

1998—Pub. L. 105-178 amended section catchline and text generally, substituting provisions relating to highway use tax evasion projects for provisions relating to economic growth center development highways.

Subsec. (c)(1). Pub. L. 105-178, §1114(c)(1), as added by Pub. L. 105-206, §9002(h), substituted “August 1” for “April 1”.

Subsec. (c)(3). Pub. L. 105-178, §1114(c)(2), (3), as added by Pub. L. 105-206, §9002(h), in heading inserted “priority” after “Funding” and in text inserted “and prior to funding any other activity under this section,” after “2003.”

1973—Subsec. (a). Pub. L. 93-87, §122(a), (c), substituted “projects” for “demonstration projects” and “a Federal-aid system (other than the Interstate System)” for “the Federal-aid primary system” and deleted “to demonstrate the role that highways can play” before “to promote”.

Subsec. (b). Pub. L. 93-87, §122(a), substituted “projects” for “demonstration projects” and “a Federal-aid system (other than the Interstate System)” for “the Federal-aid primary system”.

Subsec. (c). Pub. L. 93-87, §122(a), substituted “project” for “demonstration project” and “a Federal-aid system (other than the Interstate System)” for “the Federal-aid primary system”.

Subsec. (d). Pub. L. 93-87, §122(a), substituted “highways on the Federal-aid system on which such development highway is located” for “Federal-aid primary highways”.

Subsec. (e). Pub. L. 93-87, §122(b), inserted introductory text “Except as otherwise provided in subsection (c) of this section,” and substituted “the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located” for “the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be increased by not to exceed an additional 20 per centum of the cost of such project, except that in no case shall the Federal share exceed 95 per centum of the cost of such project”.

#### 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.

#### HIGHWAY USE TAX EVASION PROJECTS

Pub. L. 102-240, title VIII, §8002(g), (h), Dec. 18, 1991, 105 Stat. 2204, 2205, as amended by Pub. L. 105-178, title I, §1114(b)(3), June 9, 1998, 112 Stat. 154, provided that:

“(g) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of Transportation 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. Highway bridge program

(a) FINDING AND DECLARATION.—Congress finds and declares that it is in the vital interest of the

United States that a highway bridge program be carried out to enable States to improve the condition of their highway bridges over waterways, other topographical barriers, other highways, and railroads through replacement and rehabilitation of bridges that the States and the Secretary determine are structurally deficient or functionally obsolete and through systematic preventive maintenance of bridges.

(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid highway which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(c)(1) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid highway, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(2) The Secretary may, at the request of a State, inventory bridges, on and off Federal-aid highways, for historic significance.

(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

#### (d) PARTICIPATION.—

(1) BRIDGE REPLACEMENT AND REHABILITATION.—On application by a State or States to the Secretary for assistance for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

- (A) replacing the bridge with a comparable facility; or
- (B) rehabilitating the 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) or (c):

- (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 structurally deficient and functionally obsolete highway bridges in the State.

(4) SPECIAL RULE FOR SYSTEMATIC 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.

(e) 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. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid highway bridges eligible for replacement, (2) Federal-aid highway bridges eligible for rehabilitation, (3) bridges not on Federal-aid highways eligible for replacement, and (4) bridges not on Federal-aid highways eligible for rehabilitation. 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. For purposes of the preceding sentence, 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. No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for the period specified in section 118(b)(2). 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. 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.

(f) BRIDGE SET-ASIDES.—

(1) DESIGNATED PROJECTS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but \$100,000,000 shall be apportioned as provided in subsection (e). Such \$100,000,000 shall be available as follows:

(i) \$12,500,000 per fiscal year for the Golden Gate Bridge.

(ii) \$18,750,000 per fiscal year for the construction of a bridge joining the Island of

Gravina to the community of Ketchikan in Alaska.

(iii) \$12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.

(iv) \$12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.

(v) \$12,500,000 per fiscal year for replacement and reconstruction of State maintained bridges in the State of Oklahoma.

(vi) \$4,500,000 per fiscal year for replacement of the Missisquoi Bay Bridge and the removal of the Missisquoi Bay causeway, Vermont.

