



## Guidance on Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

Non-chloride based Calcium Magnesium Acetate (Cryotech CMA<sup>®</sup>), Sodium Acetate (Cryotech NAAC<sup>®</sup>), and Potassium Acetate (Cryotech CF7<sup>®</sup>) are eligible for matching Federal Funds under the SAFETEA-LU act that was passed in August 2005. Through the SAFETEA-LU act, funds are available for low corrosive anti-icing/deicing applications and environmentally preferred anti-icers/deicers used on highway bridges through 2010. This act is building on the foundation provided by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century of 1998 (TEA-21), which originated to help preserve and rehabilitate America's bridges. There is approximately \$21.6 billion authorized through 2010 for the Highway Bridge Program section of the act.

### TITLE I—FEDERAL-AID HIGHWAYS

#### Subtitle A—Authorization of Programs

##### SEC. 1114. HIGHWAY BRIDGE PROGRAM.

(a) FINDING AND DECLARATION.—Section 144(a) of title 23, United States Code, is amended to read as follows:

“(a) FINDING AND DECLARATION.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be carried out to enable States to improve the condition of their highway bridges over waterways, other topographical barriers, other highways, and railroads through replacement and rehabilitation of bridges that the States and the Secretary determine are structurally deficient or functionally obsolete and through systematic preventive maintenance of bridges.”.

(b) PARTICIPATION.—Section 144(d) of such title is amended to read as follows:

“(d) PARTICIPATION.—

H. R. 3—30

“(1) BRIDGE REPLACEMENT AND REHABILITATION.—On application by a State or States to the Secretary for assistance for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

“(A) replacing the bridge with a comparable facility;

or

“(B) rehabilitating the bridge.

“(2) TYPES OF ASSISTANCE.—On application by a State or States to the Secretary, the Secretary may approve Federal assistance for any of the following activities for a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c):

“(A) Painting.

“(B) Seismic retrofit.

“(C) Systematic preventive maintenance.

“(D) Installation of scour countermeasures.

“(E) Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions.

“(3) BASIS FOR DETERMINATION.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on structurally deficient and functionally obsolete highway bridges in the State.

“(4) SPECIAL RULE FOR PREVENTIVE MAINTENANCE.—Notwithstanding any other provision of this subsection, a State may carry out a project under paragraph (2)(B), (2)(C), or (2)(D) for a highway bridge without regard to whether the bridge is eligible for replacement or rehabilitation under this section.”.

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(c) APPORTIONMENT OF FUNDS.—Section 144(e) of such title is amended—

(1) in the third sentence by striking “square footage” and inserting “deck area”;

(2) in the fourth sentence by striking “the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and,”; and

(3) in the seventh sentence by striking “for the same period as funds apportioned for projects on the Federal-aid primary system under this title” and inserting “for the period specified in section 118(b)(2)”.

(d) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of such title is amended to read as follows:

“(3) OFF-SYSTEM BRIDGES.—

“(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, paint, perform systematic preventive maintenance or seismic retrofit of, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, or install scour countermeasures to, highway bridges located on public roads, other than those on a

H. R. 3—31  
Federal-aid highway, or to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport).

“(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditure for bridges not on a Federal-aid highway under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.”.

(e) BRIDGE SET-ASIDE.—

(1) FISCAL YEAR 2005.—Section 144(g)(1)(C) of such title is amended—

(A) in the subsection heading by striking “2003” and inserting “2005”; and

(B) in the first sentence by striking “2003” and inserting “2005”.

(2) FISCAL YEARS 2006 THROUGH 2009.—Effective October 1, 2005, section 144(g) of such title (as amended by subsection (d) of this section) is amended—

(A) by striking the subsection designation and all that follows through the period at the end of paragraph (2) and inserting the following:

“(g) BRIDGE SET-ASIDES.—

“(1) DESIGNATED PROJECTS.—

“(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2006 through 2009, all but \$100,000,000 shall be apportioned as provided in subsection (e). Such \$100,000,000 shall be available as follows:

“(i) \$12,500,000 per fiscal year for the Golden Gate Bridge.

“(ii) \$18,750,000 per fiscal year for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

“(iii) \$12,500,000 per fiscal year to the State of Nevada for construction of a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area.

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“(iv) \$12,500,000 per fiscal year to the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, Missouri, to the State of Illinois.

“(v) \$12,500,000 per fiscal year for replacement and reconstruction of State maintained bridges in the State of Oklahoma.

“(vi) \$4,500,000 per fiscal year for replacement of the Missisquoi Bay Bridge, Vermont.

“(vii) \$8,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Vermont.

“(viii) \$8,750,000 per fiscal year for design, planning, and right-of-way acquisition for the Interstate Route 74 bridge from Bettendorf, Iowa, to Moline, Illinois.

H. R. 3—32

“(ix) \$10,000,000 per fiscal year for replacement and reconstruction of State-maintained bridges in the State of Oregon.

“(B) GRAVINA ACCESS SCORING.—The project described in subparagraph (A)(ii) shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

“(C) PERIOD OF AVAILABILITY.—Amounts made available to a State under this paragraph shall remain available until expended.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(f) CONTINUATION OF REPORT; FEDERAL SHARE.—Section 144

of such title is amended by adding at the end the following:

“(r) ANNUAL MATERIALS REPORT ON NEW BRIDGE CONSTRUCTION AND BRIDGE REHABILITATION.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish in the Federal Register a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

“(s) FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project payable from funds made available to carry out this section shall be determined under section 120(b).

“(2) INTERSTATE SYSTEM.—The Federal share of the cost of a project on the Interstate System payable from funds made available to carry out this section shall be determined under section 120(a).”.

(g) TECHNICAL AMENDMENT.—Section 144(i) of such title is amended by striking “at the same time” and all that follows through “Congress”.

United States Congress 109th Congress, 1st Session. Public Law 109-59 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS 109th Congress. Congressional Bills, GPO Access. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ059.109](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ059.109)

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6103 Orthoway, Fort Madison, IA 52627 Tel: +1 (319) 372-6012 +1 (800) 346-7237 Fax: +1 (319) 372-2662  
E-mail: [deicers@cryotech.com](mailto:deicers@cryotech.com) <http://www.cryotech.com> Form #MKT111, Rev. 7/20/10