Bridge Formula Program (BFP) Questions and Answers (Last Updated December 23, 2022)

General | Funding Apportionment | Eligibility | Off-System Bridges | Program Oversight/Project Administration

Except for any statutes or regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

General

QG1. Which bridges in the Nation are eligible for funding under the Bridge Formula Program (BFP)?

AG1. Under the BFP – all bridges that are listed in the National Bridge Inventory (NBI), hereinafter referred to as a "NBI Bridge", regardless of condition, are eligible for funding. The BFP funds are distributed to all of the 50 States, the District of Columbia, and Puerto Rico. State transportation agencies will make the decision on how to prioritize these funds and on which bridges the funds should be used. A NBI Bridge is one that meets the definition of "bridge" at 23 CFR 650.305:

> 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 under copings 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.

QG2. What are some examples of "protection" bridge projects?

AG2. "Protection" of bridges includes, as stated in 23 U.S.C. 133(b)(10), painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events.

Funding Apportionment

QF1. How are the States' apportionments determined?

AF1. Funds are apportioned (distributed) to the States based on the provisions of Title VIII of division J of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, also known as the "Bipartisan Infrastructure Law" (BIL)). The BIL appropriated $5,500,000,000 per fiscal year for the Bridge Formula Program. After reserving a 0.5 percent Federal Highway Administration (FHWA) administration and operations takedown ($27,500,000) and a 3 percent Tribal transportation facility bridges set-aside ($165,000,000), $5,307,500,000 is distributed to the States based on the statutory formula as described below:

i. 75 percent by the proportion that the total cost of replacing all bridges classified in poor condition in such State bears to the sum of the total cost to replace all bridges classified in poor condition in all States; and

ii. 25 percent by the proportion that the total cost of rehabilitating all bridges classified in fair condition in such State bears to the sum of the total cost to rehabilitate all bridges classified in fair condition in all States.

The provisions in the BIL also state that the bridge replacement and rehabilitation costs are determined based on the average unit costs of bridges from 2016 through 2020. These unit cost data are submitted by States to FHWA annually, as required by 23 U.S.C. 144(b)(5). In addition, the total deck area of bridges classified as in poor or fair condition is determined based on the 2020 NBI data (NBI data as of December 31, 2020).

Further, the statute requires that the apportionments be adjusted so each State receives no less than $45,000,000 each Fiscal Year (FY).

Therefore, the distribution of funds to the States depends on the condition of bridges (poor and fair condition), the deck area of the bridges, as well as the unit cost of replacing and rehabilitating bridges and their relative proportion to all States.

Please refer to the FHWA Notice No. 4510.867 (https://www.fhwa.dot.gov/legsregs/directives/notices/n4510867.cfm) for additional information.

QF2. Are the number of bridges in poor condition in a State a factor in the amount of BFP funding a State receives?

AF2. Funding amounts for FHWA's BFP were determined for each State based on a funding distribution formula set by Congress. This formula is not based on the count of bridges in poor or fair condition, but rather it is based on the cost of replacing or rehabilitating those bridges, respectively. The statutory formula is affected by the deck area (not count) of bridges in poor or fair condition and the unit costs reported to FHWA by the States to replace or rehabilitate a bridge in that State. Ultimately, the funding is meant to help States fix the bridges most in need of repair or preservation.

QF3. Will the BFP apportionment amounts States receive change every year?

AF3. No. Since funding amounts for the BFP are determined for each State based on a funding distribution formula set in the BIL which uses data that is not changing (2020 NBI data for the condition and size of bridges and average unit costs of bridges from 2016-2020), the funding apportionment amounts will remain the same for each of fiscal years 2022 through 2026.

QF4. Are the U.S. Territories included in the BFP?

AF4. No, States are the recipients of BFP funds. For the BFP, the term "State" is defined as having the meaning in 23 U.S.C. 101(a)(28), any of the 50 States, the District of Columbia, or Puerto Rico.

Eligibility

QE1. Can a new bridge be constructed with BFP funding?

AE1. Construction of a new highway bridge at a new location is an eligible project. In addition, the construction of a new highway bridge in a new location in connection with replacement of an existing highway bridge in poor condition is considered to be improving the condition of an in-service highway bridge. However, aligned with the Administration's focus on existing infrastructure and based on the funding distribution formula set by Congress, FHWA encourages States to first focus their BFP funding on projects that improve the condition of in-service highway bridges classified in poor condition and that preserve or improve the condition of in-service highway bridges classified in fair condition.

