

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 206, 215, 322, 402, 405, 408, 410, 411 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

AMENDMENTS

1998—Pub. L. 105-178, title I, §1503(b)(2), June 9, 1998, 112 Stat. 251, inserted subchapter heading.

§ 101. Definitions and declaration of policy

(a) DEFINITIONS.—In this title, the following definitions apply:

(1) APPORTIONMENT.—The term “apportionment” includes unexpended apportionments made under prior authorization laws.

(2) CARPOOL PROJECT.—The term “carpool project” means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

(3) CONSTRUCTION.—The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration of the Department of Commerce);

(B) resurfacing, restoration, and rehabilitation;

(C) acquisition of rights-of-way;

(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

(E) elimination of hazards of railway grade crossings;

(F) elimination of roadside obstacles;

(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

(4) COUNTY.—The term “county” includes corresponding units of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdic-

tion over highways, any local government unit vested with jurisdiction over local highways.

(5) FEDERAL-AID HIGHWAY.—The term “Federal-aid highway” means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

(6) FEDERAL-AID SYSTEM.—The term “Federal-aid system” means any of the Federal-aid highway systems described in section 103.

(7) FEDERAL LANDS HIGHWAY.—The term “Federal lands highway” means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term “forest development roads and trails” means forest roads and trails under the jurisdiction of the Forest Service.

(9) FOREST HIGHWAY.—The term “forest highway” means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

(10) FOREST ROAD OR TRAIL.—The term “forest road or trail” means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

(11) HIGHWAY.—The term “highway” includes—

(A) a road, street, and parkway;

(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

(12) INDIAN RESERVATION ROAD.—The term “Indian reservation road” means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

(13) INTERSTATE SYSTEM.—The term “Interstate System” means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

(14) MAINTENANCE.—The term “maintenance” means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

(15) MAINTENANCE AREA.—The term “maintenance area” means an area that was designated as a nonattainment area, but was

later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(16) NATIONAL HIGHWAY SYSTEM.—The term “National Highway System” means the Federal-aid highway system described in section 103(b).

(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term “operating costs for traffic monitoring, management, and control” includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

(18) OPERATIONAL IMPROVEMENT.—The term “operational improvement”—

(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

(19) PARK ROAD.—The term “park road” means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

(20) PARKWAY.—The term “parkway”, as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

(21) PROJECT.—The term “project” means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

(22) PROJECT AGREEMENT.—The term “project agreement” means the formal instrument to be executed by the State transportation department and the Secretary as required by section 106.

(23) PUBLIC AUTHORITY.—The term “public authority” means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term “public lands development roads and trails” means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

(25) PUBLIC LANDS HIGHWAY.—The term “public lands highway” means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

(26) PUBLIC LANDS HIGHWAYS.—The term “public lands highways” means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

(27) PUBLIC ROAD.—The term “public road” means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

(28) REFUGE ROAD.—The term “refuge road” means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

(29) RURAL AREAS.—The term “rural areas” means all areas of a State not included in urban areas.

(30) SAFETY IMPROVEMENT PROJECT.—The term “safety improvement project” means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at locations with high accident potential.

(31) SECRETARY.—The term “Secretary” means Secretary of Transportation.

(32) STATE.—The term “State” means any of the 50 States, the District of Columbia, or Puerto Rico.

(33) STATE FUNDS.—The term “State funds” includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

(34) STATE TRANSPORTATION DEPARTMENT.—The term “State transportation department” means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

(35) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term “transportation enhancement activities” means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including his-

toric railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

(36) URBAN AREA.—The term “urban area” means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

(37) URBANIZED AREA.—The term “urbanized area” means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including The Dwight D. Eisenhower System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of The Dwight D. Eisenhower System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the “Interstate System”, is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the forty years’ appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending September 30, 1996, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire system in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

It is further declared that since the Interstate System is now in the final phase of completion

it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum extent.

(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation.

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the substantial minimization of paperwork and inter-agency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 885; Pub. L. 86-70, §21(e)(1), June 25, 1959, 73 Stat. 146; Pub. L. 86-624, §17(a), July 12, 1960, 74 Stat. 415; Pub. L. 87-866, §6(a), Oct. 23, 1962, 76 Stat. 1147; Pub. L. 88-423, §3, Aug. 13, 1964, 78 Stat. 397; Pub. L. 89-574, §4(a), Sept. 13, 1966, 80 Stat. 767; Pub. L. 90-495, §§4(a), 8, 15, Aug. 23, 1968, 82 Stat. 816, 819, 822; Pub. L. 91-605, title I, §§104(a), 106(a), 107, 117(d), 130, 141, Dec. 31, 1970, 84 Stat. 1714, 1716, 1718, 1724, 1732, 1737; Pub. L. 93-87, title I, §§105, 106(a), 107, 108, 152(1), Aug. 13, 1973, 87 Stat. 253-255, 276; Pub. L. 93-643, §102(b), Jan. 4, 1975, 88 Stat. 2281; Pub. L. 94-280, title I, §§107(a), 108, May 5, 1976, 90 Stat. 430, 431; Pub. L. 95-599, title I, §106, Nov. 6, 1978, 92 Stat. 2693; Pub. L. 97-424, title I, §§126(c), 159, Jan. 6, 1983, 96 Stat. 2115, 2135; Pub. L. 100-17, title I, §§102(b)(3), 108, 109, 133(b)(2), (3), Apr. 2, 1987, 101 Stat. 135, 146, 171; Pub. L. 101-427, Oct. 15, 1990, 104 Stat. 927; Pub. L. 102-240, title I, §§1001(g), 1005, 1006(g)(1), 1007(c), Dec. 18, 1991, 105 Stat. 1916, 1922, 1927,

1931; Pub. L. 104-59, title III, §§301(b), 311(b), Nov. 28, 1995, 109 Stat. 578, 583; Pub. L. 105-178, title I, §1201, June 9, 1998, 112 Stat. 164.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 885, as amended, which revised, codified, and reenacted this title. For complete classification of this Act to the Code, see Tables.

Section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), referred to in subsec. (b), is section 108(b) of act June 29, 1956, ch. 462, 70 Stat. 378, which is set out below.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178 inserted heading and amended text of subsec. (a) generally, alphabetizing, numbering, and inserting headings for terms defined, inserting definitions of “maintenance area” and “refuge road”, and substituting definition of “State transportation department” for definition of “State highway department”.

1995—Subsec. (a). Pub. L. 104-59, §311(b), in first sentence of definition of “construction”, inserted “bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments,” after “highway, including”.

Pub. L. 104-59, §301(b)(1), in definition of “project”, inserted before period at end “or any other undertaking eligible for assistance under this title”.

Pub. L. 104-59, §301(b)(2), added provision defining “operating costs for traffic monitoring, management, and control” and struck out former provision defining “startup costs for traffic management and control” which read as follows: “The term ‘startup costs for traffic management and control’ means initial costs (including labor costs, administration costs, cost of utilities, and rent) for integrated traffic control systems, incident management programs, and traffic control centers.”

1991—Subsec. (a). Pub. L. 102-240, §1006(g)(1), added provision defining “Federal-aid highways” and struck out former provision which read as follows: “The term ‘Federal-aid highways’ means highways located on one of the Federal-aid systems described in section 103 of this title.”

Pub. L. 102-240, §1005(a), in definition of “highway safety improvement project”, inserted “installs priority control systems for emergency vehicles at signalized intersections” after “marking,”.

Pub. L. 102-240, §1005(d)(3), in definition of “Indian reservation roads”, struck out “, including roads on the Federal-aid systems,” after “public roads”.

Pub. L. 102-240, §1005(d)(4), in definition of “park road”, inserted “, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles” before “that is located”.

Pub. L. 102-240, §1005(b), inserted provision defining “urbanized area” and struck out former provision which read as follows: “The term ‘urbanized area’ means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.”

Pub. L. 102-240, §1005(c), inserted provision defining “National Highway System” and struck out former provision defining “Federal-aid primary system” which read as follows: “The term ‘Federal-aid primary system’ means the Federal-aid highway system described in subsection (b) of section 103 of this title.”

Pub. L. 102-240, §1005(d)(1), (2), struck out provisions defining “Federal-aid secondary system” and “Federal-aid urban system” which read as follows:

“The term ‘Federal-aid secondary system’ means the Federal-aid highway system described in subsection (c) of section 103 of this title.

