

**STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR
BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
FULL COMMITTEE HEARING ON
IMPROVING THE FEDERAL BRIDGE PROGRAM: INCLUDING AN ASSESSMENT OF S. 3338
AND H.R. 3999
SEPTEMBER 10, 2008**

Chairwoman Boxer, Ranking Member Inhofe, thank you for the opportunity to speak to you today about this critical legislation introduced by Senator Klobuchar.

As you are well aware, I introduced H.R. 3999, “The National Highway Bridge Reconstruction and Inspection Act of 2008” in the House on October 30, 2007. The House passed H.R. 3999 on July 24, 2008 by an overwhelming bipartisan vote of 367-55. I appreciate the Committee holding this hearing, and urge the Senate to pass this legislation.

At 6:05 p.m. on August 1, 2007, the I-35W Bridge in Minneapolis, Minnesota, collapsed into the Mississippi River, killing 13 people. This tragedy demonstrates the need to make a commitment to invest in the maintenance and reconstruction of our nation’s infrastructure. Many facilities are being stretched to the limit of their design life and beyond.

Of the 599,766 bridges in the National Bridge Inventory, 25.4 percent of America's bridges—more than one in four—are structurally deficient or functionally obsolete. There are 72,524 structurally deficient bridges and 79,792 functionally obsolete bridges. According to the Department of Transportation (“DOT”), more than \$65 billion could be invested immediately in a cost-beneficial way to replace or otherwise address existing bridge deficiencies.

We must take action to put in place a framework to address this situation, and ensure that the safety and structural integrity of the nation’s highway bridges do not continue to deteriorate.

Since the collapse of the I-35W bridge, the Committee on Transportation and Infrastructure and the Subcommittee on Highways and Transit have conducted in-depth hearings on the Highway Bridge Program and the National Bridge Inspection Program. During those hearings, we identified a number of significant problems that must be addressed to ensure the overall safety of the nation’s highway bridges.

First, bridge inspection requirements and standards must be strengthened. The inspection of bridges is a key to ensuring the overall safety of the traveling public. With over half of our bridges built before 1964, it is increasingly important that we have reliable information on the safety of these structures. It is imperative that we accurately identify structural flaws and recognize when the time comes to load-limit, repair or reconstruct a bridge. Drivers should not have to be fearful when crossing a bridge. The current standard for bridge inspections is a routine, visual inspection conducted once every two years. As our Committee learned from the witnesses at our hearings, these visual inspections are subjective and can vary based on the professional judgment of individual inspectors.

This bill will create a framework that will allow States to target inspections on those bridges that need to be watched closely, and will direct limited resources to those bridges most in need of repair. This bill includes a requirement that structurally deficient bridges and bridges with fracture critical members are inspected at least annually, utilizing the most effective technologies and inspection methods. Many States currently meet this standard. This provision will ensure that all States do. This will raise the overall safety and reliability of State bridge inventories.

This legislation would also require that all persons involved in bridge inspections receive appropriate training. Currently, there is no federal standard or training requirement for front-line bridge inspectors. This bill will ensure that those inspecting bridges have the skills and knowledge to recognize deficiencies. The bill also increases the qualification requirements to ensure that licensed professional engineers approve inspections of complex highway bridges, as well as follow-up measures on bridges with a critical finding of a structural or safety-related deficiency that require immediate action.

The hearings also found significant problems with the Federal Highway Administration's ("FHWA") ability to oversee the greatly varied State bridge inspection programs. To address this problem, H.R. 3999 requires FHWA to ensure uniformity in the standards, uniformity in bridge management systems, and uniformity in the data submitted to the National Bridge Inventory. This will ensure that the data collected during inspections and submitted to the National Bridge Inventory is accurate and consistent.

The Department of Transportation's Inspector General ("IG") told us that one in ten structurally deficient bridges on the National Highway System are incorrectly load-rated. The IG also found that 40.5 percent of State-level load ratings posted on National Highway System bridges do not match the information submitted to the National Bridge Inventory. These disturbing inconsistencies must be corrected quickly for the safety of the traveling public. This legislation will require States to calculate, every 24 months, the load rating for structurally deficient bridges and ensure that the safe load-carrying capacities for such bridges are properly posted.

We recognize that we cannot approach this problem with a "one-size-fits-all" solution. Different States have different levels of need, and different bridges have varying requirements and weaknesses. These must be accounted for, but the current piecemeal, patchwork approach to bridge inspection and data collection raises a lot of questions about the overall safety of the nation's bridge inventory.

This proposal would also create a new level of accountability into our bridge repair and replacement by ensuring that States are investing in upgrading those bridges that are critical to safety, as well as freight and passenger mobility.

It requires the Secretary of Transportation to develop a process to assign a risk-based priority to the rehabilitation and reconstruction of each structurally deficient or functionally obsolete bridge on the Federal-aid highway system. The National Academy of Sciences would then independently review the process of prioritization of structurally deficient

bridges for reconstruction to ensure that investment and resource decisions are based on need and not politics.

