

BRIDGE FORMULA PROGRAM

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Advance appropriation (General Fund)	--	\$5.500 B	\$5.500 B	\$5.500 B	\$5.500 B	\$5.500 B

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL establishes the Bridge Formula Program (BFP) to replace, rehabilitate, preserve, protect, and construct highway bridges.

Statutory Citation

- Division J, title VIII, Highway Infrastructure Program heading, paragraph (1)

(Note: Except as indicated, all statutory citations herein are to the provisions of such paragraph (1).)

Funding Features

Type of budget authority

- Advance appropriations from the General Fund; not subject to any limitation on obligations.

Pre-Apportionment Set-Asides

- Sets aside 3% of BFP funding each fiscal year for Tribal transportation facility bridges, which shall be administered as if made available under the Tribal Transportation Program. [third and fourth provisos; 23 U.S.C. 202(d)]
- Allows FHWA to use up to 0.5% of annual BFP funds for the FHWA's administration and operations. [seventh proviso]

Apportionment of Funds

- Directs the Secretary to apportion BFP funding to the 50 States, the District of Columbia, and Puerto Rico via a formula based on the relative costs of replacing a State's bridges classified as in poor condition and rehabilitating a State's bridges classified as in fair condition (subject to the minimum apportionment described below):
 - 75% by the proportion the total cost of replacing all bridges classified in poor condition in the State bears to the total cost to replace all bridges classified in poor condition in all States; and
 - 25% by the proportion the total cost of rehabilitating all bridges classified in fair condition in the State bears to the total cost to rehabilitate all bridges classified in fair condition in all States. [eighth proviso]
- For purpose of this formula, directs the Secretary to determine replacement and rehabilitation costs based on the average unit costs of bridges from 2016 through 2020, as submitted by the

States to FHWA as required by 23 U.S.C. 144(b)(5), and the total deck area of bridges classified in poor or fair condition based on the National Bridge Inventory as of December 31, 2020. [tenth and eleventh proviso]

- Guarantees each State a minimum annual BFP apportionment of \$45 million. [ninth proviso]

Post-Appportionment Set-Asides

- Sets aside 15% of each State's BFP apportionment for use on "off-system" bridges (highway bridges located on public roads, other than bridges located on Federal-aid highways). [sixth proviso and thirteenth proviso]

Federal Share

- As a general rule, in accordance with 23 U.S.C. 120. (See the "Federal Share" fact sheet for additional detail.) [fourteenth proviso]
- Federal share of 100% for BFP funds—
 - set aside for Tribal transportation facility bridges (see above); [fifth proviso] or
 - used on an off-system bridge that is owned by a local agency or federally-recognized Tribe. [fifteenth proviso]

Eligible Activities

- BFP funds may be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads. [twelfth proviso]

Program Features

Definition of "State"

- Throughout the program—including in the apportionment formula—treats the District of Columbia and Puerto Rico as States (relying on the definition of "State" in 23 U.S.C. 101). [sixth proviso]

Applicability of Title 23 Requirements

- Except as otherwise specifically provided, BFP funds are administered as if apportioned under chapter 1 of title 23, U.S.C. As a result, Title 23 requirements generally apply to these funds. [first proviso]

Treatment of Projects

- Treats every project funded under the program as if it were located on a Federal-aid highway. This ensures applicability of Davis-Bacon wage requirements that apply to other projects on Federal-aid highways. [second proviso]

Additional Information and Assistance

- For more information about FHWA's bridge resources: <https://www.fhwa.dot.gov/bridge/bripro.cfm>
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm