

110TH CONGRESS  
1ST SESSION

# S. 1761

To authorize the Secretary of Transportation to contract with an independent engineer to review the construction methods of certain Federal highway projects, to require States to submit a project management plan for each highway project financed with Federal funds, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2007

Mr. KERRY (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of Transportation to contract with an independent engineer to review the construction methods of certain Federal highway projects, to require States to submit a project management plan for each highway project financed with Federal funds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safety and Account-  
5 ability in Construction Act”.

1 **SEC. 2. HIGHWAY SAFETY.**

2 (a) SUBMISSION OF PROJECT MANAGEMENT  
3 PLANS.—Section 106(a)(1) of title 23, United States  
4 Code, is amended by striking “such” and inserting “the  
5 project management plan and such other”.

6 (b) INDEPENDENT SAFETY REVIEWS.—

7 (1) IN GENERAL.—Chapter 4 of title 23, United  
8 States Code, is amended by adding at the end the  
9 following:

10 **“§ 413. Independent safety reviews**

11 “(a) IN GENERAL.—Subject to subsection (b), the  
12 Secretary of Transportation (or the Secretary’s designee)  
13 is authorized to contract with a qualified independent en-  
14 gineer to objectively analyze the planning, design, con-  
15 struction methods, and materials used to construct any  
16 highway project financed with Federal funds if the Sec-  
17 retary (or the Secretary’s designee) determines that—

18 “(1) the project may endanger public safety;

19 “(2) the planning, design, or construction of the  
20 project differs from the State’s existing Project  
21 Management Plan;

22 “(3) the project is experiencing significant cost  
23 overruns; or

24 “(4) there is a reasonable basis for requiring a  
25 safety review of the project by an independent engi-  
26 neer.

1 “(b) SELECTION OF INDEPENDENT ENGINEER.—

2 “(1) IN GENERAL.—If the Secretary makes a  
3 determination under subsection (a), the Secretary  
4 shall select and hire an engineer to conduct the anal-  
5 ysis described in subsection (a).

6 “(2) QUALIFICATIONS.—The engineer selected  
7 under this subsection—

8 “(A) shall be a registered professional en-  
9 gineer with a background in the appropriate en-  
10 gineering discipline;

11 “(B) shall have significant knowledge and  
12 experience in highway projects; and

13 “(C) may not have any prior association  
14 with the project to be reviewed or any affiliation  
15 with any project participant.

16 “(3) NOTIFICATION REQUIREMENT.—If an en-  
17 gineer is selected under this section, the Secretary  
18 shall notify—

19 “(A) the members of Congress of the dis-  
20 tricts in which the project being reviewed is lo-  
21 cated; and

22 “(B) the Committee on Commerce,  
23 Science, and Transportation of the Senate;

24 “(C) the Committee on Environment and  
25 Public Works of the Senate; and

1           “(D) the Committee on Transportation  
2           and Infrastructure of the House of Representa-  
3           tives.

4           “(c) ACCESS.—

5           “(1) IN GENERAL.—The transportation depart-  
6           ment of each State in which a highway project is  
7           being reviewed by an independent engineer selected  
8           under subsection (b), and any contractors involved  
9           in the project, shall provide the engineer with rea-  
10          sonable access to the plans, records, and construc-  
11          tion sites of the project.

12          “(2) CONTRACT PROVISIONS.—Beginning on  
13          the date of the enactment of this section, each con-  
14          tract relating to a highway project receiving Federal  
15          financial assistance shall explicitly—

16               “(A) authorize the Secretary of Transpor-  
17               tation to conduct a safety review in accordance  
18               with this section; and

19               “(B) require the parties to comply with  
20               paragraph (1).

21          “(d) REPORTS.—

22               “(1) ANALYSIS FINDINGS.—At the conclusion of  
23               the analysis described in subsection (a), the inde-  
24               pendent engineer shall submit a report containing  
25               the findings of such analysis to—

1 “(A) the Secretary of Transportation;

2 “(B) the Inspector General of the Depart-  
3 ment of Transportation;

4 “(C) the Administrator of the Federal  
5 Highway Administration; and

6 “(D) the transportation department of the  
7 State in which the project is located.

8 “(2) INTERNAL REVIEW.—The Inspector Gen-  
9 eral of the Department of Transportation shall en-  
10 sure compliance with the requirements under this  
11 section and shall submit a report describing such  
12 compliance to—

13 “(A) the Secretary of Transportation;

14 “(B) the Administrator of the Federal  
15 Highway Administration; and

16 “(C) the appropriate congressional com-  
17 mittees.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated \$15,000,000 for each  
20 fiscal year to carry out this section.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-  
22 tions in chapter 4 of title 23, United States Code,  
23 is amended by adding at the end the following:

“413. Independent safety reviews.”.

1 **SEC. 3. TUNNEL INSPECTIONS.**

2 (a) IN GENERAL.—Section 151 of title 23, United  
3 States Code, is amended—

4 (1) in the section heading, by inserting “**and**  
5 **tunnel**” after “**bridge**”;

6 (2) in subsections (a) and (c), by inserting  
7 “AND TUNNEL” after “BRIDGE” each place it ap-  
8 pears in the subsection headings;

9 (3) by inserting “and tunnel” after “bridge”  
10 each place it appears;

11 (4) by inserting “and tunnels” after “bridges”  
12 each place it appears; and

13 (5) in subsection (d), by striking “section  
14 104(a), section 502, and section 144 of this title.”  
15 and inserting “sections 104(a), 144, and 502 for the  
16 bridge inspection program and sections 104(a) and  
17 502 for the tunnel inspection program.”.

18 (b) SURFACE TRANSPORTATION PROGRAM.—Section  
19 133(b)(1) of title 23, United States Code, is amended by  
20 inserting “, tunnels (including safety inspections),” after  
21 “highways)”.

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