Subsec. (i). Pub. L. 109–59, § 1114(g), struck out “at the same time as the report required by section 307 (f) of this title is submitted to Congress” after “biennially” in concluding provisions.
Subsecs. (r), (s). Pub. L. 109–59, § 1114(f), added subsecs. (r) and (s).
2004—Subsec. (g)(3). Pub. L. 108–310 inserted “and in the period of October 1, 2004, through May 31, 2005,” after “2004”.
Pub. L. 108–280 substituted “2004” for “2003 and in the period of October 1, 2003, through July 31, 2004,”.
Pub. L. 108–263 substituted “July 31” for “June 30”.
Pub. L. 108–224 substituted “June 30” for “April 30”.
Pub. L. 108–202 substituted “April 30” for “February 29”.
2003—Subsec. (g)(3). Pub. L. 108–88 inserted “and in the period of October 1, 2003, through February 29, 2004,” after “2003”.
1998—Subsec. (d). Pub. L. 105–178, § 1109(d)(1), (2), inserted “, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures” after “magnesium acetate” and inserted “or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures” after “such acetate” in two places.
Subsec. (e). Pub. L. 105–178, § 1109(a), inserted “, and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds” after “destroyed bridges and ferryboat services”.
Subsec. (g)(1). Pub. L. 105–178, § 1109(b), designated existing provisions as subpar. (A), inserted heading, realigned margins, and added subpars. (B) and (C).
Subsec. (g)(3). Pub. L. 105–178, § 1109(c), (d)(3), substituted “through 2003” for “1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997,”, substituted “Federal-aid highway” for “Federal-aid system” in two places, and inserted “, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures” after “magnesium acetate”.
Subsec. (g)(4). Pub. L. 105–178, § 1115(f)(3), as added by Pub. L. 105–206, § 9002(i), struck out heading and text of par. (4). Text read as follows: “Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title.”
Subsec. (n). Pub. L. 105–178, § 1109(e), substituted “Federal-aid highway” for “Federal-aid system”.
1995—Subsec. (i)(1). Pub. L. 104–59, § 325(b), substituted “Committee on Transportation and Infrastructure” for “Committee on Public Works and Transportation”.
Subsec. (l). Pub. L. 104–59, § 318, inserted at end “Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.”

1994—Subsec. (d). Pub. L. 103–220, § 1(1), inserted before period at end of third sentence “, except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section”.
Subsec. (e). Pub. L. 103–220, § 1(2), inserted at end “The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge shall not affect the apportionment of funds under this section.”
1991—Subsec. (c)(3). Pub. L. 102–240, § 1028(a), added par. (3).
Subsec. (d). Pub. L. 102–240, § 1028(b), inserted “Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate to, such structure.” after first sentence and “(other than projects for bridge structure painting or seismic retrofit or application of such acetate)” after “projects” in last sentence.

Subsec. (f). Pub. L. 102–240, § 1028(c), substituted “project” for “highway bridge replaced or rehabilitated”.
Subsec. (g)(1). Pub. L. 102–240, § 1028(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows:
“Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but $225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.”
Subsec. (g)(3). Pub. L. 102–240, § 1028(e)(1), substituted “1991, 1992, 1993, 1994, 1995, 1996, and 1997” for “and 1991” and “, rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to” for “or rehabilitate”.
Subsec. (g)(4). Pub. L. 102–240, § 1028(f), added par. (4).
Subsecs. (p), (q). Pub. L. 102–240, § 1028(e)(2), added subsec. (p) and redesignated former subsec. (p) as (q).
1987—Subsec. (e). Pub. L. 100–17, § 133(b)(11), inserted at end “Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.”
Pub. L. 100–17, § 123(d)(3), inserted after third sentence “For purposes of the preceding sentence, 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.”
Subsec. (g). Pub. L. 100–17, § 123(a), amended subsec. (g) generally, revising and restating as pars. (1) to (3) provisions
formerly contained in pars. (1) and (2).
Subsec. (h). Pub. L. 100–17, § 123(b), substituted “(1)” for “which are not subject to the ebb and flow of the tide, and” and added cl. (2).
Subsec. (i). Pub. L. 100–17, § 128, substituted “307(f)” for “307(e)” in last sentence.
Pub. L. 100–17, § 123(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) read as follows:
“The Secretary shall report annually on projects approved under this section, shall annually revise and