FHWA also encourages the use of BFP funds – including new highway bridge construction towards projects that address equity, barriers to opportunity, challenges faced by individuals and underserved communities in rural areas, or restoring community connectivity. This includes bridges that offer multimodal transportation options for bicyclists and pedestrians. Likewise, FHWA encourages projects that improve the mobility of goods, emergency response vehicles and school buses, and projects that improve resiliency against climate change risks and hazards.

QE2. Although the BFP funding is distributed to States by a formula based on the relative costs of replacing and rehabilitating all highway bridges classified in poor and fair condition, could a State use all their funds only on bridges classified in fair condition?

AE2. Refer to AE1. The condition criteria used for the statutory formula are only to apportion (distribute) the funds and do not control how the funds can be used. However, this distribution formula illustrates the importance of focusing this funding on improving the condition of such bridges and FHWA encourages States to first focus their BFP funding on projects that improve the condition of in-service highway bridges classified in poor condition and that preserve or improve the condition of in-service highway bridges classified in fair condition. Ultimately, State transportation agencies make the decision on how to prioritize these funds and on which bridges the funds should be used.

QE3. Can BFP funding be used for preservation (preventative maintenance) of bridges in good condition?

AE3. Yes, BFP funds can be used for preservation of bridges in good condition. As stated in the Bridge Formula Program (BFP) Implementation Guidance, dated January 14, 2022, https://www.fhwa.dot.gov/bridge/bfp/20220114.cfm, hereinafter referred to as "BFP implementation guidance", BFP funds shall be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads. However, BFP funding is distributed by a statutory formula based on the relative costs of replacing all highway bridges classified in poor condition in a State and the relative costs of rehabilitating all highway bridges classified in fair condition in a State. This distribution formula illustrates the importance of focusing this funding on improving the condition of such bridges. Therefore, FHWA encourages States to first focus their BFP funding on projects that improve the condition of in-service highway bridges classified in poor condition and that preserve or improve the condition of in-service highway bridges classified in fair condition.

QE4. Is washing or deck sealing of a bridge an eligible activity under the BFP?

AE4. Yes, bridge washings and deck sealers are considered preservation activities that are eligible for BFP funding. Please refer to the FHWA's Bridge Preservation Guide (https://www.fhwa.dot.gov/bridge/preservation/guide/guide.pdf) for further information on bridge preservation. "Preservation" of bridges is defined in the guide as actions or strategies that prevent, delay, or reduce deterioration of bridges or bridge elements; restore the function of existing bridges; keep bridges in good or fair condition; and extend their service life.

QE5. Can BFP funds be used for tunnel projects?

AE5. No, projects on tunnels are not eligible for BFP funding. As provided under the BIL, BFP funds shall be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads.

QE6. Please provide examples of eligible and non-eligible bridge replacement and new bridge construction projects under the BFP.

AE6. The following are a few scenarios of eligibility for BFP funds:

- Replace a closed bridge that was removed from NBI for a while with a NBI bridge: Eligible as new construction.
- Construction of a new highway bridge at a new location: Eligible as a new construction.
- Replace a small structure (that is less than or equal to 20 feet in length) with a NBI bridge: Eligible as a new construction.
- Replace a low water crossing with a NBI bridge: Eligible as a new construction.
- Replace a low water crossing with a small structure: Non-eligible.
- Replace a small structure with another small structure: Non-eligible.

QE7. Is bridge approach work (and bridge approach slabs) eligible for BFP funding? Any guidance or expectations on limiting approach work to the bridge (attainable touchdown) using BFP funds?

AE7. Approach roadway work for bridge projects funded through BFP will follow similar guidance for bridge projects funded through the National Highway Performance Program (NHPP) and the Surface Transportation Block Grant Program (STBG) approach roadway work. A nominal amount of approach work, sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice, is eligible. Please refer to the Additional Guidance on 23 CFR Part 650 D: https://www.fhwa.dot.gov/bridge/0650dsup.cfm.

QE8. Could the BFP funds be used in-place for an already programmed project targeted initially as a regular federal-aid funded project?

AE8. Yes. If the project is already "programmed" in the State Transportation Improvement Program (STIP), the STIP can be modified to reflect a change in the funding program as long as the project meets BFP eligibility. However, if the project is currently authorized in the Fiscal Management Information System (FMIS) (funds obligated), deobligating and swapping funds is not allowed. See 23 CFR 630.110(a) and Additional Guidance on https://www.fhwa.dot.gov/cfo/projfundsmgt.cfm. Deobligations may only occur for project underruns or close-out.

QE9. Can a bicycle and pedestrian bridge be constructed with BFP funding?