(vii) \$8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.

(viii) \$8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.

(ix) \$10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.

(B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.

(2) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, paint, perform systematic preventive maintenance or seismic retrofit of, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, or install scour countermeasures to, highway bridges located on public roads, other than those on a Federal-aid highway, or to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport).

(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.

(g) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or re-

placed with assistance under this title, if such bridge is over waters (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce, and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

(h) INVENTORIES AND REPORTS.—The Secretary shall—

(1) 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;

(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

(3) report to such committees on such inventories; and

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

Such reports shall be submitted to such committees biennially.

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

(j) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary 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. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine 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.

(k) Notwithstanding any other provision of law, any bridge which is owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, shall be eligible for assistance under this section 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. 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 necessary bridge replacement or rehabilitation project. 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.

(l) REPLACEMENT OF DESTROYED BRIDGES AND FERRYBOAT SERVICE.—

(1) GENERAL RULE.—Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of

the funds provided under this section to construct any bridge which—

(A) replaces any low water crossing (regardless of the length of such low water crossing),

(B) replaces any bridge which was destroyed prior to 1965,

(C) replaces any ferry which was in existence on January 1, 1984, or

(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States 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 such construction.

(m) PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—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 which 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 accordance 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 the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.

(n) HISTORIC BRIDGE PROGRAM.—

(1) COORDINATION.—The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

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

(3) ELIGIBILITY.—Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

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

locality, or responsible entity enters into an agreement to—

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

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

Costs incurred by the State to preserve the 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 up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

(5) HISTORIC BRIDGE DEFINED.—As used in this subsection, “historic bridge” means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

(o) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—A project not on a Federal-aid highway under this section shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(p) As used in this section the term “rehabilitate” in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

(q) ANNUAL MATERIALS REPORT ON NEW BRIDGE CONSTRUCTION AND BRIDGE REHABILITATION.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish in the Federal Register a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

(r) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project payable from funds made available to carry out this section shall be determined under section 120(b).

(2) INTERSTATE SYSTEM.—The Federal share of the cost of a project on the Interstate System payable from funds made available to carry out this section shall be determined under section 120(a).

(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.)

#### REFERENCES IN TEXT

The General Bridge Act of 1946, referred to in subsec. (g), is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, as amended, 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.

Section 502(b) of such Act of 1946, referred to in subsec. (g), is section 502(b) of act Aug. 2, 1946, which is classified to section 525(b) of Title 33.

Section 9 of the Act of March 3, 1899, referred to in subsec. (g), is section 9 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, which is classified to section 401 of Title 33.

The date of enactment of this subsection, referred to in subsec. (j), is the date of enactment of Pub. L. 95-599, which was approved Nov. 6, 1978.

The date of the enactment of this subsection, referred to in subsec. (m), is the date of enactment of Pub. L. 100-17, which was approved Apr. 2, 1987.

The date of enactment of this subsection, referred to in subsec. (q), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

#### AMENDMENTS

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 coun-

termeasures 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 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

Section 123(d)(2) of Pub. L. 100-17 provided that: "The amendment made by subsection (a) [amending this section] shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986."

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 121(b) of Pub. L. 97-424 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 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.

#### USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES

Pub. L. 109-59, title I, §1805, Aug. 10, 2005, 119 Stat. 1459, provided that:

"(a) IN GENERAL.—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 144 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."

#### NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

Pub. L. 109-59, title I, §1804, Aug. 10, 2005, 119 Stat. 1458, provided that:

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) HISTORIC COVERED BRIDGE.—The term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

"(2) STATE.—The term 'State' has the meaning such term has in section 101(a) of title 23, United States Code.

"(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary [of Transportation] shall—

"(1) collect and disseminate information on historic covered bridges;

"(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;

"(3) conduct research on the history of historic covered bridges; and

"(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary [of Transportation] shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).

"(2) ELIGIBLE PROJECTS.—A grant under paragraph (1) may be made for a project—

"(A) to rehabilitate or repair a historic covered bridge; or

"(B) to preserve a historic covered bridge, including through—

"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

"(ii) installation of a system to prevent vandalism and arson; or

"(iii) relocation of a bridge to a preservation site.