report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section."
Subsec. (m). Pub. L. 100–17, § 123(d)(1), added subsec. (m). Former subsec. (m) redesignated (p).
Subsec. (n). Pub. L. 100–17, § 123(e), which directed that this section be amended by adding subsec. (n) after subsec.
(l), was executed by adding subsec. (n) after subsec. (m), to reflect the probable intent of Congress.
Subsec. (o). Pub. L. 100–17, § 123(f)(2), which directed that this section be amended by adding subsec. (o) after subsec.
(l), was executed by adding subsec. (o) after subsec. (n), to reflect the probable intent of Congress.
Subsec. (p). Pub. L. 100–17, § 123(d)(1), redesignated former subsec. (m) as (p).
1983—Subsec. (e). Pub. L. 97–424, § 121(a), substituted provisions setting forth categorization, formula for apportionment factors, and limitations respecting deficient bridges for provisions relating to apportionment of funds for fiscal years ending Sept. 30, 1979, through Sept. 30, 1983, availability for expenditure of such funds, and reapportionment by the Secretary.
Pub. L. 97–327, § 5(c)(1), substituted "September 30, 1982, and September 30, 1983" for "and September 30, 1982".
Subsec. (g). Pub. L. 97–424, § 122(a), designated existing provisions as par. (1), struck out provisions added by section
5(c)(2) of Pub. L. 97–327 relating to apportionment of amounts for fiscal year ending Sept. 30, 1983, and added par. (2).
Pub. L. 97–327, § 5(c)(2), inserted provision that, of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but $200,000,000 (multiplied by the factor determined under section 4(a) of such Act) be apportioned, and that $200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date with specific limitations applicable to the obligation of such $200,000,000.
1979—Subsec. (d). Pub. L. 96–106, § 7(a), substituted "such bridge with a comparable facility or in rehabilitating such bridge" for "or rehabilitating such bridge with a comparable facility".
Subsec. (g). Pub. L. 96–106, § 8(a), inserted ", and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such costs is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made
for a grant for such bridge".
Subsec. (m). Pub. L. 96–106, § 7(b), substituted "major work" for "major repairs".
1978—Subsec. (a). Pub. L. 95–599 substituted provisions relating to Congressional findings as to highway bridge replacement and rehabilitation for provisions relating to Congressional findings as to special bridge replacement.
Subsec. (b). Pub. L. 95–599 added cl. (4).
Subsec. (c). Pub. L. 95–599 added subsec. (c). Former subsec. (c) redesignated (d).
Subsec. (d). Pub. L. 95–599 redesignated former subsec. (c) as (d) and among other amendments struck out provisions requiring Secretary to consider economy of area and approval of projects without regard to allocation formulas under this title.
Subsec. (e). Pub. L. 95–599 added subsec. (e). Former subsec. (e) redesignated (g).
Subsec. (f). Pub. L. 95–599 redesignated former subsec. (d) as (f), substituted "80" for "75", and inserted "highway" after "account of any". Former subsec. (f) was struck out.
Subsec. (g). Pub. L. 95–599 redesignated former subsec. (e) as (g) and inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1979 through Sept. 30, 1982. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 95–599 redesignated former subsec. (g) as (h) and inserted provisions relating to exceptions to applications of the General Bridge Act of 1946. Former subsec. (h) redesignated (i).
Subsec. (i). Pub. L. 95–599 redesignated former subsec. (h) as (i) and inserted provisions relating to revision and report of current inventories.
Subsecs. (j) to (m). Pub. L. 95–599 added subsecs. (j) to (m).
1975—Subsec. (e). Pub. L. 93–643 increased appropriations authorization to $125,000,000 from $75,000,000 for fiscal year ending June 30, 1976.
1973—Subsec. (e). Pub. L. 93–87, § 204(a), provided for appropriations authorization of $25,000,000, $75,000,000, and $75,000,000 for fiscal years ending June 30, 1974, 1975, and 1976.
Subsecs. (f) to (h). Pub. L. 93–87, § 204(b), (c), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.
Effective Date of 2005 Amendment
Pub. L. 109–59, title I, § 1114(e)(2), Aug. 10, 2005, 119 Stat. 1174, provided that the amendment made by section 1114 (e)(2) is effective Oct. 1, 2005.
Effective Date of 1998 Amendment
Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998,
that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of this title.
Effective Date of 1991 Amendment
Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.
Effective Date of 1987 Amendment
Section 123(d)(2) of Pub. L. 100–17 provided that: “The amendment made by subsection (a) [amending this section] shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986.”
Effective Date of 1983 Amendment Section 121(b) of Pub. L. 97–424 provided that: “The amendment made by subsection (a) of this section [amending this section] shall take effect October 1, 1982, and shall apply with respect to each fiscal year beginning on or after such date. Notwithstanding subsection (e) of section 144 of title 23, United States Code, as soon as practical after the date of enactment of this Act [Jan. 6, 1983], the Secretary of Transportation shall apportion under such subsection (e), TITLE 23 - Section 144 - Highway bridge program NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).
as amended by subsection (a) of this section, sums authorized to be appropriated to carry out such section 144 for the fiscal year ending September 30, 1983.” Termination of Reporting Requirements
For termination, effective May 15, 2000, of reporting provisions in subsec. (h)(1), (3), and (4) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103–7.
Use of Debris From Demolished Bridges and Overpasses
Pub. L. 109–59, title I, § 1805, Aug. 10, 2005, 119 Stat. 1459, provided that:
“(a) In General.—Any State that demolishes a bridge or an overpass that is eligible for Federal assistance under the highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code, is directed to first make the debris from the demolition of such bridge or overpass available for beneficial use by a Federal, State, or local government, unless such use obstructs navigation.
“(b) Recipient Responsibilities.—A recipient of the debris described in subsection (a) shall—
“(1) bear the additional cost associated with having the debris made available;
“(2) ensure that placement of the debris complies with applicable law; and