AE9. Providing connectivity and accessibility for all users and removing barriers to opportunity are priorities for the FHWA, and the construction of bicycle and pedestrian bridges are ways in which these community needs could be addressed. Although the accommodation of bicycle and pedestrian users on highway bridges is an eligible BFP activity (see Accommodation for Bicyclists and Pedestrians in the BFP Implementation Guidance on https://www.fhwa.dot.gov/bridge/bfp/20220114.cfm), bicycle and pedestrian only bridges are not eligible under the BFP because they are non-highway bridges.

States are encouraged to use the flexibility in other Federal-aid Highway Programs for constructing bicycle and pedestrian bridges. More information on possible sources of funds can be found on FHWA's

website at:
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm.

Off-System Bridges

QO1. Could a State use 100 percent of their BFP apportionment for off-system bridges?

AO1. Yes, 100 percent of the BFP apportionment can be used on off-system bridges. As stated in the BFP implementation guidance, the 15 percent set-aside is the minimum; there is no maximum.

QO2. Are States required to use more than 15 percent of their BFP funds on off-system bridges if over 15 percent of their bridges are in poor condition and on off-system routes?

AO2. As the BFP implementation guidance states, the 15 percent set-aside of BFP funding for off-system bridges is a minimum, not a maximum. FHWA encourages States to use BFP funding on off-system bridges in proportion to the scale of each State's off-system bridge needs—particularly in relation to localities that historically have lacked resources for such projects. State and local transportation agencies are encouraged to work together to meet their bridge needs and make the decisions on how to prioritize these funds and on which bridges the funds should be used.

QO3. If a State used 100 percent of the BFP apportionment for off-system bridges, would 100 percent of the BFP apportionment be eligible for 100 percent reimbursement?

AO3. If the State used 100 percent of their BFP apportionment for off-system bridges owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe, those funds would be eligible for 100 percent reimbursement. An off-system bridge owned by a State agency or other agency not listed in the previous sentence would only be eligible for reimbursement in accordance with 23 U.S.C. 120.

QO4. Which local off-system bridges are eligible for the 100 percent Federal share under the BFP? Would that include areas that are rural but within the Metropolitan Planning Organization (MPO) planning area? Would a defined urban boundary to determine rural vs urban be used?

AO4. Per the BFP implementation guidance, the urban and rural boundaries do not determine the applicability of the 100 percent Federal share.

The Federal share for costs reimbursed with BFP funds for an off-system bridge owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe shall be 100 percent. "Off-system bridge" is defined as highway bridge located on a public road, other than a bridge on a Federal-aid highway. "Federal-aid highway" is defined as a public highway eligible for assistance under chapter 1 of title 23, U.S.C., other than a highway functionally classified as a local road or rural minor collector.

Therefore, the 100 percent Federal share under the BFP is only applicable to a highway bridge that is: (1) owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe, and (2) located on a public road that is functionally classified as a local road or rural minor collector.

QO5. The BFP funds have 100 percent Federal share requirement for off-system bridges if they are owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe. Does this preclude States from using funds on State owned off-system bridges?

AO5. No, BFP funds can be used on State owned off-system bridges. However, The Federal share for costs reimbursed with BFP funds for off-system bridges owned by a State agency or other agency not listed in the first part of the question (county, town, township, city, municipality or other local agency, or federally-recognized Tribe) is determined in accordance with 23 U.S.C. 120.

QO6. Can the BFP implementation guidance be applied to the STBG? Can a bridge project use STBG funds at 100 percent Federal share without using the 20 percent soft-match credit requirement, and if so, what can soft-match credit be used for?

AO6. The BFP implementation guidance is only applicable to the BFP. This guidance does not apply to the implementation of the STBG nor its subsections including the credit for off-system bridges (23 U.S.C. 133(f)(3)).

Under the BFP, the Federal share shall be 100 percent for an eligible bridge project that is an off-system highway bridge owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe. An eligible project for an off-system bridge owned by a State agency or other agency not listed in the previous sentence, or for a bridge on a Federal-aid Highway, is eligible for reimbursement in accordance with federal share requirements in 23 U.S.C. 120 and previously earned credits for off-system bridge construction can be used for the non-Federal share on these projects in accordance with 23 U.S.C. 133(f)(3), as amended by BIL. Please refer to the STBG implementation guidance at FHWA's BIL website, https://www.fhwa.dot.gov/bipartisan-infrastructure-law/, and guidance on retroactive use of credits on https://www.fhwa.dot.gov/bridge/120615.cfm.

QO7. What are the differences in eligibility between the STBG off-system bridge set-aside and the BFP off-system bridge set aside?

