

Date of Hearing: March 28, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2120 (Ward) – As Amended March 21, 2022

SUBJECT: Transportation finance: federal funding: bridges

SUMMARY: Requires the division and allocation of local bridge funding under the federal Highway Infrastructure Program be consistent with previous federal bridge monies allocation approved by the California Transportation Commission (CTC), and updates required design standards for locals to receive those monies. Specifically, **this bill:**

- 1) Establishes the purpose of the bill is to implement expenditures under the federal Infrastructure Investment and Jobs Act (IIAJ), under the federal Highway Infrastructure Program to replace, rehabilitate, preserve, protect, or construct state and locally owned bridges.
- 2) Requires the division and allocation of federal Highway Infrastructure Program funds occur pursuant to CTC Resolution G-97-05 (May 1, 1997), which established a 55% local, 45% state funding split, as well as the general programmatic framework for awarding funding to individual projects.
- 3) Authorizes federal Highway Infrastructure Program funds, federal National Highway Performance Program funds, and federal Surface Transportation Block Grant Program funds be used for local bridge costs only if the local bridge is consistent with the most recent edition of design standards, including:
 - a. The American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets.
 - b. The American Association of State Highway and Transportation Officials Guidelines for Geometric Design of Low-Volume Roads.
 - c. The National Association of City Transportation Officials Urban Street Design Guide.
 - d. The National Association of City Transportation Officials Urban Bikeway Design Guide.

EXISTING LAW:

- 1) Authorizes the California Department of Transportation (Caltrans), cities, and counties to cooperate with the federal government in any inventory or classification of bridges requested by the federal government.
- 2) Allows Caltrans to allocate to the counties and the cities federal funds received for approved bridge reconstruction or replacement projects on county roads or city streets in accordance with procedures promulgated by the director in cooperation with the counties and the cities and approved by the commission.
- 3) Allows cities and the counties to use any funds available to them to match funds made available to them, if the use of funds for such matching purposes is not prohibited by

federal law. “Match,” as used in this chapter, means to provide for the payment of the cost of any project to the extent that such cost is not to be reimbursed from federal funds.

- 4) Declares that it is in the state’s vital interest to participate fully in the federal highway bridge replacement program.
- 5) Requires Caltrans to expedite bridge replacement projects in order that federal funds be used to full advantage as soon as they become available.
- 6) Requires the CTC and Caltrans, in allocating and expending funds for bridge replacement projects, to follow federal design standards so that the projects will be eligible for federal funds.

FISCAL EFFECT: Unknown.

COMMENTS: According to the California Local Bridge Needs Assessment Report 2020 (for the California Statewide Local Streets and Roads Needs Assessment), Final Report August 2021, the share of local bridges in poor condition will increase to 50% (by deck area) by 2035. The current budget for local bridges is approximately \$300 million annually; a budget of approximately \$800 million annually is needed to maintain current amount of local bridges. The single largest category of local bridges by age are those 50-59 years old. Effective preventative maintenance and rehabilitation can extend the life of these facilities for many years if adequate funding is available.

11.5% of all locally-owned bridges (weighted by deck area) are in a “poor condition” under federal regulations, as compared to only 3.3% of state-owned bridges (weighted by deck area). Cities, counties, and regional transportation agencies, in a study partially funded by Caltrans, found over \$7 billion in necessary bridge repair and replacement needs across California based on today’s conditions. Looking prospectively, over half of local agency bridges (weighted by deck area) would be in a “poor condition” within 20 years if dedicated bridge repair and replacement funding were maintained at current levels of approximately \$300 million annually.

Federal bridge monies: The federal government previously maintained a dedicated bridge repair and replacement program as a core highway trust fund program and prior federal transportation authorization bills. Subsequent federal legislation, MAP-21 (P.L. 112-141, 2012) eliminated the dedicated bridge funding program or failed to replace it (FAST Act). While California continued to invest some federal funds in local bridges from a share of National Highway Performance Program and Surface Transportation Block Grant Revenues over the intervening decade, this funding was held static at the dollar amount of the final SAFETEA-LU apportionment (approximately \$300 million annually), although total federal transportation funding to California continued to grow, along with local bridge repair and replacement needs.

