

117TH CONGRESS  
1ST SESSION

# S. 1612

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

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 2021

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

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## A BILL

To require 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 2021” or the “SAFE Bridges  
6 Act of 2021”.

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

8 (a) DEFINITIONS.—In this section:

1           (1) BRIDGE.—The term “bridge” means a  
2 highway bridge on a public road, whether on or off  
3 a Federal-aid highway.

4           (2) ELIGIBLE BRIDGE.—The term “eligible  
5 bridge” means a bridge that is classified as in poor  
6 condition.

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

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

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

17               (A) to restore or increase the structural ca-  
18 pacity of the bridge; or

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

21          (6) REPLACEMENT.—The term “replacement”  
22 means, with respect to a bridge, the construction of  
23 a new facility that, as determined by the Secretary,  
24 is in the same general traffic corridor as the re-  
25 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           (b) ESTABLISHMENT.—Not later than 90 days after  
8           the date of enactment of this Act, the Secretary shall es-  
9           tablish a program to assist States to rehabilitate or re-  
10          place eligible bridges.

11          (c) APPORTIONMENT OF FUNDS.—

12               (1) IN GENERAL.—Amounts made available to  
13               carry out the program established under subsection

14               (b) for a fiscal year shall be apportioned to each  
15               State according to the ratio that—

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

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

20               (2) CALCULATION OF TOTAL COST.—

21                   (A) IN GENERAL.—For purposes of the  
22                   calculation under paragraph (1), the Secretary  
23                   shall multiply the deck area of eligible bridges  
24                   by the unit price on a State-by-State basis, as  
25                   determined by the Secretary, to determine the

1 total cost to rehabilitate or replace eligible  
2 bridges in each State.

3 (B) DATA USED IN MAKING DETERMINA-  
4 TIONS.—The Secretary shall make determina-  
5 tions under this subsection based on the latest  
6 available data, which shall be updated not less  
7 than annually.

8 (C) USE OF EXISTING INVENTORIES.—To  
9 the extent practicable, the Secretary shall make  
10 determinations under this subsection using in-  
11 ventories prepared under section 144 of title  
12 23, United States Code.

13 (d) USE OF FUNDS.—Funds apportioned to a State  
14 under the program established under subsection (b)  
15 shall—

16 (1) be used by that State—

17 (A) for the rehabilitation and replacement  
18 of 1 or more eligible bridges; or

19 (B) to maintain the surface coating and  
20 corrosion protection system of 1 or more eligible  
21 bridges;

22 (2) notwithstanding any other provision of law,  
23 be administered as if apportioned under chapter 1 of  
24 title 23, United States Code, except that the funds  
25 shall not be transferable;

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

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

9           (e) **CONDITION AT PROJECT COMPLETION.**—On com-  
10          pletion of the rehabilitation or replacement, a bridge that  
11          is rehabilitated or replaced under the program established  
12          under subsection (b) may not be classified as in poor con-  
13          dition.

14          (f) **FEDERAL SHARE.**—The Federal share of the cost  
15          of a project carried out with funds apportioned to a State  
16          under the program established under subsection (b) shall  
17          be 100 percent.

18          (g) **REAPPORTIONMENT OF UNOBLIGATED FUNDS.**—  
19          Any funds apportioned to a State under the program es-  
20          tablished under subsection (b) and not obligated by the  
21          State at the end of the third fiscal year beginning after  
22          the fiscal year during which the funds were apportioned  
23          shall be withdrawn from the State and reapportioned by  
24          the Secretary to States that have not had funds withdrawn

1 under this subsection in accordance with the formula  
2 under subsection (c).

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

7 (1) other Federal funding made available for  
8 the rehabilitation or replacement of eligible bridges;  
9 and

10 (2) the planned obligations of that State with  
11 respect to eligible bridges.

12 (i) REPORT.—Not later than 1 year after the date  
13 of enactment of this Act, and each year thereafter if  
14 States obligated funds apportioned under the program es-  
15 tablished under subsection (b) during that year, the Sec-  
16 retary shall submit to the Committee on Transportation  
17 and Infrastructure of the House of Representatives and  
18 the Committee on Environment and Public Works of the  
19 Senate a report that describes the amounts obligated by  
20 each State for projects under the program.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Secretary to carry  
23 out this section \$2,750,000,000 for each of fiscal years  
24 2022 through 2027, to remain available until expended.

1           (k) NATIONAL BRIDGE AND TUNNEL INVEN-  
2 TORIES.—Section 144(b)(5) of title 23, United States  
3 Code, is amended by striking “structurally deficient bridge  
4 identified under this subsection” and inserting “bridge  
5 classified as in poor condition”.

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