



U.S. Department  
of Transportation

Federal Highway  
Administration

# Memorandum

Subject: **INFORMATION**: National Highway  
Performance Program (NHPP) –  
Implementation Guidance for the  
Condition of National Highway System  
(NHS) Bridges

Date: October 2, 2017

/Original signed by/  
From: Joseph L. Hartmann, Ph.D., P.E.  
Director, Office of Bridges and Structures

In Reply Refer To:  
HIBS-30

To: Division Administrators

Section 119 of title 23, United States Code (U.S.C.), as amended by section 1106 of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) and by section 1106 of the Fixing America's Surface Transportation (FAST) Act, includes a penalty provision based on the condition of NHS bridges. Pursuant to 23 U.S.C. 119(f)(2) and 23 CFR 490.413, if the Secretary determines that, for the 3-year period preceding the date of determination, more than 10 percent of the total deck area of bridges in a State on the NHS is located on bridges that have been classified as structurally deficient, an amount equal to 50 percent of the funds apportioned to the State in Fiscal Year (FY) 2009 for the Highway Bridge Program must be obligated and set aside from such State's NHPP apportionment for use only on eligible projects on bridges on the NHS.

Annually, an analysis of the current year and previous 2 years of National Bridge Inventory data will be performed to determine if the penalty conditions will be invoked for a State in the subsequent fiscal year. Any State that is determined to be subject to this penalty for the next fiscal year will be notified via the division office by September 30 of the current fiscal year. Further, such State will automatically have the requisite penalty amount set aside from their NHPP apportionment on October 1. Division offices should ensure that the State prioritizes the obligation of these penalty funds on NHS bridges before obligation of NHPP non-penalty funds.

This memorandum and the attached NHPP guidance provide the information for the implementation of this penalty provision and the associated *Additional Funding Eligibility for Certain Bridges* under 23 U.S.C. 119(i)).

If you have any questions about the penalty provision under 23 U.S.C. 119(f)(2), please contact Mr. Shay Burrows (202-366-4675 or [shay.burrows@dot.gov](mailto:shay.burrows@dot.gov)) or Mr. Douglas Blades (202-366-4622 or [douglas.blades@dot.gov](mailto:douglas.blades@dot.gov)).

Attachment 1 – Implementation Guidance  
Attachment 2 – Penalty Amount Table

CC: HIBS-30  
DFS  
DA  
HCFB-11  
HIPA-1  
HIPA-10