The bill also requires States to establish five-year performance plans for inspection of bridges, and the replacement or rehabilitation of structurally deficient and functionally obsolete highway bridges in the State. The performance plans will provide a roadmap for addressing bridge needs, and will ensure greater accountability.

The bill would also address concerns that have been raised with the management—by some States—of Highway Bridge Program funds.

Despite these overwhelming needs, States have *transferred* a total of \$4.73 billion in Highway Bridge Program funds between 1992 and 2006. While a relatively small number of States have chosen to disproportionately transfer bridge funds, given the overwhelming bridge needs in all States, it does not make sense to allow these funds to be transferred until core bridge safety needs are met.

Pennsylvania, for example, has transferred almost \$1 billion in Highway Bridge Program funds since 2003. Over this same period, the number of structurally deficient bridges in the Commonwealth increased by 500, and Pennsylvania has the highest number of structurally deficient bridges in the nation.

Another concern we have is with the number of States choosing to disproportionately rescind Highway Bridge Program funds in implementing Congressionally mandated rescissions of unobligated contract authority balances in highway program funds. Although the Highway Bridge Program represents approximately 11 percent of the overall program funding level provided in SAFETEA-LU, the \$3.425 billion in rescissions of contract authority available for this program have totaled approximately one-third of total rescissions.

Another concern with the management of the bridge program is the slow obligation rate of available Federal Highway Bridge Program contract authority by some States. For instance, over the past five years (FY 2003-2007), Minnesota has obligated barely one-half of its bridge program funds (51 percent).

As currently authorized, this is a needs-based program, and apportionment of funds to States under the bridge formula, are based on State highway bridge investment needs. It does not make sense for those States with the greatest needs not to use the funds provided under this program to address highway bridge deficiencies. This is not a block grant program. This is a needs-based program, and we must ensure that all States take a more performance-based approach to managing their bridge inventories and addressing their bridge needs.

To begin to provide greater accountability into the Highway Bridge Program, this legislation includes a provision requiring States to use Highway Bridge Program funds to improve bridge safety by allowing States to transfer Highway Bridge Program funds to other Federal-aid Highway programs only if the State demonstrates to the satisfaction of the Secretary that it has no bridges on the National Highway System eligible for replacement. To be eligible for replacement, a bridge must have a sufficiency rating below 50 on a scale of

0-100. The I-35W bridge had a sufficiency rating of 50. Therefore, this provision would require States to address their bridges on the NHS that are in worse condition than the I-35W bridge.

Highway Bridge Program funds can be used for a number of activities, including bridge inspections, rehabilitation, reconstruction, and preventive maintenance. The program provides a number of opportunities—and sufficient flexibility—for all States to manage their bridge inventories and to—at a minimum—address their most pressing highway bridge needs. Given the overwhelming needs, I see no reason why States cannot utilize these funds to improve the safety and condition of their bridges before transferring funds to other highway programs.

This “fix-it-first” approach will assure that the needs-based highway bridge program funds are utilized as intended by Congress in SAFETEA-LU—to improve the safety of highway bridges.

Finally, the legislation authorizes an additional \$1 billion for reconstruction of structurally deficient bridges on the National Highway System. These funds are in addition to funds provided for the Highway Bridge Program under SAFETEA-LU. No Congressional or Administration earmarks are allowed under the program.

While the NHS makes up only 4.1 percent of total U.S. mileage, it carries 45 percent of vehicle miles traveled, including 75 percent of heavy truck traffic and 90 percent of tourist traffic. Of the 116,172 bridges on the NHS (including more than 55,000 Interstate System bridges), 6,175 NHS bridges are structurally deficient. Addressing the needs of bridges on the NHS is critical to public safety, regional and national mobility, and economic competitiveness. It demands a national response. The \$1 billion authorized in this legislation is a down payment on the NHS bridge backlog, and will begin targeting investment on these critical bridges.

The terrible events of August 1, 2007 have served as a wake-up call for many policymakers and leaders around the country. We must:

- ensure that our bridge inspectors are well trained and qualified;
- use innovative techniques and technologies to create reliable data to inform our decision-making;
- create a system that allows FHWA to be effective in their oversight of the State bridge programs; and
- develop a structure that allows States to prioritize and manage their bridge inventories in the most efficient and effective means possible.

Once given the framework and tools to do this job, the States must be held accountable for meeting these objectives and performance goals. That is what the legislation would do.

Infrastructure is easily overlooked. It is always there, always functioning, always serving our needs. When infrastructure fails, though, we are suddenly awakened to the fragility of our national transportation system. The collapse of the I-35W bridge is a

tragedy Americans will not soon forget. The traveling public is looking for solutions to ensure that such a tragedy will not happen again. We must take the lessons of the I-35W bridge, and use them to create an accountable and reliable bridge program that guards the safety of all users. We cannot walk away from this responsibility, and we can no longer afford to ignore it.

Thank you again Chairwoman Boxer for holding this important hearing and inviting me to testify on the need for passing this critical piece of legislation.