



H.R. 3999 – National Highway Bridge Reconstruction and Inspection Act of 2007

EXECUTIVE SUMMARY

This legislation was introduced by Representative James Oberstar (D-MN) on October 30, 2007. The House Committee on Transportation and Infrastructure ordered the bill to be reported by voice vote, as amended, on October 31, 2007. H.R. 3999 is expected to be considered on the floor of the House under a structured rule on July 23, 2008.

H.R. 3999 expands the Highway Bridge Program and authorizes appropriations of \$2 billion (The Amendment in the Nature of a Substitute eliminates the authorization for FY 2008 resulting in an authorization of only \$1 billion) for replacing or rehabilitating deficient and obsolete bridges on federal-aid highways. The bill also includes several reporting requirements on the status of bridges and increases standards for bridge inspectors.

The vast majority of bridges are owned by State and local governments, the Federal government owns only about 9,000, or one percent, of bridges in the U.S. Currently, the Federal government establishes bridge inspection requirements, and the States carry out bridge inspection, repair, and replacement efforts. The Federal government provides funding for these activities via the Highway Bridge Program, which is administered by the Federal Highway Administration (FHWA).

The Congressional Budget Office (CBO) estimates that “implementing the legislation would cost nearly \$1.9 billion over the 2008-2012 period.”

FLOOR SITUATION

H.R. 3999 is expected to be considered on the floor of the House on July 23, 2008. The bill is being considered on the floor under a structured rule. The rule:

- Provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure;
- Waives all points of order against consideration of the bill except those arising under clause 9 (regarding earmark disclosure) or 10 (regarding PAYGO) of rule XXI;
- Provides that the amendment in the nature of a substitute printed in part A of the Rules Committee report accompanying the resolution shall be considered as an original bill for the purpose of amendment and shall be considered as read;
- Waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 (regarding PAYGO) of rule XXI. This does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure);
- Makes in order only those further amendments printed in part B of the Rules Committee report accompanying the resolution;
- Provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole;
- Waives all points of order against the amendments printed in part B of the Rules Committee report except for those arising under clause 9 or 10 of rule XXI;
- Provides one motion to recommit with or without instructions; and
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.



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SUMMARY

Highway Bridge Program: H.R. 3999 requires the Secretary of Transportation to develop a system assigning risk-based priority for the repair, rehabilitation, or replacement of each “structurally deficient” or “functionally obsolete” bridge on the Federal-aid highway system. This bill also requires the Secretary to inventory all bridges in the federal system and assign a risk-based priority for the rehabilitation or replacement of all “structurally deficient” or “functionally obsolete” bridges, and to determine the cost of this action for each bridge. H.R. 3999 authorizes the appropriation of \$2 million for fiscal year 2009 for this purpose.

***Note:** A “structurally deficient” bridge is defined as having elements in poor condition due to deterioration or damage or a waterway opening that causes significant traffic interruptions. A “functionally obsolete” no longer meets current design standards for the traffic demands of the bridge.*

H.R. 3999 establishes requirements for State participation in the Highway Bridge Program (HBP). States must inspect all highway bridges every two years. Following such inspections, States must provide updated information to the Federal Highway Administration for inclusion in the National Bridge Inventory. In addition, States must establish five-year performance plans for bridge inspections. These plans must be submitted and approved by the Secretary of Transportation.

The Secretary must submit a report to Congress on the process for assigning these risk-based priorities. The National Academy of Sciences is also required to review this process to ensure that investment and resource decisions are need-based. H.R. 3999 requires the Secretary to report to Congress on the priority assigned to each “structurally deficient” or “functionally obsolete” bridge on a federal-aid highway.

H.R. 3999 changes existing federal highway law so that states are only allowed to transfer Highway Bridge Program funds to other apportioned highway programs if the State can satisfactorily demonstrate to the Secretary that there are no structurally-deficient bridges eligible for replacement on the National Highway System in the State. Under this approach only the State of Delaware would currently be eligible to transfer funds from the Highway Bridge program to other highway programs. Under current law states are permitted to transfer up to 50 percent of the funding in any one highway program to any other highway program. Over the past four years 18 state Departments of Transportation have transferred funding into or out of the Highway Bridge Program. H.R. 3999 as currently drafted would eliminate that flexibility.

National Bridge Inspection Program: The bill requires the Department of Transportation to update national bridge inspection standards within one year of enactment. H.R. 3999 also requires States to inspect structurally deficient highway bridges annually, and highway bridges that are not structurally-deficient must be inspected every two years, unless granted an extension by the Secretary of Transportation.

The bill also revises regulations for highway bridge inspection personnel. Under this provision, a State “program manager” must be a professionally licensed engineer. In addition, State “team leaders” must be licensed engineers and have at least 10 years of bridge inspection experience.



Surface Transportation Research: H.R. 3999 expands the activities eligible to receive funding under the Department of Transportation highway research program to include non-destructive tests to determine the structural integrity of facilities.

Authorization of Appropriations: This bill authorizes the appropriation of \$1 billion from the General Fund for 2009 for the purposes of this Act. None of these funds may be earmarked for a specific project or activity.

BACKGROUND

On August 1, 2007, the I-35W Bridge in Minneapolis, Minnesota collapsed over the Mississippi River, killing 13 people. The bridge had been rated as "structurally deficient" since 1990, and was being annually inspected by the Minnesota Department of Transportation. According to the U.S. Department of Transportation, one in eight bridges is structurally deficient – there are around 597,000 bridges in the United States.

The vast majority of bridges are owned by State and local governments, the Federal government owns only about 9,000, or one percent, of bridges in the U.S. Currently, the Federal government establishes bridge inspection requirements, and the States carry out bridge inspection, repair, and replacement efforts. The Federal government provides funding for these activities via the Highway Bridge Program, which is administered by the Federal Highway Administration (FHWA).

The Highway Bridge Program is currently authorized at \$4.5 billion for fiscal year 2009. This program provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance. The Federal share of this funding ranges from 80 to 90 percent, and funds are distributed based on a formula which considers each State's relative share of the total cost to repair or replace deficient highway bridges.

[Federal Highway Administration](#)

ADDITIONAL VIEWS

Statement of Administration Policy: "The Administration supports a risk-based approach to highway bridge reconstruction and inspection, but objects to the provisions in H.R. 3999 that run counter to this objective, such as requiring shorter inspection frequencies and stipulating inspection technology that may be superseded by future developments. The Administration looks forward to working with Congress to ensure that all regulatory and reporting deadlines in the bill are realistically achievable. However, the Administration opposes House passage of H.R. 3999 unless it is amended to delete the bill's additional authorization of appropriations of \$1 billion for FY 2009 for highway bridge replacement and rehabilitation. The Administration's requested funding level of \$39.4 billion for the Federal-aid Highway program is both responsive to current needs and consistent with budgetary realities. The Administration does not intend to request additional funding." ([Statement of Administration Policy, 7/15/06](#))

COST

The Congressional Budget Office (CBO) estimates that "implementing the legislation would cost nearly \$1.9 billion over the 2008-2012 period." [Full CBO Cost Estimate](#)

STAFF CONTACT

For questions or further information contact Adam Hepburn at (202) 226-2302.