

Highway Bridge Program (HBP) (Formerly the Highway Bridge Replacement And Rehabilitation Program - HBRRP)

Updated December 3, 2012

STATUS: ACTIVE until HBP funds are obligated and expended, rescinded, transferred, or until the funds lapse

PROGRAM CODES:

- Q100 – HBRRP-Apportioned, 65% On Federal-aid Highways (through FY 2003)
- Q110 – HBRRP-Apportioned, 15% Off Federal-aid Highways (through FY 2003)
- Q120 – HBRRP-Apportioned, 20% On/Off Federal-aid Highways (through FY 2003)
- H100 – HBRRP-Apportioned, 65% On Federal-aid Highways (FY 2004 - 2005)
- H110 – HBRRP-Apportioned, 15% Off Federal-aid Highways (FY 2004 - 2005)
- H120 – HBRRP-Apportioned, 20% On/Off Federal-aid Highways (FY 2004 - 2005)
- H1C0 – HBP apportioned 85% On/Off Federal-aid Highways (STEА, FY 2005)
- L110 – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU, FY 2006 – 2009)
- L1C0 – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU, FY 2006 - 2009)
- L11E – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU Extension – P.L. 111-068)
- L1CE – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU Ext. – P.L. 111-068)
- L11R – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L1CR – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L10R – HBRRP Apportioned 65% On Federal-aid Highways (Restored - P.L. 111-147 Sec. 413)
- L12R – HBRRP Apportioned 20% On/Off Federal-aid Highways (Restored - P.L. 111-147 Sec. 413)
- HQ00 – HBRRP Apportioned, 65% On Federal-aid Highways - Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQ10 – HBRRP Apportioned, 15% Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQ20 – HBRRP Apportioned, 20% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQC0 – HBP Apportioned 85% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQ10 – HBP Apportioned 15% Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQC0 – HBP Apportioned 85% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQ1E – HBP Apportioned 15% Off Federal-aid Highways – Additional Obligation Limitation (SAFETEA-LU Extension – P.L. 111-068)
- LQCE – HBP Apportioned 15% Off Federal-aid Highways – Additional Obligation Limitation (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 80% (ISTEA); 80% (TEA-21); 80% including sliding scale under 23 U.S.C. 120 (SAFETEA-LU and SAFETEA-LU Extension), 90% for bridges on the Interstate system (SAFETEA-LU and SAFETEA-LU Extension)

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 144, SAFETEA-LU Section 1101, 1114, and 1805, MAP-21 Sections 1106, 1108, 1111, and 1523.

CFR REFERENCE: 23 CFR 650D

ELIGIBILITY: HBP funds may be used for:

- The total replacement of an eligible structurally deficient or functionally obsolete highway bridge on any public road with a new facility constructed in the same general traffic corridor,
- The rehabilitation that is required to restore the structural integrity of an eligible structurally deficient or functionally obsolete bridge on any public road, as well as the rehabilitation work necessary to correct major safety (functional) defects,
- The painting and application of calcium magnesium acetate applications, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges that are eligible for replacement or rehabilitation,
- Seismic retrofits, systematic preventive maintenance, installation of scour countermeasures, and bridge inspection activities, and
- The replacement of ferryboat operations in existence on January 1, 1984, the replacement of bridges destroyed before 1965, low-water crossings, and bridges made obsolete by Corps of Engineers (COE) flood control or channelization projects and not rebuilt with COE funds.

Structurally deficient and functionally obsolete highway bridges eligible for replacement or rehabilitation must be over waterways, other topographical barriers, other highways, or railroads. The condition of highway bridges may also be improved through systematic preventative maintenance.

BACKGROUND: Section 204 of the Federal-aid Highway Act of 1970 (Public Law 91-605) established a "Special Bridge Replacement Program" which was codified in 23 U.S.C. 144. Projects under this program had to be on a Federal-aid highway system.

Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) retitled and amended 23 U.S.C. 144 to provide a "Highway Bridge Replacement and Rehabilitation Program (HBRRP)" that was applicable to bridges both on and off the Federal-aid highway system (i.e., on and off-system bridges). It was stipulated that not less than 15 percent of the State's apportionments for FYs 1979-1982 nor more than 35 percent were to be spent off-system. The optional 20 percent of these funds, the portion between 15-35 percent, could be spent either for on-system or off-system bridge replacement or rehabilitation.

Section 124 also established the Discretionary Bridge Program (DBP) component of the HBRRP. The DBP was authorized an appropriation of \$100,000,000.00 for the replacement and rehabilitation of high cost highway bridges and for the seismic retrofit of highway bridges.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the HBRRP with the same 15-20-65 percent spending requirements and provided authorizations through FY 1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) (a) continued the 15-20-65 percent spending requirements, (b) allowed States, beginning with the FY 1987 apportionments, to use bridge funds to replace ferryboat operations in existence on January 1, 1984, to replace bridges destroyed before 1965, for low-water crossings, and for bridges made obsolete by COE flood control or channelization projects and not rebuilt with COE funds, (c) provided States that carry out bridge improvement projects with State funding on noncontroversial off-system bridges eligible for HBRRP funding to apply 80 percent of the cost of such projects expended after April 2, 1987, as a credit for the non-Federal share of other HBRRP projects carried out by the State, and (d) made the availability period for apportioned bridge funds the fiscal year plus 3 years with lapsed funds to be reapportioned to the other States.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the HBRRP. The formula and requirements of the program were basically unchanged from previous years.

