §2(b)(3), May 31, 2005, 119 Stat. 324; Pub. L. 109-20, §2(b)(2), July 1, 2005, 119 Stat. 346; Pub. L. 109-35, §2(b)(2), July 20, 2005, 119 Stat. 379; Pub. L. 109-37, §2(b)(2), July 22, 2005, 119 Stat. 394; Pub. L. 109-40, §2(b)(2), July 28, 2005, 119 Stat. 410; Pub. L. 109-59, title I, §1114, Aug. 10, 2005, 119 Stat. 1172; Pub. L. 110-244, title I, §101(m)(1), June 6, 2008, 122 Stat. 1575; Pub. L. 112-141, div. A, title I, §1111(a), July 6, 2012, 126 Stat. 445.)

REFERENCES IN TEXT

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(1)(A), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

The General Bridge Act of 1946, referred to in subsec. (c)(1), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, which is classified generally to subchapter III (§525 et seq.) of chapter 11 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 525 of Title 33 and Tables.

The date of enactment of the MAP-21, referred to in subsecs. (d)(2) and (h)(5)(A), (6), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

AMENDMENTS

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to highway bridge program.

2008—Pub. L. 110-244, §101(m)(1)(A), struck out “replacement and rehabilitation” after “Highway bridge” in section catchline.

Subsecs. (b)(1), (c)(1)(1). Pub. L. 110-244, §101(m)(1)(B), substituted “Federal-aid highway” for “Federal-aid system”.

Subsec. (c)(2). Pub. L. 110-244, §101(m)(1)(C), substituted “Federal-aid highways” for “the Federal-aid system”.

Subsec. (d)(4). Pub. L. 110-244, §101(m)(1)(D), inserted “systematic” before “preventive” in heading.

Subsec. (e)(1), (2). Pub. L. 110-244, §101(m)(1)(B), substituted “Federal-aid highway” for “Federal-aid system”.

Subsec. (e)(3), (4). Pub. L. 110-244, §101(m)(1)(E), substituted “bridges not on Federal-aid highways” for “off-system bridges”.

Subsec. (f). Pub. L. 110-244, §101(m)(1)(F), (G), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: “The Federal share payable on account of any project under this section shall be 80 per centum of the cost thereof.”

Subsec. (f)(1)(A)(vi). Pub. L. 110-244, §101(m)(1)(H), inserted “and the removal of the Missisquoi Bay causeway” after “Bridge”.

Subsec. (f)(2). Pub. L. 110-244, §101(m)(1)(I), inserted heading and struck out former heading “Off-system bridges”.

Subsecs. (g) to (l). Pub. L. 110-244, §101(m)(1)(G), redesignated subsecs. (h) to (m) as (g) to (l), respectively. Former subsec. (g) redesignated (f).

Subsec. (m). Pub. L. 110-244, §101(m)(1)(G), (J), redesignated subsec. (n) as (m), inserted heading, and struck out former heading “Off-System Bridge Program”. Former subsec. (m) redesignated (l).

Subsec. (n). Pub. L. 110-244, §101(m)(1)(G), redesignated subsec. (o) as (n). Former subsec. (n) redesignated (m).

Subsec. (n)(4)(B). Pub. L. 110-244, §101(m)(1)(K), substituted “State transportation department” for “State highway agency”.

Subsec. (o). Pub. L. 110-244, §101(m)(1)(G), redesignated subsec. (p) as (o). Former subsec. (o) redesignated (n).

Subsec. (o)(2). Pub. L. 110-244, §101(m)(1)(C), substituted “Federal-aid highways” for “the Federal-aid system”.

Subsecs. (p) to (s). Pub. L. 110-244, §101(m)(1)(G), redesignated subsecs. (p) to (s) as (o) to (r), respectively.

2005—Subsec. (a). Pub. L. 109-59, §1114(a), inserted heading and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or rehabilitate highway bridges over waterways, other topographical barriers,

other highways, or railroads when the States and the Secretary finds that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.”

Subsec. (d). Pub. L. 109-59, §1114(b), inserted heading and amended text of subsec. (d) generally. Prior to amendment, text related to approval of Federal participation in replacement or rehabilitation of bridges.