“The term ‘Federal-aid urban system’ means the Federal-aid highway system described in subsection (d) of section 103 of this title.”

Pub. L. 102-240, §1005(e), in definition of “Interstate System”, inserted “Dwight D. Eisenhower” before “National”.

Pub. L. 102-240, §1005(g), inserted provisions defining “startup costs for traffic management and control”, “carpool project”, “public authority” and “public lands highway”.

Pub. L. 102-240, §1005(f), inserted provision defining “operational improvement”.

Pub. L. 102-240, §1007(c), inserted provision defining “transportation enhancement activities”.

Subsec. (b). Pub. L. 102-240, §1001(g), substituted “forty” for “thirty-seven” and “1996” for “1993” in second par.

1990—Subsec. (b). Pub. L. 101-427 substituted “The Dwight D. Eisenhower System of Interstate and Defense Highways” for “the National System of Interstate and Defense Highways” in first two pars.

1987—Subsec. (a). Pub. L. 100-17, §108, in definition of “construction”, inserted “elimination of roadside obstacles,” after “grade crossings.”.

Pub. L. 100-17, §133(b)(2), substituted definition of “forest road or trail” for “forest or trail”.

Pub. L. 100-17, §109, in definition of “highway safety improvement project”, inserted “installs or replaces emergency motorist-aid call boxes,” after “pavement marking.”.

Pub. L. 100-17, §133(b)(3), amended definition of “park road” generally. Prior to amendment, definition read as follows: “The term ‘park road’ means a public road that is located within or provides access to an area in the national park system.”

Subsec. (b). Pub. L. 100-17, §102(b)(3), substituted “thirty-seven years” for “thirty-four years” and “1993” for “1990” in second par.

1983—Subsec. (a). Pub. L. 97-424, §126(c)(1), substituted provision that “park road” means a public road that is located within or provides access to an area in the national park system, for provision that “park roads and trails” means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

Pub. L. 97-424, §126(c)(2), substituted “The term ‘Indian reservation roads’ means public roads, including roads” for “The term ‘Indian reservation roads and bridges’ means roads and bridges, including roads and bridges” before “on the Federal-aid systems”.

Pub. L. 97-424, §126(c)(3), inserted provision defining “Federal lands highways”.

Pub. L. 97-424, §159, in definition of “construction”, inserted provision that it also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program.

1978—Subsec. (a). Pub. L. 95-599, §106(a), in definition of “construction” inserted provision relating to capital improvements.

Pub. L. 95-599, §106(b)(1), in definition of “forest road or trail”, inserted provisions requiring contingency or service to the National Forest System and necessity for the protection, administration, and utilization thereof.

Pub. L. 95-599, §106(b)(2), defined “forest development roads or trails” in terms of a forest road or trail under the jurisdiction of the Forest Service rather than in terms of a forest road or trail of primary importance for the protection, administration, and utilization of the national forest or other areas under the jurisdiction of the Forest Service.

Pub. L. 95-599, §106(b)(3), defined “forest highway” in terms of a forest road under the jurisdiction of, and maintained by, a public authority and open to public

travel rather than in terms of a forest road which is of primary importance to the States, counties, or communities contingent to national forests and which is a Federal-aid system.

Pub. L. 95-599, §106(b)(4), inserted definition of "highway safety improvement project".

1976—Subsec. (a). Pub. L. 94-280, §108, defined "construction" to include resurfacing, restoration, and rehabilitation and "urban area" to exclude cities in the States of Maine and New Hampshire and inserted definition of "public road".

Subsec. (b). Pub. L. 94-280, §107(a), substituted provision for completion of the Interstate System over a thirty-four year period, through the fiscal year ending September 30, 1990, for a prior provision for such completion over a twenty-three period, through the fiscal year ending June 30, 1979.

1975—Subsec. (a). Pub. L. 93-643 defined "Indian reservation roads and bridges" to include roads and bridges on the Federal-aid systems.

1973—Subsec. (a). Pub. L. 93-87, §105(1), in definition of "construction", substituted "National Oceanic and Atmospheric Administration" for "Coast and Geodetic Survey" and extended definition to include improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas.