“(3) assume all future legal responsibility arising from the placement of the debris, which may include entering into an agreement to hold the owner of the demolished bridge or overpass harmless in any liability action.
“(c) Definition.—In this section, the term ‘beneficial use’ means the application of the debris for purposes of shore erosion control or stabilization, ecosystem restoration, and marine habitat creation.”
National Historic Covered Bridge Preservation
Pub. L. 109–59, title I, § 1804, Aug. 10, 2005, 119 Stat. 1458, provided that:
“(a) Definitions.—In this section, the following definitions apply:
“(1) Historic covered bridge.—The term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.
“(2) State.—The term ‘State’ has the meaning such term has in section 101 (a) of title 23, United States Code.
“(b) Historic Covered Bridge Preservation.—The Secretary [of Transportation] shall—
“(1) collect and disseminate information on historic covered bridges;
“(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;
“(3) conduct research on the history of historic covered bridges; and
“(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.
“(c) Grants.—
“(1) In general.—The Secretary [of Transportation] shall make a grant to a State that submits an application to the
Secretary that demonstrates a need for assistance in carrying out one or more historic covered bridge projects described in paragraph (2).
“(2) Eligible projects.—A grant under paragraph (1) may be made for a project—
“(A) to rehabilitate or repair a historic covered bridge; or
“(B) to preserve a historic covered bridge, including through—
“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;
“(ii) installation of a system to prevent vandalism and arson; or
“(iii) relocation of a bridge to a preservation site.
“(3) Authenticity requirements.—A grant under paragraph (1) may be made for a project only if—
“(A) to the maximum extent practicable, the project—
“(i) is carried out in the most historically appropriate manner; and
“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.
“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for each of fiscal years 2006 through 2009.
“(e) Applicability of Title 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this section shall be determined in accordance with section 120 of such title, and such funds shall remain available until expended and shall not be transferable.”

Pub. L. 105–178, title I, § 1224, as added by Pub. L. 105–206, title IX, § 9003(a), July 22, 1998, 112 Stat. 837, provided that:
"(a) Historic Covered Bridge Defined.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.
"(b) Historic Covered Bridge Preservation.—Subject to the availability of appropriations under subsection (d), the Secretary shall—
"(1) collect and disseminate information concerning historic covered bridges;
"(2) foster educational programs relating to the history and construction techniques of historic covered bridges;
"(3) conduct research on the history of historic covered bridges; and
"(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.
"(c) Direct Federal Assistance.—
"(1) In general.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).
"(2) Types of project.—A grant under paragraph (1) may be made for a project—
"(A) to rehabilitate or repair a historic covered bridge; and
"(B) to preserve a historic covered bridge, including through—
"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;
"(ii) installation of a system to prevent vandalism and arson; or
"(iii) relocation of a bridge to a preservation site.
"(3) Authenticity.—A grant under paragraph (1) may be made for a project only if—
"(A) to the maximum extent practicable, the project—
"(i) is carried out in the most historically appropriate manner; and
"(ii) preserves the existing structure of the historic covered bridge; and
"(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.
"(4) Federal share.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.
"(d) Funding.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended."
Highway Timber Bridge Research and Demonstration Program
Section 1039 of Pub. L. 102–240, as amended by Pub. L. 102–388, title IV, § 408, Oct. 6, 1992, 106 Stat. 1564, provided that:
"(a) Research Grants.—The Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:
"(1) Development of new, economical highway timber bridge systems.
"(2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

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"(3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

“(4) Alternative transportation system timber structures which demonstrate the development of applications for railing,
sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.
“(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.
“(b) Technology and Information Transfer.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.
“(c) Construction Grants.—
“(1) Authority.—The Secretary shall make grants to States for construction of highway timber bridges on public roads.
“(2) Applications.—A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.
“(3) Approval criteria.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:
“(A) Bridge designs which have both initial and long-term structural and environmental integrity.
“(B) Bridge designs which utilize timber species native to the State or region.
“(C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.
“(D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.
“(d) Federal Share.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.
“(e) Funding.—From the funds reserved from apportionment under section 144 (g)(1) [now 144(f)(1)] of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—
“(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and
“(2) $7,500,000 ($7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c). Such sums shall remain available until expended.
“(f) State Defined.—For purposes of this section, the term ‘State’ has the meaning such term has under section 101 of title 23, United States Code.”
Feasibility of International Border Highway Infrastructure Discretionary Program
Section 1089 of Pub. L. 102–240 directed Secretary of Transportation to conduct a study of advisability and feasibility of establishing an international border highway infrastructure discretionary program and, not later than Sept. 30, 1993, transmit to Congress a report on results of the study, together with any recommendations. Historic Bridges; Congressional Findings and Declarations
Section 123(f)(1) of Pub. L. 100–17 provided that: “Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.”
Study by Transportation Research Board on Effects of Bridge Program on Preservation and Rehabilitation of Historic Bridges; Recommendation of Standards for Rehabilitation of Historic Bridges; Report
Section 123(f)(3) of Pub. L. 100–17 provided that: “(A) Transportation research board.—The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to carry out a study on the effects of the bridge program TITLE 23 - Section 144 - Highway bridge program NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html). conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges.
The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

“(B) Report.—Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).”

Study of Highway Bridges Which Cross Rail Lines; Report Section 160 of Pub. L. 100–17 directed Secretary to conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed and, not later than 30 months after Apr. 2, 1987, submit to Congress a report on the study and investigation along with recommendations on how the bridge needs could best be addressed on a long term basis in a cost-effective manner.

Four-Lane Bridges

Section 130 of Pub. L. 97–424 provided that: “Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act [Jan. 6, 1983], authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.”