Subsec. (e). Pub. L. 109-59, §1114(c), in third sentence, substituted “deck area” for “square footage”, in fourth sentence, struck out “the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and,” after “For purposes of the preceding sentence,” and, in seventh sentence, substituted “for the period specified in section 118(b)(2)” for “for the same period as funds apportioned for projects on the Federal-aid primary system under this title”.

Subsec. (g). Pub. L. 109-59, §1114(e)(2)(A), substituted “BRIDGE SET-ASIDES” for “SET ASIDES” in heading.

Subsec. (g)(1). Pub. L. 109-59, §1114(e)(2)(A), added par. (1) and struck out heading and text of former par. (1), which related to apportionments for the discretionary bridge program for fiscal years 1992 through 2005.

Subsec. (g)(1)(C). Pub. L. 109-59, §1114(e)(1), substituted “2005” for “2003” in heading and text.

Subsec. (g)(2). Pub. L. 109-59, §1114(e)(2)(C), redesignated par. (3) as (2).

Pub. L. 109-59, §1114(e)(2)(A), (B), both amended subsec. (g) by striking out heading and text of par. (2). Text read as follows: “Subject to section 149(d) of the Federal-Aid Highway Act of 1987, amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

“(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than \$10,000,000, and

“(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than \$10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.”

Subsec. (g)(3). Pub. L. 109-59, §1114(e)(2)(C), redesignated par. (3) as (2).

Pub. L. 109-59, §1114(d), reenacted heading without change and amended text of par. (3) generally. Prior to amendment, text read as follows: “Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987 through 2004 and in the period of October 1, 2004, through July 30, 2005, shall be expended for projects to replace, rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid highway when the Secretary determines that such State has inadequate needs to justify such expenditure.”

Pub. L. 109-40 substituted “July 30” for “July 27”.

Pub. L. 109-37 substituted “July 27” for “July 21”.

Pub. L. 109-35 substituted “July 21” for “July 19”.

Pub. L. 109-20 substituted “July 19” for “June 30”.

Pub. L. 109-14 substituted “June 30” for “May 31”.

Subsec. (i). Pub. L. 109-59, §1114(g), struck out “at the same time as the report required by section 307(f) of this title is submitted to Congress” after “biennially” in concluding provisions.

Subsecs. (r), (s). Pub. L. 109-59, §1114(f), added subsecs. (r) and (s).

2004—Subsec. (g)(3). Pub. L. 108-310 inserted “and in the period of October 1, 2004, through May 31, 2005,” after “2004”.

Pub. L. 108-280 substituted "2004" for "2003 and in the period of October 1, 2003, through July 31, 2004."

Pub. L. 108-263 substituted "July 31" for "June 30".

Pub. L. 108-224 substituted "June 30" for "April 30".

Pub. L. 108-202 substituted "April 30" for "February 29".

2003—Subsec. (g)(3). Pub. L. 108-88 inserted "and in the period of October 1, 2003, through February 29, 2004," after "2003".

1998—Subsec. (d). Pub. L. 105-178, §1109(d)(1), (2), inserted "sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures" after "magnesium acetate" and inserted "or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures" after "such acetate" in two places.

Subsec. (e). Pub. L. 105-178, §1109(a), inserted "and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, 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" after "destroyed bridges and ferryboat services".

Subsec. (g)(1). Pub. L. 105-178, §1109(b), designated existing provisions as subpar. (A), inserted heading, realigned margins, and added subpars. (B) and (C).

Subsec. (g)(3). Pub. L. 105-178, §1109(c), (d)(3), substituted "through 2003" for "1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997," substituted "Federal-aid highway" for "Federal-aid system" in two places, and inserted "sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures" after "magnesium acetate".

Subsec. (g)(4). Pub. L. 105-178, §1115(f)(3), as added by Pub. L. 105-206, §9002(i), struck out heading and text of par. (4). Text read as follows: "Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title."

Subsec. (n). Pub. L. 105-178, §1109(e), substituted "Federal-aid highway" for "Federal-aid system".

1995—Subsec. (i)(1). Pub. L. 104-59, §325(b), substituted "Committee on Transportation and Infrastructure" for "Committee on Public Works and Transportation".