AO7. There are differences in eligibilities between the off-system set aside in STBG at 23 U.S.C. 133(f) and the off-system set aside in the BFP, which include:

- Under BIL, STBG off-system bridge set aside allows for the following while BFP does not allow:
  - bridge inspections and evaluations,
  - protection and inspection of low water crossings.
- BFP allows for the construction of new off-system bridges while STBG does not allow construction of a new off-system bridge at a new location (see 23 U.S.C. 133(c)(1)).

QO8. Can a State request to reduce the 15 percent BFP set-aside funding requirement for off-system bridges?

AO8. No, there is no provision in the BIL BFP that would authorize States to reduce the expenditures for the minimum 15 percent set-aside amount for off-system bridges.

QO9. Can the non-Federal share for costs reimbursed with BFP funds for an off-system bridge that is owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe be increased in accordance with 23 U.S.C. 120(h), to decrease the Federal share for the BFP funds to below 100 percent?

AO9. No, the Federal share cannot be modified for costs reimbursed with BFP funds for on an off-system bridge that is owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe. The BIL appropriated funds for the BFP and specifically addressed the Federal share applicable for BFP funds used on certain off-system bridges. Generally, under the BIL, the Federal share for costs reimbursed with BFP funds distributed to States is determined in accordance with 23 U.S.C. 120.[1] Therefore, for some projects using BFP funds, section 120(h) of title 23, United States Code (U.S.C.) allows a State to contribute an amount in excess of the non-Federal share of a project, so as to decrease the Federal share payable on such project. However, for an off-system bridge owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe, the statutory language in the BIL further includes an exception to application of 23 U.S.C. 120, and provides that the Federal share for costs reimbursed with BFP funds for such off-system highway bridges "shall be 100 percent."[2] Because Congress created an exception to the general Federal share rule in 23 U.S.C. 120, and provided a specific Federal share, FHWA does not have the discretion to allow a different Federal share for BFP funds used on these projects.

The statute does not require that multiple Federal funding sources be used for such projects. However, for such projects that use multiple funding sources, the Federal share is determined by the requirements of each funding source. For example, if BFP and STBG funds are used in combination for one of these projects, the Federal share for costs reimbursed with BFP funds is 100 percent (which cannot be decreased) and the Federal share for costs reimbursed with STBG funds is determined in accordance with 23 U.S.C. 120. See the examples below for an illustration:

Scenario 1: $10M off-system highway bridge project owned by a county - $400k contribution by the county for the non-Federal share of Surface Transportation Block Grant Program funds

Source of Funding	Breakdown of Project Costs	Federal Share	Non-Federal Share	Total Federal Amount	Total Non-Federal Amount
Bridge Formula Program	$8,000,000.00	100%	0%	$8,000,000.00	$0.00
Surface Transportation Block Grant Program	$2,000,000.00	80%	20%	$1,600,000.00	$400,000.00
County Funds	$0.00	0%	100%	$0.00	$0.00
Totals	$10,000,000.00			$9,600,000.00	$400,000.00

Overall Federal Share of Project: 96%
Overall Non-Federal Share of Project: 4%

[1] Fourteenth proviso of paragraph (1) under the Highway Infrastructure Program (HIP) heading in title VIII of division J of Pub. L. 117-58
[2] Fifteenth proviso of paragraph (1) under the HIP heading in title VIII of division J of Pub. L. 117-58.

Scenario 2: $10M off-system highway bridge project owned by a county - $480k contribution by the county which includes the non-Federal share of Surface Transportation Block Grant Program funds

Source of Funding	Breakdown of Project Costs	Federal Share	Non-Federal Share	Total Federal Amount	Total Non-Federal Amount
Bridge Formula Program	$8,000,000.00	100%	0%	$8,000,000.00	$0.00
Surface Transportation Block Grant Program	$1,900,000.00	80%	20%	$1,520,000.00	$380,000.00
County Funds	$100,000.00	0%	100%	$0.00	$100,000.00
Totals	$10,000,000.00			$9,520,000.00	$480,000.00

Overall Federal Share of Project: 95%
Overall Non-Federal Share of Project: 5%

Program Oversight/Project Administration

QP1. Are BFP funds' Federal share subject to sliding scale percentage?

AP1. Yes, outside of the 100 percent Federal share requirement for off-system bridges owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe, 23 U.S.C. 120 applies.

QP2. Did the off-system bridge set-aside of the BFP replace the STBG off-system bridge set-aside?

AP2. No. The STBG and its set-aside for bridges not on Federal-aid highways was continued and amended under the BIL. Please see the STBG implementation guidance at FHWA's BIL website: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/.