Pub. L. 93-87, §105(3), in definition of "Indian reservation roads and bridges", substituted "approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians" for "approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians".

Pub. L. 93-87, §152(1), in definition of "Secretary", substituted "Secretary of Transportation" for "Secretary of Commerce".

Pub. L. 93-87, §105(4), in definition of "urbanized area", provided for boundaries of the "urbanized area" to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary, and required such boundaries, as a minimum, to encompass the entire urbanized area within a State as designated by the Bureau of the Census.

Pub. L. 93-87, §105(2), in definition of "urban area", substituted "an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary" for "an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary", and required such boundaries, as a minimum, to encompass the entire urban place designated by the Bureau of the Census.

Subsec. (b). Pub. L. 93-87, §§106(a), 107, extended time for completion of the National System of Interstate and Defense Highways, substituting in second par. "twenty-three years" and "June 30, 1979" for "twenty years" and "June 30, 1976", and inserted third par. declaratory of national policy, since the Interstate System is now in the final phase of completion, that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first par. of subsec. (b), in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum extent.

Subsec. (e). Pub. L. 93-87, §108, added subsec. (e).

1970—Subsec. (a). Pub. L. 91-605, §§106(a), 117(d), 130, 141, inserted definitions of "urbanized area" and "Federal-aid urban system", substituted "subsection (e)" for "subsection (d)" in definition of "Interstate System", included within the costs of construction, under the definition of "construction", relocation assistance, acquisition of replacement housing sites, acquisition, and rehabilitation, relocation, and construction of replacement housing, and substituted "acquisition" for "costs" of rights-of-way, broadened definition of "Indian reservation roads and bridges" to include roads and bridges on State controlled Indian reservations, trust lands, and restricted Indian lands, as well as roads and bridges on such lands under Federal control, and inserted in definitions of "forest highway" and "public lands highways" provisions to ensure that these highways be on the Federal-aid systems.

Subsec. (b). Pub. L. 91-605, §104(a), substituted "twenty years" for "eighteen years" and "June 30, 1976" for "June 30, 1974".

Subsec. (c). Pub. L. 91-605, §107, substituted "any officer or employee in the executive branch of the Federal Government" for "any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government" and "Highway Trust Fund" for "highway trust fund".

Subsec. (d). Pub. L. 91-605, §107, substituted provisions prohibiting expenditure of funds from the Highway Trust Fund by any department other than the Federal Highway Administration unless these funds are identified and included as a line item in an appropriation Act and are to meet obligations incurred under this title attributable to the construction of Federal aid highways or for planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation for provisions expressing essentially the same prohibitions but permitting expenditures to meet obligations incurred under this title attributable to Federal-aid highways, and contracted for in accordance with the Act of March 4, 1915, as amended [section 686 of Title 31, Money and Finance], relating to work or services not usually performed by the Federal Highway Administration, or relating to the furnishing of materials, supplies or equipment, and expenditures specifically identified in the budget and included in an appropriation Act.

1968—Subsec. (a). Pub. L. 90-495, §8, inserted "and other areas administered by the Forest Service" after "national forests" and "national forest" in definitions of "forest road or trail" and "forest development roads and trails".

Subsec. (b). Pub. L. 90-495, §4(a), substituted a reference to "eighteen years' appropriation" for reference to "sixteen years' appropriation" and substituted "June 30, 1974" for "June 30, 1972".

Subsecs. (c), (d). Pub. L. 90-495, §15, added subsecs. (c) and (d).

1966—Subsec. (b). Pub. L. 89-574 substituted a reference to "sixteen years' appropriation" for reference to "fifteen years' appropriation" and substituted "June 30, 1972" for "June 30, 1971".

1964—Subsec. (b). Pub. L. 88-423 substituted "fifteen years" for "thirteen years" and "June 30, 1971" for "June 30, 1969".

1962—Subsec. (a). Pub. L. 87-866 inserted definition of "public lands development roads and trails".

1960—Subsec. (a). Pub. L. 86-624 substituted "fifty States, the District of Columbia, or Puerto Rico" for "forty-nine States, the District of Columbia, Hawaii, or Puerto Rico" in definition of "State".