The 1991 ISTEA also contained the following provisions:

- Not less than 15 percent of a State's apportionment, nor more than 35 percent, was to be spent on bridges off of Federal-aid highways (i.e., bridges on local roads and rural minor collectors). The remaining 65 percent, up to a maximum of 85 percent, of the apportionment was to be spent for bridges on Federal-aid highways,
- It allowed Federal participation in bridge painting, seismic retrofitting, and calcium magnesium acetate applications. [Section 1028(b)],
- The DBP was continued at a substantially lower funding level, and with a new timber bridge component. [Sections 1028(d) and 1039],
- Up to 40 percent of a State's HBRRP apportionment (i.e., mandatory 65 percent and optional 20 percent funds) could be transferred to the National Highway System (NHS) or the Surface Transportation Program (STP). Transferred amounts were not subject to the STP set-asides and sub-State distribution requirements. [Section 1028(g)], and
- New requirements were established concerning Indian reservation road (IRR) bridges. Each fiscal year, not less than 1 percent of the amount apportioned to each State which had an Indian reservation within its boundaries was transferred to the Secretary of the Interior. These funds were to be expended to replace, rehabilitate, paint, or apply calcium magnesium acetate to deficient highway bridges located on Indian reservation roads. [Section 1028(f)].

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized \$20.4 billion for FYs 1998-2003 for the HBRRP. It also continued the HBRRP discretionary program component and authorized the set-aside of \$100 million for each of FYs 1999-2003 for discretionary allocation by the Secretary for major bridges with the provision that not to exceed \$25 million would be available only for seismic retrofit of bridges, including projects in the New Madrid fault region. It also authorized set-aside of \$25 million for FY 1998 for seismic retrofit of the Golden Gate Bridge.

TEA-21 changed the HBRRP eligible work activities to include: sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures. Also, the IRR and timber bridge set-asides were eliminated.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) authorized \$21.6 billion (Section 1101) for FY 2005 - 2009 for the Highway Bridge Program (Section 1114). It discontinued the HBRRP discretionary program replacing it with \$100 million of set-aside projects specified in statute. SAFETEA-LU added systematic preventative maintenance as eligible activity on bridges. Seismic retrofit, systematic preventative maintenance and scour mitigation have been specified as eligible activities for highway bridges irrespective of their eligibility for replacement or rehabilitation. Bridge painting and the application of sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions are eligible activities, together with replacement and rehabilitation, for deficient eligible bridges.

In SAFETEA-LU, the criteria for expenditure of funds on bridges off of the Federal-aid system was modified. The minimum of 15% of the apportionment was retained but the maximum of 35% was eliminated (Section 1114). SAFETEA-LU also modified the Federal participation. Federal participation rates are set by 23 USC 120.

SAFETEA-LU added a provision (Section 1805) whereby bridge owners must make debris from bridge demolition activities under the Highway Bridge Program eligible for beneficial use. Beneficial use is defined as the application for purposes of shore erosion control or restoration, ecosystem restoration and marine habitat creation. Recipients of the debris bear all additional costs and assume all the responsibilities of complying with standards and laws.

The Consolidated Appropriations Act, 2008 (P.L. 110-161) provided an additional obligation limitation of \$1,000,000,000 for the purpose provided for in 23 U.S.C. 144(e). This obligation limitation was apportioned in accordance with Section 144 and made available for purposes eligible under that section. Obligation limitation was provided to supplement not supplant each State's planned obligation for such purposes. The additional obligation limitation had only a 3-year period of availability which lapsed on 9/30/2010.

The program was extended until October 1, 2012 under the SAFETEA-LU extension acts.

Section 1111 of the Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) amends 23 U.S.C. 144 and discontinues the Highway Bridge Program. Highway bridges continue to be eligible under the Surface Transportation Program (STP) and the new National Highway Performance Program (NHPP). The STP (23 U.S.C. 133 as amended by MAP-21) and NHPP (23 U.S.C. 119 as amended by MAP-21) provide funding with specific programmatic eligibilities and requirements for bridges and tunnels.

Section 1108 of MAP-21 provides a set-aside for minimum expenditures on bridges not on Federal-aid highways (off-system bridges) within the STP program under 23 U.S.C. 133(g). Credit for bridges not on Federal-aid highways (bridge credits), is also continued and also provided for in the STP program under 23 U.S.C. 133(g).

Section 1106 of MAP-21 establishes a minimum standard for NHS bridge conditions for the purposes of establishing a penalty threshold. If more than 10% of the total deck area of NHS bridges in a State is on structurally deficient bridges for three consecutive years after enactment of MAP-21, the State must devote NHPP funds equal to 50% of the State's FY 2009 Highway Bridge Program apportionment under SAFETEA-LU to improve bridge conditions during the following fiscal year and each year thereafter if the percentage of deck area on structurally deficient bridges remains above 10%.

Section 1523 amended Section 1805 of SAFETEA-LU applying the requirement of making debris from demolished bridges and overpasses made available for beneficial use to the NHPP program.

Section 1111 of MAP-21 amends 23 U.S.C. 144 and provides for the National bridge and tunnel inventory and inspection standards.

Carryover funding continues to be available for the original purpose under the applicable rules of the pre-MAP-21 Highway Bridge Program.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).