Discretionary Bridge Criteria

Section 161 of Pub. L. 97–424, as amended by Pub. L. 100–17, title I, § 123(h), Apr. 2, 1987, 101 Stat. 164, provided that: “The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144 (g) [now 144(f)] of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act [Jan. 6, 1983], including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144 (g) of title 23, United States Code, including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 [Pub. L. 98–63] (97 Stat. 341). Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

“(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges, USDOT/FHWA (latest edition);

“(2) average daily traffic using the most current value from the national bridge inventory data;

“(3) average daily truck traffic;

“(4) defense highway system status;

“(5) the State’s unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

“(6) total project cost; and

“(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.”

Transfer of Discretionary Bridge Funds

Section 8(b) of Pub. L. 96–106 provided for the transfer of discretionary bridge funds authorized under subsec. (g) of this section for fiscal year 1980 to a State’s apportionment under section 104 (b)(6) of this title to repay funds obligated under section 104 (b)(6) between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment of subsec. (g) of this section by section 8(a) of Pub. L. 96–106.

Time for Completion of Inventory and Classification of Highway Bridges

Section 124(c) of Pub. L. 95–599 directed Secretary of Transportation to complete the requirements of subsec. (c) of this section, as amended by subsec. (a) of section 124 of Pub. L. 95–599, not later than the last day of the second full calendar year which begins after Nov. 6, 1978.

Acceleration of Bridge Projects; Ohio River Bridge Fund Reprogramming;
Reports to Congress
Section 147 of Pub. L. 95–599, as amended by Pub. L. 96–106, § 15, Nov. 19, 1979, 93 Stat. 798; Pub. L. 99–272, title IV, § 4105, Apr. 7, 1986, 100 Stat. 116, directed Secretary of Transportation to conduct two projects to construct or replace high-traffic-volume bridges on the Federal-aid highway system which span major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges; authorized funds for the projects; directed Secretary to report to Congress within six months after the completion of each project; redirected certain funds in excess of amounts needed to complete the projects for use in further projects for construction of three state-of-the-art Ohio River bridges linking designated cities in Kentucky and Ohio; and directed Secretary to report to Congress within a year after the completion of these bridges.

§ 151. National bridge inspection program

(a)
National Bridge Inspection Standards.—
The Secretary, in consultation with the State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of
all highway bridges.
(b)
Minimum Requirements of Inspection Standards.—
The standards established under subsection (a) shall, at a minimum—
(1)
specify, in detail, the method by which such inspections shall be carried out by the States;
(2)
establish the maximum time period between inspections;
(3)
establish the qualification for those charged with carrying out the inspections;
(4)
require each State to maintain and make available to the Secretary upon request—
(A)
written reports on the results of highway bridge inspections together with notations of
any action taken pursuant to the findings of such inspections; and
(B)
current inventory data for all highway bridges reflecting the findings of the most recent
highway bridge inspections conducted; and
(5)
establish a procedure for national certification of highway bridge inspectors.
(c)
Training Program for Bridge Inspectors.—
The Secretary, in cooperation with the State transportation departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.
(d)
Availability of Funds.—
To carry out this section, the Secretary may use funds made available
pursuant to the provisions of section 104 (a), section 502, and section 144 of this title.

(Added Pub. L. 100–17, title I, § 125(a), Apr. 2, 1987, 101 Stat. 166; amended Pub. L. 105–178, title I, § 1212(a)(2)(A)(ii), title V, § 5119(e), June 9, 1998, 112 Stat. 193, 452.)
Prior Provisions
A prior section 151, added Pub. L. 93–87, title II, § 205(a), Aug. 13, 1973, 87 Stat. 284; amended Pub. L. 94–280, title II, § 207, May 5, 1976, 90 Stat. 454; Pub. L. 95–599, title I, § 127, Nov. 6, 1978, 92 Stat. 2707; Pub. L. 96–470, title II, § 209(c), Oct. 19, 1980, 94 Stat. 2245; Pub. L. 97–375, title I, § 111(a), Dec. 21, 1982, 96 Stat. 1821, related to a pavement marking demonstration program, prior to repeal by Pub. L. 100–17, title I, § 125(a), Apr. 2, 1987, 101 Stat. 166.
Amendments 1998—Subsecs. (a), (c). Pub. L. 105–178, § 1212(a)(2)(A)(ii), substituted “State transportation departments” for “State highway departments”.
Subsec. (d). Pub. L. 105–178, § 5119(e), substituted “section 502,” for “section 307 (a),”.

409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.
(Added Pub. L. 100–17, title I, § 132(a), Apr. 2, 1987, 101 Stat. 170; amended Pub. L. 102–240, title I, § 1035(a), Dec. 18, 1991, 105 Stat. 1978; Pub. L. 104–59, title III, § 323, Nov. 28, 1995, 109 Stat. 591; Pub. L. 109–59, title I, § 1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225.)
Amendments
2005—Pub. L. 109–59 substituted “148” for “152”.
1995—Pub. L. 104–59 inserted “or collected” after “data compiled”.
1991—Pub. L. 102–240 substituted “Discovery and admission” for “Admission” in section catchline and “subject to
discovery or admitted into evidence in a Federal or State court proceeding” for “admitted into evidence in Federal
or State court” in text.
TITLE 23 - Section 410 - Alcohol-impaired driving countermeasures
NB: This unofficial compilation of the U.S. Code is current as of
Jan. 4, 2012
(see http://www.law.cornell.edu/uscode/uscprint.html).
-

imposes on the States. These requirements include the development of procedures for follow-up on critical findings.

