

115TH CONGRESS
1ST SESSION

S. 846

To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mrs. SHAHEEN (for herself, Mr. WHITEHOUSE, Ms. HASSAN, Mr. KING, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthen And For-
5 tify Existing Bridges Act of 2017” or the “SAFE Bridges
6 Act of 2017”.

7 **SEC. 2. STRENGTHEN AND FORTIFY EXISTING BRIDGES.**

8 (a) DEFINITIONS.—In this section:

1 (1) BRIDGE.—The term “bridge” means a
2 bridge on a public road, without regard to whether
3 the bridge is on a Federal-aid highway.

4 (2) ELIGIBLE BRIDGE.—The term “eligible
5 bridge” means a bridge that is structurally deficient.

6 (3) FEDERAL-AID HIGHWAY.—The term “Fed-
7 eral-aid highway” has the meaning given the term in
8 section 101(a) of title 23, United States Code.

9 (4) PUBLIC ROAD.—The term “public road”
10 has the meaning given the term in section 101(a) of
11 title 23, United States Code.

12 (5) REHABILITATION.—The term “rehabilita-
13 tion” means, with respect to a bridge, the carrying
14 out of major work necessary, as determined by the
15 Secretary—

16 (A) to restore the structural integrity of
17 the bridge; or

18 (B) to correct a major safety defect of the
19 bridge.

20 (6) REPLACEMENT.—The term “replacement”
21 means, with respect to a bridge, the construction of
22 a new facility that, as determined by the Secretary,
23 is in the same general traffic corridor as the re-
24 placed bridge.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 (8) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (9) STRUCTURALLY DEFICIENT.—The term
8 “structurally deficient”, with respect to a bridge,
9 means a bridge that, as determined by the Sec-
10 retary—

11 (A) has significant load-carrying elements
12 that are in poor or worse condition due to dete-
13 rioration, damage, or both;

14 (B) has a load capacity that is significantly
15 below truckloads using the bridge and that re-
16 quires replacement; or

17 (C) has a waterway opening causing fre-
18 quent flooding of the bridge deck and ap-
19 proaches resulting in significant traffic inter-
20 ruptions.

21 (b) ESTABLISHMENT.—Not later than 30 days after
22 the date of enactment of this Act, the Secretary shall es-
23 tablish a program to assist States to rehabilitate or re-
24 place eligible bridges.

25 (c) APPORTIONMENT OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out the program established under subsection (b) for a fiscal year shall be apportioned to each State according to the ratio that—

(A) the total cost to rehabilitate or replace eligible bridges in that State; bears to

(B) the total cost to rehabilitate or replace eligible bridges in all States.

(2) CALCULATION OF TOTAL COST.—

(A) IN GENERAL.—For purposes of the calculation under paragraph (1), the Secretary shall multiply the deck area of eligible bridges by the unit price on a State-by-State basis, as determined by the Secretary, to determine the total cost to rehabilitate or replace eligible bridges in each State.

(B) DATA USED IN MAKING DETERMINATIONS.—The Secretary shall make determinations under this subsection based on the latest available data, which shall be updated not less than annually.

(C) USE OF EXISTING INVENTORIES.—To the extent practicable, the Secretary shall make determinations under this subsection using in-

1 ventories prepared under section 144 of title
2 23, United States Code.

3 (d) USE OF FUNDS.—Funds apportioned to a State
4 under the program established under subsection (b)
5 shall—

6 (1) be used by that State for the rehabilitation
7 and replacement of eligible bridges;

8 (2) except as otherwise specified in this section,
9 be administered as if apportioned under chapter 1 of
10 title 23, United States Code, except that the funds
11 shall not be transferable;

12 (3) be subject to the requirements described in
13 section 1101(b) of the FAST Act (23 U.S.C. 101
14 note; 129 Stat. 1323) in the same manner as
15 amounts made available for programs under titles I,
16 II, and III of that Act; and

17 (4) not be subject to any limitation on obliga-
18 tions for Federal-aid highways or highway safety
19 construction programs set forth in any Act.

20 (e) CONDITION AT PROJECT COMPLETION.—On com-
21 pletion of the rehabilitation or replacement, a bridge that
22 is rehabilitated or replaced under the program established
23 under subsection (b) may not be structurally deficient.

24 (f) FEDERAL SHARE.—The Federal share of the cost
25 of a project carried out with funds apportioned to a State

1 under the program established under subsection (b) shall
2 be 100 percent.

3 (g) REAPPORTIONMENT OF UNOBLIGATED FUNDS.—
4 Any funds apportioned to a State under the program es-
5 tablished under subsection (b) and not obligated by that
6 State at the end of the third fiscal year beginning after
7 the fiscal year during which the funds were apportioned
8 shall be withdrawn from that State and reapportioned by
9 the Secretary to States that have not had funds withdrawn
10 under this subsection in accordance with the formula
11 under subsection (c).

12 (h) NONSUBSTITUTION.—In carrying out the pro-
13 gram established under subsection (b), the Secretary shall
14 ensure that funding made available to a State under the
15 program supplements, and does not supplant—

16 (1) other Federal funding made available for
17 the rehabilitation or replacement of eligible bridges;
18 and

19 (2) the planned obligations of that State with
20 respect to eligible bridges.

21 (i) PREVAILING RATE OF WAGE.—Section 113 of
22 title 23, United States Code, shall apply to this section.

23 (j) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, and each year thereafter if
25 States obligated funds apportioned under the program es-

1 tablished under subsection (b) during that year, the Sec-
2 retary shall submit to the Committee on Transportation
3 and Infrastructure of the House of Representatives and
4 the Committee on Environment and Public Works of the
5 Senate a report that describes the amounts obligated by
6 each State for projects under the program.

7 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary to carry
9 out this section \$2,750,000,000 for each of fiscal years
10 2017 through 2020, to remain available until expended.

○