The Infrastructure Investment and Jobs Act (“IIJA,” P.L. 117-58) includes approximately \$25.3 billion for federal-aid highway apportioned programs, and \$4.2 billion dedicated to a new bridge program; spread over five years in California. The IIJA does not require that any of the funding be used for local bridges. In fact, the only constraints on the use of funding are: 1) 15% must be used on “off-system” bridges (bridges on neighborhood street or very rural minor

collectors that would otherwise be ineligible for federal funding) at up to 100% federal share of cost, and 2) the other 85% may be used on any federally-eligible bridge (includes both state and locally-owned bridges in California).

It is unclear whether Congress would authorize additional one-time funding for bridge repair or replacement when the IIJA lapses or create a core highway trust fund program for similar purposes. Accordingly, AB 2120 ensures that both local and state bridges benefit from this significant windfall over the next five years, while also retaining the small amount of flexible federal highway funding that has been dedicated to local bridge repair and replacement projects over the last decade.

California's bridges: California's local bridges are a vital part of the state's transportation system. Just under half of the state's bridges (12,339) are locally owned. They provide important connections within and between communities and the number of users served as well as length of detours if a bridge were to be closed are both considered by Caltrans when making funding decisions about local bridge repair and replacement projects.

Nearly 20% of California's local bridges are at least 80 years old, and are typically designed with a 75- to 100-year design life. Many older bridges were not designed with today's multimodal transportation priorities in mind. Rehabilitating and replacing these older bridges allows for the installation of safe access for bicycles and pedestrians (an eligible use of federal funds), which is especially important in areas where a bridge has created a gap in the sidewalk or bicycle facility infrastructure. Adding safe multi-modal access on local bridges is clearly aligned with state transportation and climate goals.

Given the significant disparity in the condition of California's local bridges (11.5% poor) as compared to the state's bridges (3.3% poor), as well as the prior precedent of allocating 55% of prior dedicated federal bridge funding to local projects, this bill would significantly increase dedicated local bridge repair and replacement to a more sustainable level of approximately \$800 million annually for at least the five-year term of the IIJA. This is the minimum level of annual funding necessary to keep the local bridge network from further decay.

Comments: The California Transportation Agency's has convened workgroups to facilitate discussions regarding the implementation of IIJA. This bill brings the implementation process to the legislature's policy making process for consideration. Participation in the working group process, as well as through policy, is key for IIJA implementation. It is likely that many decisions regarding the implementation of IIJA will be enacted through the state's budget process.

According to the author, "In California, more than 4,300 bridges that are maintained by cities and counties are in need of serious repairs. Despite many of these bridges being designed with a life expectancy of 75 to 100 years, nearly one-fifth of local bridges in California are at least 80 years old. Millions of Californians utilize these bridges every day, and it is vitally important that local governments have the necessary tools to ensure these bridges remain safe and reliable. To ensure a fair allocation of funding that is responsive to significant bridge repair and replacement needs in local communities, AB 2120 would apply California's historic 55% local, 45% state formula from the federal Highway Bridge Replacement & Rehabilitation Program to the new dedicated bridge funding from The Infrastructure Investment and Jobs Act."

In support, the California State Association of Counties writes, “AB 2120 would invest billions in local communities, address pressing public safety needs to repair and replace deteriorated bridges and help modernize local bridges to add safe access for people walking or riding bicycles.”

Prior legislation: SB 233 (Kopp) Chapter 376, Statutes of 1993, deletes the exception for funds for specified programs, and requires the funds to be programmed, rather than expended, in accordance with those formulas within each 4-year period, rather than each 5-year period. The bill would define the term “project costs” for this purpose.

REGISTERED SUPPORT / OPPOSITION:

Support

American Council of Engineering Companies of California
Butte County Administration
Calaveras County Department of Public Works
California State Association of Counties
California State Association of Counties (CSAC) (Sponsor)
City of Los Angeles
Contra Costa County
County of Del Norte
County of Fresno
County of Marin
County of Mariposa
County of Mono, California
County of Nevada, California
County of Placer
County of Riverside
County of San Joaquin
County of Santa Clara
County of Shasta, Department of Public Works
El Dorado County Department of Transportation
Golden Gate Bridge Highway and Transportation District
League of California Cities
Madera County
Metropolitan Transportation Commission
Monterey; County of
Rural County Representatives of California
Sacramento Area Council of Governments
San Bernardino; County of
San Diego; County of
Santa Barbara; County of
Sierra County Department of Transportation
Sierra; County of
Tehama County Transportation Commission
Transportation California

Tuolumne County Public Works Department
Urban Counties of California
Ventura; County of
Yuba County

Opposition

None on file.

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