QP3. If a State wants to go above and beyond 15 percent set-aside for off-system bridges, do those funds above the 15 percent minimum set-aside need to be transferred into the off-system bridge program code as a way for FHWA to track how much is used?

AP3. No, a transfer of funds from the BFP – Main Program Code to BFP – Off-System Bridges Set-aside Program Code is not required if a State chooses to increase the off-system bridges set-aside beyond the minimum 15 percent.

QP4. Can BFP funds be transferred to other State apportionments of Federal-Aid Highway Program funds? And can other State apportionments of Federal-aid Highway Program funds be transferred to the State's BFP?

AP4. No, the funds are not transferable under 23 U.S.C. 126. Please refer to the FHWA Notice No. 4510.867 (https://www.fhwa.dot.gov/legsregs/directives/notices/n4510867.cfm) paragraph 5.

QP5. The BFP implementation guidance indicates that the term construction is defined in 23 U.S.C. 101(a)(4). That definition includes preliminary engineering costs, design, and other costs incidental to construction. However, the improvement type codes listed in the guidance do not include the related preliminary engineering or right-of-way (ROW) improvement types. Can you provide clarification as to whether BFP funding is eligible for these type costs associated with eligible construction?

AP5. Yes, those costs would be eligible. The specific FMIS improvement type codes highlighted in the BFP implementation guidance are related to the construction phase, to help ensure consistency within the program for eligible bridge construction activities. The improvement type codes listed in the BFP implementation guidance will be used in monitoring of the program as validation of the projects being eligible for these funds.

QP6. Are improvement type codes 11 (Bridge Replacement No Added Capacity) and 14 (Bridge Rehabilitation No Added Capacity) obsolete as of the passing of the Fixing America's Surface Transportation (FAST) Act?

AP6. With the enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141), the requirement for FHWA to track projects with added capacity or no added capacity was removed, which was continued with the FAST Act (Pub. L. 114-94). To that effect, two memos were issued in 2012 (https://www.fhwa.dot.gov/bridge/nbi/120927.cfm) and 2017 (https://www.fhwa.dot.gov/bridge/170316.cfm). It is understood that a few States continue to utilize FMIS improvement type codes 11 and 14 in their programs, and they still have meaning for the local planning process. These codes are going to be officially phased out and eventually projects will have a consistent code for bridge replacement and bridge rehabilitation following a phased approach to allow States to update their processes. Nevertheless, BFP funds should be obligated with the appropriate improvement type codes listed in the BFP implementation guidance.

QP7. Are FHWA division offices expected to provide an annual report of accomplishments using this program to Headquarters?

AP7. No, there are no specific reporting requirements for BFP funded projects from States and division offices to the Office of Infrastructure. Typical stewardship and oversight agreements between the FHWA Division office and the State DOT for each State in administering these projects, and proper documentation, are to be followed.

QP8. Is full oversight by FHWA division offices required for bridge projects that use BFP funds?

AP8. Since the BFP is administered under title 23, United States Code, oversight will be subject to 23 U.S.C. 106. Thus, Divisions should follow their respective stewardship and oversight agreements between the FHWA division office and the State DOT.

QP9. Are unobligated BFP funds at the end of a fiscal year subject to August Redistribution?

AP9. No. The BIL specifies that the BFP funds shall not be subject to any limitations on obligations. Additionally, BFP funds are from the General Fund of the Treasury – they are not from the Highway Trust Fund. Therefore, BFP funds are not subject to obligation limitation nor August Redistribution.

QP10. Do traditional de-obligation/re-obligation rules apply to these funds?

AP10. The BIL specifies that the BFP funds are available for 4 years including the FY they were first available. Additionally, BFP funds are from the General Fund of the Treasury – they are not from the Highway Trust Fund. Therefore, the period of availability for obligation is FY of appropriation +3 years (4 years). BFP funds can be de-obligated and re-obligated during this period and they will lapse after the period of availability for obligation has expired. After funds lapse (i.e. period of availability for obligation has expired), in general, they are no longer available for obligation and they cannot be de-obligated and re-obligated except for upward adjustments for existing obligations and liquidating obligations as authorized in accordance with 31 U.S.C. 1553.

QP11. Is the FHWA Office of Infrastructure going to track the de-obligation/re-obligation/lapsing of the funds?

AP11. Yes. Since these funds are subject to the period of availability for obligation and expenditure as shown in the BFP implementation guidance and as stewards of the program, the funds will be tracked by the FHWA Office of Infrastructure (HIF). HIF will use this information to work with FHWA division offices, who in turn will work States to ensure the funding is obligated and expended in a timely manner for eligible projects and to avoid lapsing and cancellation.