

CHAPTER 227  
SB 38-FN - FINAL VERSION

03/23/2017 0897s  
4May2017... 1437h  
1Jun2017... 1998h

2017 SESSION

17-0130  
06/01

SENATE BILL **38-FN**

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

SPONSORS: Sen. Morse, Dist 22; Sen. Bradley, Dist 3; Sen. Reagan, Dist 17; Sen. Daniels, Dist 11; Sen. D'Allesandro, Dist 20; Sen. Giuda, Dist 2; Sen. Feltes, Dist 15

COMMITTEE: Finance

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AMENDED ANALYSIS

This bill:

- I. Makes an appropriation to the department of transportation for local highway aid and municipal bridge aid.
- II. Modifies the distribution of betterment funds.
- III. Clarifies the criteria for red list bridges.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

227:1 Purpose Statement. The general court recognizes that there is a need to provide targeted funding for local infrastructure projects. Therefore, it is the intent of this act to designate certain surplus funds in the 2016-2017 biennial budget for providing grants to fund local infrastructure projects in accordance with the purposes and provisions of this act and to further clarify the criteria for red list bridges.

227:2 Department of Transportation; Appropriation.

I. There is hereby appropriated to the department of transportation the sum of \$36,800,000 for the fiscal year ending June 30, 2017, which shall be nonlapsing and expended pursuant to paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum appropriated in paragraph I shall be allocated as follows:

(a) \$30,000,000 shall be expended for additional "Apportionment A" distributions under RSA 235:23, I.

(b) \$6,800,000 shall be expended for state bridge aid for municipal bridges under RSA 234.

III. No funds appropriated in paragraph I shall be used for supplanting locally budgeted and approved funds for road or bridge maintenance or construction. The funds appropriated in paragraph I may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a town has adopted the provisions of RSA 31:95-b.

227:3 Federal and State Highway Aid; Construction and Reconstruction. Amend RSA 235:23-a, III to read as follows:

III. ***Excluding funds under RSA 260:32-b, III(c) that are used for bridge work, the commissioner, based on budget appropriations, shall allocate and expend at least 70 percent of the funds in the highway and bridge betterment account for the 6 state highway districts in the following priority:***

(a) [Repealed.]

(b) For each state highway district in the state, based upon a formula in which 1/2 of the amount of the funds distributed is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount of the funds distributed is based upon the proportion which the number of state maintained class I, class II and class III highway bridges, excluding turnpikes, in each district as of January 1 of the previous year bears to the total of such number of bridges in the state. ***Due to timing of contracted work and actual expenditures, the commissioner shall use a rolling 5-year average to ensure that a minimum of 70 percent of the funds are expended in each district based on the formula. The commissioner shall distribute the remaining funds on a statewide basis to achieve regional equity based on condition, taking into account deviations in bid prices and existing infrastructure condition, excluding funds used for emergency repair.***

227:4 Red List Bridges. Amend RSA 234:25-a, I to read as follows:

I. The commissioner of transportation shall establish and maintain a list of ***highway*** bridges that are found, after inspection by the department, to be structurally deficient, which shall be known as red list bridges. ***This list shall also include structurally deficient state-owned railroad bridges over highways.***

227:5 New Paragraph; Red List Bridges; Definition. Amend RSA 234:25-a by inserting after paragraph IV the following new paragraph:

V. In this chapter, a structurally deficient bridge means a bridge with a primary element in poor or worse condition (National Bridge Inventory (NBI) rating of 4 or less).

227:6 Inspection of Red List Bridges. Amend RSA 234:25-b to read as follows:

234:25-b Inspection of Red List Bridges; Report.

I. The department of transportation shall inspect every *red list* state-owned bridge on the red list biannually and every *red list* municipal bridge annually *as a minimum*.

II. The department of transportation shall annually provide a complete list of state-owned and municipally-owned red list bridges to the governor, the executive council, the speaker of the house of representatives, the president of the senate, and the house and senate standing committees with jurisdiction over highways and bridges. Additionally the department shall annually notify the governing bodies of municipalities of any red list bridges owned by such municipality and any state-owned red list bridge within such municipality. These reports and notifications shall be provided on or before ~~February~~ **April** 1 of each year.

227:7 Effective Date.

I. Sections 3 through 6 of this act shall take effect July 1, 2017.

II. The remainder of this act shall take effect upon its passage.

Approved: July 11, 2017

Effective Date:

I. Sections 3-6 effective July 1, 2017

II. Remainder effective July 11, 2017