Subsec. (l). Pub. L. 104-59, §318, inserted at end "Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure."

1994—Subsec. (d). Pub. L. 103-220, §1(1), inserted before period at end of third sentence "except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section".

Subsec. (e). Pub. L. 103-220, §1(2), inserted at end "The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge

shall not affect the apportionment of funds under this section."

1991—Subsec. (c)(3). Pub. L. 102-240, §1028(a), added par. (3).

Subsec. (d). Pub. L. 102-240, §1028(b), inserted "Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate to, such structure." after first sentence and "(other than projects for bridge structure painting or seismic retrofit or application of such acetate)" after "projects" in last sentence.

Subsec. (f). Pub. L. 102-240, §1028(c), substituted "project" for "highway bridge replaced or rehabilitated".

Subsec. (g)(1). Pub. L. 102-240, §1028(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but \$225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary."

Subsec. (g)(3). Pub. L. 102-240, §1028(e)(1), substituted "1991, 1992, 1993, 1994, 1995, 1996, and 1997" for "and 1991" and "rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to" for "or rehabilitate".

Subsec. (g)(4). Pub. L. 102-240, §1028(f), added par. (4). Subsecs. (p), (q). Pub. L. 102-240, §1028(e)(2), added subsec. (p) and redesignated former subsec. (p) as (q).

1987—Subsec. (e). Pub. L. 100-17, §133(b)(11), inserted at end "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection."

Pub. L. 100-17, §123(d)(3), inserted after third sentence "For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services."

Subsec. (g). Pub. L. 100-17, §123(a), amended subsec. (g) generally, revising and restating as pars. (1) to (3) provisions formerly contained in pars. (1) and (2).

Subsec. (h). Pub. L. 100-17, §123(b), substituted "(1)" for "which are not subject to the ebb and flow of the tide, and" and added cl. (2).

Subsec. (i). Pub. L. 100-17, §128, substituted "307(f)" for "307(e)" in last sentence.

Pub. L. 100-17, §123(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) read as follows: "The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section."

Subsec. (m). Pub. L. 100-17, §123(d)(1), added subsec. (m). Former subsec. (m) redesignated (p).

Subsec. (n). Pub. L. 100-17, §123(e), which directed that this section be amended by adding subsec. (n) after subsec. (l), was executed by adding subsec. (n) after subsec. (m), to reflect the probable intent of Congress.

Subsec. (o). Pub. L. 100-17, §123(f)(2), which directed that this section be amended by adding subsec. (o) after subsec. (l), was executed by adding subsec. (o) after subsec. (n), to reflect the probable intent of Congress.

Subsec. (p). Pub. L. 100-17, §123(d)(1), redesignated former subsec. (m) as (p).

1983—Subsec. (e). Pub. L. 97-424, §121(a), substituted provisions setting forth categorization, formula for apportionment factors, and limitations respecting deficient bridges for provisions relating to apportionment of funds for fiscal years ending Sept. 30, 1979, through Sept. 30, 1983, availability for expenditure of such funds, and reapportionment by the Secretary.

Pub. L. 97-327, §5(c)(1), substituted “September 30, 1982, and September 30, 1983” for “and September 30, 1982”.

Subsec. (g). Pub. L. 97-424, §122(a), designated existing provisions as par. (1), struck out provisions added by section 5(c)(2) of Pub. L. 97-327 relating to apportionment of amounts for fiscal year ending Sept. 30, 1983, and added par. (2).

Pub. L. 97-327, §5(c)(2), inserted provision that, of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but \$200,000,000 (multiplied by the factor determined under section 4(a) of such Act) be apportioned, and that \$200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date with specific limitations applicable to the obligation of such \$200,000,000.

1979—Subsec. (d). Pub. L. 96-106, §7(a), substituted “such bridge with a comparable facility or in rehabilitating such bridge” for “or rehabilitating such bridge with a comparable facility”.

Subsec. (g). Pub. L. 96-106, §8(a), inserted “, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than \$10,000,000 if such costs is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge”.

Subsec. (m). Pub. L. 96-106, §7(b), substituted “major work” for “major repairs”.

1978—Subsec. (a). Pub. L. 95-599 substituted provisions relating to Congressional findings as to highway bridge replacement and rehabilitation for provisions relating to Congressional findings as to special bridge replacement.