In the NPRM published on September 9, 2003, the FHWA proposed a burden increase of 67,000 hours for the information collection, OMB control number 2125–0501, and invited interested parties to send comments regarding any aspect of these information collection requirements. Such comments could include, but were not limited to: (1) Whether the collection of information will be necessary for the performance of the functions of the FHWA, including whether the information will have practical utility; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collection of information; and (4) ways to minimize the collection burden without reducing the quality of the information collected. The FHWA did not receive any comments in response to the proposed burden hour increase of 67,000 hours. The revision to the information collection, OMB control number 2125–0501, based on this final rule will increase the burden hours by only 2,080 hours, a much smaller amount than that originally proposed in the NPRM.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and has determined that this action will not have any effect on the quality of the environment.

Executive Order 13211 (Energy Effects)

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order, because although it is a significant regulatory action under Executive Order 12866 it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 650

Bridges, Grant Programs—transportation, Highways and roads, Incorporation by reference, Reporting and record keeping requirements.

Issued on: December 9, 2004.

Mary E. Peters,

Federal Highway Administrator.

■ In consideration of the foregoing, the FHWA is amending title 23, Code of Federal Regulations, part 650, subpart C, as follows:

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

■ 1. The authority citation for part 650 continues to read as follows:

Authority: 23 U.S.C. 109 (a) and (h), 144, 151, 315, and 319; 33 U.S.C. 401, 491 *et seq.*, 511 *et seq.*; 23 CFR 1.32; 49 CFR 1.48(b), E.O. 11988 (3 CFR, 1977 Comp. p. 117); Department of Transportation Order 5650.2 dated April 23, 1979 (44 FR 24678); sec. 161 of Public Law 97–424, 96 Stat. 2097, 3135; sec. 4(b) of Public Law 97–134, 95 Stat. 1699; and sec. 1057 of Public Law 102–240, 105 Stat. 2002; and sec. 1311 of Pub. L. 105–178, as added by Pub. L. 105–206, 112 Stat. 842 (1998).

■ 2. Revise subpart C to read as follows:

Subpart C—National Bridge Inspection Standards

Sec.
650.301 Purpose.
650.303 Applicability.
650.305 Definitions.
650.307 Bridge inspection organization.
650.309 Qualifications of personnel.
650.311 Inspection frequency.
650.313 Inspection procedures.
650.315 Inventory.
650.317 Reference manuals.

Subpart C—National Bridge Inspection Standards

§ 650.301 Purpose.

This subpart sets the national standards for the proper safety inspection and evaluation of all highway bridges in accordance with 23 U.S.C. 151.

§ 650.303 Applicability.

The National Bridge Inspection Standards (NBIS) in this subpart apply to all structures defined as highway bridges located on all public roads.

§ 650.305 Definitions.

Terms used in this subpart are defined as follows:

American Association of State Highway and Transportation Officials (AASHTO) Manual. "Manual for Condition Evaluation of Bridges," second edition, published by the American Association of State Highway and Transportation Officials (incorporated by reference, *see* § 650.317).

Bridge. A structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

Bridge inspection experience. Active participation in bridge inspections in accordance with the NBIS, in either a field inspection, supervisory, or management role. A combination of bridge design, bridge maintenance, bridge construction and bridge inspection experience, with the predominant amount in bridge inspection, is acceptable.

Bridge inspection refresher training. The National Highway Institute "Bridge Inspection Refresher Training Course" [1] or other State, local, or federally developed instruction aimed to improve quality of inspections, introduce new techniques, and maintain the consistency of the inspection program.

Bridge Inspector's Reference Manual (BIRM). A comprehensive FHWA manual on programs, procedures and techniques for inspecting and evaluating a variety of in-service highway bridges. This manual may be purchased from the U.S. Government Printing Office, Washington, DC 20402 and from National Technical Information Service, Springfield, Virginia 22161, and is available at the following URL: *http://www.fhwa.dot.gov/bridge/bripub.htm.*

Complex bridge. Movable, suspension, cable stayed, and other bridges with unusual characteristics.

Comprehensive bridge inspection training. Training that covers all aspects of bridge inspection and enables inspectors to relate conditions observed on a bridge to established criteria (see the Bridge Inspector's Reference Manual for the recommended material to be covered in a comprehensive training course).

Critical finding. A structural or safety related deficiency that requires immediate follow-up inspection or action.

Damage inspection. This is an unscheduled inspection to assess structural damage resulting from environmental factors or human actions.

[1] The National Highway Institute training may be found at the following URL: *http://www.nhi.fhwa.dot.gov/*

Fracture critical member (FCM). A steel member in tension, or with a tension element, whose failure would probably cause a portion of or the entire bridge to collapse.

Fracture critical member inspection. A hands-on inspection of a fracture critical member or member components that may include visual and other nondestructive evaluation.

Hands-on. Inspection within arms length of the component. Inspection uses visual techniques that may be supplemented by nondestructive testing.

Highway. The term "highway" is defined in 23 U.S.C. 101(a)(11).

In-depth inspection. A close-up, inspection of one or more members above or below the water level to identify any deficiencies not readily detectable using routine inspection procedures; hands-on inspection may be necessary at some locations.

Initial inspection. The first inspection of a bridge as it becomes a part of the bridge file to provide all Structure Inventory and Appraisal (SI&A) data and other relevant data and to determine baseline structural conditions.

Legal load. The maximum legal load for each vehicle configuration permitted by law for the State in which the bridge is located.

Load rating. The determination of the live load carrying capacity of a bridge using bridge plans and supplemented by information gathered from a field inspection.

National Institute for Certification in Engineering Technologies (NICET). The NICET provides nationally applicable voluntary certification programs covering several broad engineering technology fields and a number of specialized subfields. For information on the NICET program certification contact: National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, VA 22314–2794.

Operating rating. The maximum permissible live load to which the structure may be subjected for the load configuration used in the rating.

Professional engineer (PE). An individual, who has fulfilled education and experience requirements and passed rigorous exams that, under State licensure laws, permits them to offer engineering services directly to the public. Engineering licensure laws vary from State to State, but, in general, to become a PE an individual must be a graduate of an engineering program accredited by the Accreditation Board for Engineering and Technology, pass the Fundamentals of Engineering exam, gain four years of experience working under a PE, and pass the Principles of Practice of Engineering exam.

Program Manager. The individual in charge of the program, that has been assigned or delegated the duties and responsibilities for bridge inspection, reporting, and inventory. The program manager provides overall leadership and is available to inspection team leaders to provide guidance.

Public road. The term "public road" is defined in 23 U.S.C. 101(a)(27).

Quality assurance (QA). The use of sampling and other measures to assure the adequacy of quality control procedures in order to verify or measure the quality level of the entire bridge inspection and load rating program.

Quality control (QC). Procedures that are intended to maintain the quality of a bridge inspection and load rating at or above a specified level.

Routine inspection. Regularly scheduled inspection consisting of observations and/or measurements needed to determine the physical and functional condition of the bridge, to identify any changes from initial or previously recorded conditions, and to ensure that the structure continues to satisfy present service requirements.

Routine permit load. A live load, which has a gross weight, axle weight or distance between axles not conforming with State statutes for legally configured vehicles, authorized for unlimited trips over an extended period of time to move alongside other heavy vehicles on a regular basis.

Scour. Erosion of streambed or bank material due to flowing water; often considered as being localized around piers and abutments of bridges.

Scour critical bridge. A bridge with a foundation element that has been determined to be unstable for the observed or evaluated scour condition.

Special inspection. An inspection scheduled at the discretion of the bridge owner, used to monitor a particular known or suspected deficiency.

State transportation department. The term "State transportation department" is defined in 23 U.S.C. 101(a)(34).

Team leader. Individual in charge of an inspection team responsible for planning, preparing, and performing field inspection of the bridge.

Underwater diver bridge inspection training. Training that covers all aspects of underwater bridge inspection and enables inspectors to relate the conditions of underwater bridge elements to established criteria (see the Bridge Inspector's Reference Manual section on underwater inspection for the recommended material to be covered in an underwater diver bridge inspection training course).

Underwater inspection. Inspection of the underwater portion of a bridge substructure and the surrounding channel, which cannot be inspected visually at low water by wading or probing, generally requiring diving or other appropriate techniques.

§ 650.307 Bridge inspection organization.

(a) Each State transportation department must inspect, or cause to be inspected, all highway bridges located on public roads that are fully or partially located within the State's boundaries, except for bridges that are owned by Federal agencies.

(b) Federal agencies must inspect, or cause to be inspected, all highway bridges located on public roads that are fully or partially located within the respective agency responsibility or jurisdiction.

(c) Each State transportation department or Federal agency must include a bridge inspection organization that is responsible for the following:

(1) Statewide or Federal agencywide bridge inspection policies and procedures, quality assurance and quality control, and preparation and maintenance of a bridge inventory.

(2) Bridge inspections, reports, load ratings and other requirements of these standards.

(d) Functions identified in paragraphs (c)(1) and (2) of this section may be delegated, but such delegation does not relieve the State transportation department or Federal agency of any of its responsibilities under this subpart.

(e) The State transportation department or Federal agency bridge inspection organization must have a program manager with the qualifications defined in § 650.309(a), who has been delegated responsibility for paragraphs (c)(1) and (2) of this section.

§ 650.309 Qualifications of personnel.

(a) A program manager must, at a minimum:

(1) Be a registered professional engineer, or have ten years bridge inspection experience; and

(2) Successfully complete a Federal Highway Administration (FHWA) approved comprehensive bridge inspection training course.

(b) There are five ways to qualify as a team leader. A team leader must, at a minimum:

(1) Have the qualifications specified in paragraph (a) of this section; or

(2) Have five years bridge inspection experience and have successfully completed an FHWA approved comprehensive bridge inspection training course; or

(3) Be certified as a Level III or IV Bridge Safety Inspector under the National Society of Professional Engineer's program for National Certification in Engineering Technologies (NICET) and have successfully completed an FHWA approved comprehensive bridge inspection training course, or

(4) Have all of the following:

(i) A bachelor's degree in engineering from a college or university accredited by or determined as substantially equivalent by the Accreditation Board for Engineering and Technology;

(ii) Successfully passed the National Council of Examiners for Engineering and Surveying Fundamentals of Engineering examination;

(iii) Two years of bridge inspection experience; and

(iv) Successfully completed an FHWA approved comprehensive bridge inspection training course, or

(5) Have all of the following:

(i) An associate's degree in engineering or engineering technology from a college or university accredited by or determined as substantially equivalent by the Accreditation Board for Engineering and Technology;

(ii) Four years of bridge inspection experience; and

(iii) Successfully completed an FHWA approved comprehensive bridge inspection training course.

(c) The individual charged with the overall responsibility for load rating bridges must be a registered professional engineer.

(d) An underwater bridge inspection diver must complete an FHWA approved comprehensive bridge inspection training course or other FHWA approved underwater diver bridge inspection training course.

§ 650.311 Inspection frequency.

(a) *Routine inspections.* (1) Inspect each bridge at regular intervals not to exceed twenty-four months.

(2) Certain bridges require inspection at less than twenty-four-month intervals. Establish criteria to determine the level and frequency to which these bridges are inspected considering such factors as age, traffic characteristics, and known deficiencies.

(3) Certain bridges may be inspected at greater than twenty-four month intervals, not to exceed forty-eight-months, with written FHWA approval. This may be appropriate when past inspection findings and analysis justifies the increased inspection interval.

(b) *Underwater inspections.* (1) Inspect underwater structural elements at regular intervals not to exceed sixty months.

(2) Certain underwater structural elements require inspection at less than sixty-month intervals. Establish criteria to determine the level and frequency to which these members are inspected considering such factors as construction material, environment, age, scour characteristics, condition rating from past inspections and known deficiencies.

(3) Certain underwater structural elements may be inspected at greater than sixty-month intervals, not to exceed seventy-two months, with written FHWA approval. This may be appropriate when past inspection findings and analysis justifies the increased inspection interval.

(c) *Fracture critical member (FCM) inspections.* (1) Inspect FCMs at intervals not to exceed twenty-four months.

(2) Certain FCMs require inspection at less than twenty-four-month intervals. Establish criteria to determine the level and frequency to which these members are inspected considering such factors as age, traffic characteristics, and known deficiencies.

(d) Damage, in-depth, and special inspections. Establish criteria to determine the level and frequency of these inspections.

§ 650.313 Inspection procedures.

(a) Inspect each bridge in accordance with the inspection procedures in the AASHTO Manual (incorporated by reference, *see* § 650.317).

(b) Provide at least one team leader, who meets the minimum qualifications stated in § 650.309, at the bridge at all times during each initial, routine, in-depth, fracture critical member and underwater inspection.

(c) Rate each bridge as to its safe load-carrying capacity in accordance with the AASHTO Manual (incorporated by reference, *see* § 650.317). Post or restrict the bridge in accordance with the AASHTO Manual or in accordance with State law, when the maximum unrestricted legal loads or State routine permit loads exceed that allowed under the operating rating or equivalent rating factor.

(d) Prepare bridge files as described in the AASHTO Manual (incorporated by reference, *see* § 650.317). Maintain reports on the results of bridge inspections together with notations of any action taken to address the findings of such inspections. Maintain relevant maintenance and inspection data to allow assessment of current bridge condition. Record the findings and results of bridge inspections on standard State or Federal agency forms.

(e) Identify bridges with FCMs, bridges requiring underwater inspection, and bridges that are scour critical.

(1) Bridges with fracture critical members. In the inspection records, identify the location of FCMs and describe the FCM inspection frequency and procedures. Inspect FCMs according to these procedures.

(2) Bridges requiring underwater inspections. Identify the location of underwater elements and include a description of the underwater elements, the inspection frequency and the procedures in the inspection records for each bridge requiring underwater inspection. Inspect those elements requiring underwater inspections according to these procedures.

(3) Bridges that are scour critical. Prepare a plan of action to monitor known and potential deficiencies and to address critical findings. Monitor bridges that are scour critical in accordance with the plan.

(f) *Complex bridges.* Identify specialized inspection procedures, and additional inspector training and experience required to inspect complex bridges. Inspect complex bridges according to those procedures.

(g) *Quality control and quality assurance.* Assure systematic quality control (QC) and quality assurance (QA) procedures are used to maintain a high degree of accuracy and consistency in the inspection program. Include periodic field review of inspection teams, periodic bridge inspection refresher training for program managers and team leaders, and independent review of inspection reports and computations.

(h) *Follow-up on critical findings.* Establish a statewide or Federal agency wide procedure to assure that critical findings are addressed in a timely manner. Periodically notify the FHWA of the actions taken to resolve or monitor critical findings.

§ 650.315 Inventory.

(a) Each State or Federal agency must prepare and maintain an inventory of all bridges subject to the NBIS. Certain Structure Inventory and Appraisal (SI&A) data must be collected and retained by the State or Federal agency for collection by the FHWA as requested. A tabulation of this data is contained in the SI&A sheet distributed by the FHWA as part of the "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges," (December 1995) together with subsequent interim changes or the most recent version. Report the data using FHWA established procedures as

outlined in the "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges."