"(3) AUTHENTICITY REQUIREMENTS.—A grant under paragraph (1) may be made for a project only if—

"(A) to the maximum extent practicable, the project—

"(i) is carried out in the most historically appropriate manner; and

"(ii) preserves the existing structure of the historic covered bridge; and

"(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$10,000,000 for each of fiscal years 2006 through 2009.

“(e) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.”

Pub. L. 105-178, title I, §1224, as added by Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837, provided that:

“(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

“(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

“(1) collect and disseminate information concerning historic covered bridges;

“(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

“(3) conduct research on the history of historic covered bridges; and

“(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

“(c) DIRECT FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

“(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

“(A) to rehabilitate or repair a historic covered bridge; and

“(B) to preserve a historic covered bridge, including through—

“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

“(ii) installation of a system to prevent vandalism and arson; or

“(iii) relocation of a bridge to a preservation site.

“(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

“(A) to the maximum extent practicable, the project—

“(i) is carried out in the most historically appropriate manner; and

“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

“(d) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.”

#### HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM

Section 1039 of Pub. L. 102-240, as amended by Pub. L. 102-388, title IV, §408, Oct. 6, 1992, 106 Stat. 1564, provided that:

“(a) RESEARCH GRANTS.—The Secretary may make grants to other Federal agencies, universities, private

businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:

“(1) Development of new, economical highway timber bridge systems.

“(2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

“(3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

“(4) Alternative transportation system timber structures which demonstrate the development of applications for railing, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

“(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

“(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.

“(c) CONSTRUCTION GRANTS.—

“(1) AUTHORITY.—The Secretary shall make grants to States for construction of highway timber bridges on public roads.

“(2) APPLICATIONS.—A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

“(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

“(A) Bridge designs which have both initial and long-term structural and environmental integrity.

“(B) Bridge designs which utilize timber species native to the State or region.

“(C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

“(D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.

“(d) FEDERAL SHARE.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

“(e) FUNDING.—From the funds reserved from apportionment under section 144(g)(1) [now 144(f)(1)] of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

“(1) \$1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

“(2) \$7,500,000 (\$7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

Such sums shall remain available until expended.

“(f) STATE DEFINED.—For purposes of this section, the term ‘State’ has the meaning such term has under section 101 of title 23, United States Code.”

#### FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM

Section 1089 of Pub. L. 102-240 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

Section 123(f)(1) of Pub. L. 100-17 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 BY TRANSPORTATION RESEARCH BOARD ON EFFECTS OF BRIDGE PROGRAM ON PRESERVATION AND REHABILITATION OF HISTORIC BRIDGES; RECOMMENDATION OF STANDARDS FOR REHABILITATION OF HISTORIC BRIDGES; REPORT

Section 123(f)(3) of Pub. L. 100-17 provided that: “(A) TRANSPORTATION RESEARCH BOARD.—The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to carry out a study on the effects of the bridge program conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

“(B) REPORT.—Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).”

STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES; REPORT

Section 160 of Pub. L. 100-17 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

Section 130 of Pub. L. 97-424 provided that: “Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act [Jan. 6, 1983], authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.”

DISCRETIONARY BRIDGE CRITERIA

Section 161 of Pub. L. 97-424, as amended by Pub. L. 100-17, title I, §123(h), Apr. 2, 1987, 101 Stat. 164, provided that: “The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) [now 144(f)] of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act [Jan. 6, 1983], including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code, including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 [Pub. L. 98-63] (97 Stat. 341). Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

“(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges, USDOT/FHWA (latest edition);

“(2) average daily traffic using the most current value from the national bridge inventory data;

“(3) average daily truck traffic;

“(4) defense highway system status;

“(5) the State’s unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

“(6) total project cost; and

“(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.”

TRANSFER OF DISCRETIONARY BRIDGE FUNDS

Section 8(b) of Pub. L. 96-106 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 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

Section 124(c) of Pub. L. 95-599 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

Section 147 of Pub. L. 95-599, 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 Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligi-