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# Bridge Repair Mismanagement Undermines Highway Safety

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In the months since the fatal collapse of the I-35W bridge in Minneapolis, safety concerns about the nation's 600,000 bridges have become a leading symbol of what many contend is America's crumbling infrastructure. And while an earlier Heritage article[1] and a subsequent federal report noted that design flaws—not a lack of money—may have been the chief cause of the collapse, many have used the tragedy to justify more government spending on the nation's infrastructure, including bridges.

**Where Did the Money Go?** Congress, under the impression that a lack of money is the main problem, appropriated an additional $1 billion for bridge repair for FY 2008 and is attempting to add another $1 billion with H.R. 3999 for FY 2009.

But a review of the federal bridge program reveals that an absence of money is not the chief problem and that some of the $4 billion-plus in bridge repair money that the Federal Highway Administration (FHWA) provides the states may have been diverted by some states to projects other than bridges. More troubling is that states accounting for some of the largest financial diversions from bridge repair also have the greatest share of unsafe bridges.[2]

**The Federal Bridge Repair Program.** Under current law, federal support for highway bridge repair is available through the Highway Bridge Replacement and Rehabilitation Program (HBP), one of the five core federal surface transportation programs funded by the highway trust fund.[3] Including additional funds from the Equity Bonus Program and Revenue Aligned Budget Authority, total federal apportionments to the states for bridge repair averaged $4.5 billion per year between FY 2002 and FY 2007. Importantly, these support levels reflect a significant jump in federal spending from prior years. Total federal bridge repair obligations jumped 63 percent in FY 2002 on an increase from $1.9 billion in FY 2001 to $3.1 billion in FY 2002.

Notwithstanding the widespread contention that our infrastructure is collapsing and that its quality deteriorates year by year, data collected and reported by the FHWA reveal that considerable progress has been made since 1990 in reducing the number of unsafe bridges in the United States. As the earlier Heritage report notes: "The U.S. Department of Transportation [USDOT] in its *2006 Conditions and Performance Report* reveals significant progress over the past decade in reducing the number of structurally deficient bridges. In 1994, 18.7 percent of the nation's bridges were identified as structurally deficient, but that number had fallen to 13.1 percent by 2004, a 30 percent reduction."[4] Using unpublished FHWA data, the Congressional Research Service (CRS) updated and expanded the time series, reporting that even more progress has been made and that the number of structurally deficient bridges fell to 12 percent in 2007.[5]

This paper, in its entirety, can be found at:
*www.heritage.org/Research/SmartGrowth/wm2104.cfm*

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**Progress Could Have Been Better.** Despite this impressive record of progress, a number of recently added provisions in the federal highway program have allowed both Congress and some state DOTs to divert portions of the funds dedicated to the federal bridge program to non-bridge repair purposes.

One of the more recent diversions from the bridge repair program is for bridge earmarks. The enactment of the last highway reauthorization bill in August 2005 (SAFETEA-LU) created within HBP a $100 million annual set-aside for designated *new* bridge projects. As the CRS has noted in its recent report, "The set-aside has been criticized by supporters of the HBP both because all of the money was designated to projects set forth in the text of the act and because a significant dollar amount of the set-aside is for new bridge construction, *which would not be normally allowed under the HBP.*"[6] Not surprisingly, among these earmarks was $93,750,000 for Alaska's Gravina Island "Bridge to Nowhere."[7]

**States Take Advantage.** The greater diversion, however, appears to be taking place at the state level when states opt to use the greater flexibility provided in recent reauthorization bills to move funds from one core highway program to another. In a number of cases, and notwithstanding the recent emphasis on greater bridge repair and safety, some states have transferred funds from the bridge program to the other core federal programs, notably the Surface Transportation Program (STP), which allows for a wider latitude of uses, including transit.

In this regard, one notable anomaly in the spending numbers provided by FHWA is the wide gap between what Congress has *apportioned* to HBP (the maximum amount that could be spent in any year) compared to what gets *obligated* to HBP (funds actually committed to specific bridge projects). In FY 2006, for example, apportionments totaled $4.5 billion, yet obligations amounted to only $2.5 billion, leaving a gap of $2 billion that could have been dedicated to bridge repair, but may not have. Over the FY 2002 to FY 2007 period, the gap totaled $9.29 billion.[8] Between FY 2003 and FY 2007, three states—Arizona, Minnesota, and Pennsylvania—obligated less than 60 percent of their HBP apportionment, as USDOT has reported in its state-by-state analysis of bridge conditions.[9]

Although much of the use to which the money in the funding gap was directed remains a mystery, a portion of it (about $2.1 billion) can be explained by the actions of 20 states to transfer federal highway money from one core program to another. In this case, the $2.1 billion was transferred from the HBP program to others, most often to the STP program, where some of it may have been used to support local transit. Leading the states in the bridge

1. Alan Pisarski and Ronald Utt, "What We Don't Know Yet About the Minnesota Bridge Collapse," *Modesto Bee*, August 29, 2007, at *http://www.heritage.org/Press/Commentary/ed082907a.cfm*. Since that report was published, the National Transportation Safety Board has released interim findings attributing the collapse to "errors in the original design."
2. Robert S. Kirk and William J. Mallet, "Highway Bridges: Conditions and the Federal/State Role," *CRS Report for Congress*, RL34127 (updated September 19, 2008).
3. See Kirk and Mallet, p. CRS-7 for summary details of the HBP program.
4. Pisarski and Utt, "What We Don't Know Yet About the Minnesota Bridge Collapse."
5. Kirk and Mallet, "Highway Bridges," p. CRS-3.
6. *Ibid.*, p. CRS-6 (emphasis added).
7. See Section 1114 (g)(1)(A) of P.L. 109-59 for list of bridge projects.
8. Calculated from Kirk and Mallett, "Highway Bridges," table 2, p. CRS-9. Although annual obligation limitations and rescissions may explain some of the gap, it cannot explain the 33 percent difference over the period. See also U.S. Government Accountability Office, *Highway Bridge Program: Clearer Goals and Performance Measures Needed for a More Focused and Sustainable Program*, GAO-08-1043, September 2008, pp. 19–22 for a detailed discussion of some of the reasons for the gap.
9. See *Highway Bridge Program ("HBP") Obligation Rates: Ratio of HBP Obligations to HBP Apportionments*, Committee on Transportation and Infrastructure, U.S. House of Representatives, at *http://transportation.house.gov/Media/File/Full%20Committee/Bridge/table.pdf* (October 16, 2008).

money diversion derby is Pennsylvania, which diverted $1.3 billion between FY 2000 and FY 2007. Not surprisingly, Pennsylvania also led the nation in the share of its bridges rated structurally deficient—25 percent, compared to a nationwide average of 12 percent.

**Money Is Not the Problem.** As the federal data reveal, there are good reasons for motorists to be concerned about how the federal government and some state DOTs use the resources available to them to swiftly repair the nation's 72,000 structurally deficient bridges. While many are calling for more federal funding, evidence suggests that existing bridge repair funds may have been diverted to other purposes—and that this process continues. Before committing more taxpayer dollars to the bridge repair program, the inspector general for the USDOT should conduct a comprehensive financial audit of both the federal and the state programs to determine how much bridge repair money has been misused and to suggest remedies to improve the program.

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