(b) For routine, in-depth, fracture critical member, underwater, damage and special inspections enter the SI&A data into the State or Federal agency inventory within 90 days of the date of inspection for State or Federal agency bridges and within 180 days of the date of inspection for all other bridges.

(c) For existing bridge modifications that alter previously recorded data and for new bridges, enter the SI&A data into the State or Federal agency inventory within 90 days after the completion of the work for State or Federal agency bridges and within 180 days after the completion of the work for all other bridges.

(d) For changes in load restriction or closure status, enter the SI&A data into the State or Federal agency inventory within 90 days after the change in status of the structure for State or Federal agency bridges and within 180 days after the change in status of the structure for all other bridges.

§ 650.317 Reference manuals.

(a) The materials listed in this subpart are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these documents will be published in the **Federal Register**. The materials are available for purchase at the address listed below, and are available for inspection at the National Archives and Records Administration (NARA). These materials may also be reviewed at the Department of Transportation Library, 400 Seventh Street, SW., Washington, DC, in Room 2200. For information on the availability of these materials at NARA call (202) 741–6030, or go to the following URL: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. In the event there is a conflict between the standards in this subpart and any of these materials, the standards in this subpart will apply.

(b) The following materials are available for purchase from the American Association of State Highway and Transportation Officials, Suite 249, 444 N. Capitol Street, NW., Washington, DC 20001. The materials may also be ordered via the AASHTO bookstore located at the following URL: *http://www.aashto.org/aashto/home.nsf/FrontPage*.

(1) The Manual for Condition Evaluation of Bridges, 1994, second edition, as amended by the 1995, 1996, 1998, and 2000 interim revisions, AASHTO, incorporation by reference approved for §§ 650.305 and 650.313.

(2) 2001 Interim Revision to the Manual for Condition Evaluation of Bridges, AASHTO, incorporation by reference approved for §§ 650.305 and 650.313.

(3) 2003 Interim Revision to the Manual for Condition Evaluation of Bridges, AASHTO, incorporation by reference approved for §§ 650.305 and 650.313.

[FR Doc. 04–27355 Filed 12–13–04; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Financial Crimes Enforcement Network; Interpretive Release 2004–1—Anti-Money Laundering Program Requirements for Money Services Businesses With Respect to Foreign Agents or Foreign Counterparties

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Final rule; interpretive release.

SUMMARY: This Interpretive Release sets forth an interpretation of the regulation requiring Money Services Businesses that are required to register with FinCEN to establish and maintain anti-money laundering programs. Specifically, this Interpretive Release clarifies that the anti-money laundering program regulation requires such Money Services Businesses to establish adequate and appropriate policies, procedures and controls commensurate with the risk of money laundering and the financing of terrorism posed by their relationship with foreign agents or foreign counterparties of the Money Services Business.

DATES: Effective June 13, 2005.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Policy and Programs Division, 1–800–800–2877, Office of Chief Counsel (703) 905–3590 (not a toll free number).

SUPPLEMENTARY INFORMATION: Section 5318(h) of the Bank Secrecy Act, which is codified in subchapter II of chapter 53 of title 31, United States Code, requires every financial institution to establish an anti-money laundering program. The Bank Secrecy Act regulations define financial institution to include money service businesses. On April 29, 2002, FinCEN issued interim final rules-31 CFR 103.125-concerning the application of the anti-money laundering program requirement to money services businesses. 67 FR 21114.

List of Subjects in 31 CFR Part 103

Authority delegations (government agencies), bank, banking, currency, investigations, reporting and recordkeeping requirements.

Department of the Treasury

31 CFR Chapter I

Authority and Issuance

■ For the reasons set forth in the preamble, part 103 of title 31 of the Code of Federal Regulations is amended as follows:

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

■ 1. The authority citation for part 103 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959: 31 U.S.C 5311–5314 and 5316–5332; title III, secs. 312, 313, 314, 319, 326, 352, Pub. L. 107–56, 115 Stat. 307, 12 U.S.C. 1786(q).

■ 2. Part 103 is amended by adding a new appendix C to read as follows:

APPENDIX C TO PART 103—INTERPRETIVE RULES

Release No. 2004–01

This Interpretive Guidance sets forth our interpretation of the regulation requiring Money Services Businesses that are required to register with FinCEN to establish and maintain anti-money laundering programs. See 31 CFR 103.125. Specifically, this Interpretive Guidance clarifies that the anti-money laundering program regulation requires Money Services Businesses to establish adequate and appropriate policies, procedures, and controls commensurate with the risks of money laundering and the financing of terrorism posed by their relationship with foreign agents or foreign counterparties of the Money Services Business.[1]

Under existing Bank Secrecy Act regulations, we have defined Money Services Businesses to include five distinct types of financial services providers and the U.S. Postal Service: (1) Currency dealers or exchangers; (2) check cashers; (3) issuers of traveler's checks, money orders, or stored

[1] This Interpretive Guidance focuses on the need to control risks arising out of the relationship between a Money Service Business and its foreign counterparty or agent. Under existing FinCEN regulations, only Money Service Business principals are required to register with FinCEN, and only Money Service Business principals establish the counterparty or agency relationships. 31 CFR 103.41. Accordingly, this Interpretive Guidance only applies to those Money Service Businesses required to register with FinCEN, that is, only those Money Service Businesses that may have a relationship with a foreign agent or counterparty.