

Bridge Discretionary Program ***Updated April 20, 2007***

STATUS: ACTIVE (until authorizations for FY 2005 and previous years are expended or expire)

PROGRAM CODES:

- Q060 Bridge Discretionary Program, Non-seismic projects (FY 2003 and before)
- Q070 Bridge Discretionary Program, Seismic projects (FY 2003 and before)
- H060 Bridge Discretionary Program, Non-seismic Projects (FY 2004 & 2005)
- H070 Bridge Discretionary Program, Seismic Projects (FY 2004 & 2005)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144, SAFETEA-LU, Section 1114

CFR REFERENCE: 23 CFR 650G

ELIGIBILITY: Highway Bridge Replacement and Rehabilitation Program (HBRRP) funds set aside for the Bridge Discretionary Program may be obligated, at the discretion of the Secretary of Transportation, only for the replacement or rehabilitation of bridges which cost more than \$10 million each, or at least twice the amount of HBRRP funds apportioned to the State in which the bridge is located. Through regulation, discretionary bridge projects must be on a Federal-aid highway.

BACKGROUND: Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) established the HBRRP that was applicable to bridges both on and off the Federal-aid highway system (i.e., on and off-system bridges). It also required that \$200 million be withheld from the HBRRP apportionment for each of FYs 1979-1982 to be used by the Secretary as a discretionary fund to replace or rehabilitate bridges which cost more than \$10 million each, or twice the State's apportionment.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued this program with the same spending requirements and provided authorizations through FY 1986. It also provided a formalized process (i.e., a ranking factor formula) for selecting discretionary bridge projects for funding. Regulations in this regard were promulgated and published in 23 CFR 650, Subpart G. Through regulation, discretionary bridge projects must be on a Federal-aid highway.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) continued the HBRRP and increased the discretionary set-aside to \$225 million for each of FYs 1987-1991.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Bridge Discretionary Program with a new timber bridge component. Section 1028 (d) of the 1991 ISTEA amended 23 U.S.C. 144(g)(1) and authorized \$400 million to be set-aside over a 6-year period from the HBRRP.

Of the above discretionary amounts, Section 1039 of the 1991 ISTEA required that \$8 million in FY 1992 and \$8.5 million in each of FYs 1993-1997 be made available for the construction of highway timber bridges on all public roads. Of these amounts, \$1 million in each of FYs 1992-1997 was available for timber bridge research grants, and for technology and information transfer, and \$7 million was available in FY 1992 and \$7.5 million was available in each of FYs 1993-1997 for construction grants related to timber bridges.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized \$25 million in FY 1998 for the seismic retrofit of the Golden Gate Bridge. It also authorized \$100 million for FYs 1999-2003 for the discretionary bridge program, provided that not to exceed \$25 million would be available only for seismic retrofit of bridges, including those in the New Madrid fault region. It did not authorize timber bridges.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) did not reauthorize the program beyond 2005.