Subsec. (b). Pub. L. 95-599 added cl. (4).

Subsec. (c). Pub. L. 95-599 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 95-599 redesignated former subsec. (c) as (d) and among other amendments struck out provisions requiring Secretary to consider economy of area and approval of projects without regard to allocation formulas under this title.

Subsec. (e). Pub. L. 95-599 added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 95-599 redesignated former subsec. (d) as (f), substituted “80” for “75”, and inserted “highway” after “account of any”. Former subsec. (f) was struck out.

Subsec. (g). Pub. L. 95-599 redesignated former subsec. (e) as (g) and inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1979 through Sept. 30, 1982. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 95-599 redesignated former subsec. (g) as (h) and inserted provisions relating to exceptions to applications of the General Bridge Act of 1946. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 95-599 redesignated former subsec. (h) as (i) and inserted provisions relating to revision and report of current inventories.

Subsecs. (j) to (m). Pub. L. 95-599 added subsecs. (j) to (m).

1975—Subsec. (e). Pub. L. 93-643 increased appropriations authorization to \$125,000,000 from \$75,000,000 for fiscal year ending June 30, 1976.

1973—Subsec. (e). Pub. L. 93-87, §204(a), provided for appropriations authorization of \$25,000,000, \$75,000,000, and \$75,000,000 for fiscal years ending June 30, 1974, 1975, and 1976.

Subsecs. (f) to (h). Pub. L. 93-87, §204(b), (c), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-59, title I, §1114(e)(2), Aug. 10, 2005, 119 Stat. 1174, provided that the amendment made by section 1114(e)(2) is effective Oct. 1, 2005.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-17, title I, §123(d)(2), Apr. 2, 1987, 101 Stat. 162, provided that: “The amendment made by subsection (a) [amending this section] shall apply to funds apportioned to the States under [former] section 144 of title 23, United States Code, after September 30, 1986.”

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 97-424, title I, §121(b), Jan. 6, 1983, 96 Stat. 2112, provided that: “The amendment made by subsection (a) of this section [amending this section] shall take effect October 1, 1982, and shall apply with respect to each fiscal year beginning on or after such date. Notwithstanding subsection (e) of [former] section 144 of title 23, United States Code, as soon as practical after the date of enactment of this Act [Jan. 6, 1983], the Secretary of Transportation shall apportion under such subsection (e), as amended by subsection (a) of this section, sums authorized to be appropriated to carry out such section 144 for the fiscal year ending September 30, 1983.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (h)(1), (3), and (4) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103-7.

NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

Pub. L. 109-59, title I, §1804, Aug. 10, 2005, 119 Stat. 1458, which directed the Secretary of Transportation to make grants to States that submitted applications to the Secretary that demonstrated a need for assistance in carrying out one or more historic covered bridge projects, was repealed by Pub. L. 112-141, div. A, title I, §1519(b)(2), July 6, 2012, 126 Stat. 575.

Pub. L. 105-178, title I, §1224, as added by Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837, directed the Secretary of Transportation to make grants to States that submitted applications to the Secretary that demonstrated a need for assistance in carrying out one or more historic covered bridge projects and authorized appropriations for fiscal years 1999 through 2003.

USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES

Pub. L. 109-59, title I, §1805, Aug. 10, 2005, 119 Stat. 1459, as amended by Pub. L. 112-141, div. A, title I, §1523, July 6, 2012, 126 Stat. 580, provided that:

“(a) IN GENERAL.—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the national highway performance program under section 119 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.

“(b) RECIPIENT RESPONSIBILITIES.—A recipient of the debris described in subsection (a) shall—

“(1) bear the additional cost associated with having the debris made available;

“(2) ensure that placement of the debris complies with applicable law; and

“(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.

“(c) DEFINITION.—In this section, the term ‘beneficial use’ means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.”

HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM

Pub. L. 102-240, title I, §1039, Dec. 18, 1991, 105 Stat. 1990, as amended by Pub. L. 102-388, title IV, §408, Oct. 6, 1992, 106 Stat. 1564, authorized the Secretary to make grants to entities for research and construction of timber bridges and other timber highway structures and authorized appropriations for fiscal years 1992 to 1997.

FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM

Pub. L. 102-240, title I, §1089, Dec. 18, 1991, 105 Stat. 2023, directed Secretary of Transportation to conduct a study of advisability and feasibility of establishing an international border highway infrastructure discretionary program and, not later than Sept. 30, 1993, transmit to Congress a report on results of the study, together with any recommendations.

HISTORIC BRIDGES; CONGRESSIONAL FINDINGS AND DECLARATIONS

Pub. L. 100-17, title I, §123(f)(1), Apr. 2, 1987, 101 Stat. 163, provided that: “Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.”

STUDY AND RECOMMENDATIONS BY TRANSPORTATION RESEARCH BOARD ON EFFECTS OF BRIDGE PROGRAM ON PRESERVATION AND REHABILITATION OF HISTORIC BRIDGES

Pub. L. 100-17, title I, §123(f)(3), Apr. 2, 1987, 101 Stat. 163, provided for a study and recommendations by the Transportation Research Board on the preservation and rehabilitation of historic bridges and required the Board to submit a report on the study and recommendations.

STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES; REPORT

Pub. L. 100-17, title I, §160, Apr. 2, 1987, 101 Stat. 212, directed Secretary to conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed and, not later than

30 months after Apr. 2, 1987, submit to Congress a report on the study and investigation along with recommendations on how the bridge needs could best be addressed on a long term basis in a cost-effective manner.

FOUR-LANE BRIDGES

Pub. L. 97-424, title I, §130, Jan. 6, 1983, 96 Stat. 2118, authorized funds to complete construction of a four-lane bridge in certain cases where funds to construct a two-lane bridge had been authorized by a law enacted between Jan. 1, 1970, and Jan. 6, 1983.

DISCRETIONARY BRIDGE CRITERIA

Pub. L. 97-424, title I, §161, Jan. 6, 1983, 96 Stat. 2135, as amended by Pub. L. 100-17, title I, §123(h), Apr. 2, 1987, 101 Stat. 164, required the Secretary to develop a selection process and issue a final regulation no later than 6 months after Jan. 6, 1983, regarding funding priority of discretionary bridges.

TRANSFER OF DISCRETIONARY BRIDGE FUNDS

Pub. L. 96-106, §8(b), Nov. 9, 1979, 93 Stat. 797, provided for the transfer of discretionary bridge funds authorized under subsec. (g) of this section for fiscal year 1980 to a State's apportionment under former section 104(b)(6) of this title to repay funds obligated under section 104(b)(6) between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment of subsec. (g) of this section by section 8(a) of Pub. L. 96-106.

TIME FOR COMPLETION OF INVENTORY AND CLASSIFICATION OF HIGHWAY BRIDGES

Pub. L. 95-599, title I, §124(c), Nov. 6, 1978, 92 Stat. 2705, directed Secretary of Transportation to complete the requirements of subsec. (c) of this section, as amended by subsec. (a) of section 124 of Pub. L. 95-599, not later than the last day of the second full calendar year which begins after Nov. 6, 1978.

ACCELERATION OF BRIDGE PROJECTS; OHIO RIVER BRIDGE FUND REPROGRAMMING; REPORTS TO CONGRESS

Pub. L. 95-599, title I, §147, Nov. 6, 1978, 92 Stat. 2714, as amended by Pub. L. 96-106, §15, Nov. 19, 1979, 93 Stat. 798; Pub. L. 99-272, title IV, §4105, Apr. 7, 1986, 100 Stat. 116, directed Secretary of Transportation to conduct two projects to construct or replace high-traffic-volume bridges on the Federal-aid highway system which span major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges; authorized funds for the projects; directed Secretary to report to Congress within six months after the completion of each project; redirected certain funds in excess of amounts needed to complete the projects for use in further projects for construction of three state-of-the-art Ohio River bridges linking designated cities in Kentucky and Ohio; and directed Secretary to report to Congress within a year after the completion of these bridges.

§ 145. Federal-State relationship

(a) PROTECTION OF STATE SOVEREIGNTY.—The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program.

(b) PURPOSE OF PROJECTS.—The projects described in section 1702 of the SAFETEA-LU, section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and