1959—Subsec. (a). Pub. L. 86-70 substituted "forty-nine States, the District of Columbia, Hawaii" for "forty-eight States, the District of Columbia, Hawaii, Alaska" in definition of "State".

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-206, title IX, §9016, July 22, 1998, 112 Stat. 868, provided that: "This title [see Tables for classifica-

tion] and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century [Pub. L. 105-178]. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act [June 9, 1998], and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act [July 22, 1998]) that are amended by this title shall be treated as not being enacted.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 147 of Pub. L. 91-605 provided that: “The amendments made by section 117 [enacting section 510 of this title, amending this section, and renumbering sections 511 and 512 of this title], 120 [amending provisions set out as a note under section 502 of this title], and 137 of this Act [amending section 506 of this title] shall not take effect if before the effective date of this Act [Dec. 31, 1970] the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 has been enacted into law.” The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, enacted as Pub. L. 91-646, 84 Stat. 1894, was approved Jan. 2, 1971, whereas this Act (Title I of Pub. L. 91-605) was approved Dec. 31, 1970, therefore the amendments made by sections 117, 120, and 137 of Title I of Pub. L. 91-605 took effect.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 37 of Pub. L. 90-495, as amended by Pub. L. 91-605, title I, §120, Dec. 31, 1970, 84 Stat. 1725, provided that:

“(a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act [enacting sections 135, 139, 140, 141, and 501 to 511 of this title, amending this section, sections 103, 104, 108, 112, 113, 115, 116, 120, 125, 128, 129, 131, 135, 136, 138, 205, 319, and 402 of this title, section 636 of Title 15, Commerce and Trade, and section 1653 of former Title 49, Transportation, repealing section 133 of this title, enacting provisions set out as notes under this section and sections 104, 108, 125, 134, 501, 502, and 510 of this title] shall take effect on the date of its enactment [Aug. 23, 1968], except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed.

“(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972.”

EFFECTIVE DATE OF 1959 AMENDMENT

Section 21(e) of Pub. L. 86-70 provided that the amendments made by that section (amending this section and sections 104, 116, and 120 of this title) are effective July 1, 1959.

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-88, §1, Sept. 30, 2003, 117 Stat. 1110, provided that: “This Act [amending sections 144, 157, 163, 188, and 410 of this title, sections 900 and 901 of Title 2, The Congress, section 777c of Title 16, Conservation, sections 9503 and 9504 of Title 26, Internal Revenue Code, section 13106 of Title 46, Shipping, and sections 5307, 5309, 5337, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as notes under this section, section 104 of this title, section 9503 of Title 26, and section 5337 of Title 49, and amending provisions set out as notes under this section, sections 322 and 402 of this title, section 901 of Title 2, and sections 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2003’.”

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105-206, title IX, §9001, July 22, 1998, 112 Stat. 834, provided that: “This title [see Tables for classification] may be cited as the ‘TEA 21 Restoration Act’.”

Pub. L. 105-178, §1(a), June 9, 1998, 112 Stat. 107, provided that: “This Act [see Tables for classification] may be cited as the ‘Transportation Equity Act for the 21st Century’.”

Pub. L. 105-178, title I, §1501, June 9, 1998, 112 Stat. 241, provided that: “This chapter [chapter 1 (§§1501-1504) of subtitle E of title I of Pub. L. 105-178, enacting subchapter II of this chapter, amending section 301 of Title 49, Transportation, and enacting provisions set out as a note under section 181 of this title] may be cited as the ‘Transportation Infrastructure Finance and Innovation Act of 1998’.”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-130, §1, Dec. 1, 1997, 111 Stat. 2552, provided that: “This Act [amending sections 104, 321, 326, and 410 of this title, sections 9503, 9504, and 9511 of Title 26, Internal Revenue Code, and sections 111, 5309, 5337, 5338, 30308, and 31104 of Title 49, Transportation, enacting provisions set out as notes under section 104 of this title and section 9503 of Title 26, and amending provisions set out as notes under this section and section 307 of this title] may be cited as the ‘Surface Transportation Extension Act of 1997’.”

SHORT TITLE OF 1995 AMENDMENT

Section 1(a) of Pub. L. 104-59 provided that: “This Act [enacting section 161 of this title, amending this section, sections 103, 104, 106, 109, 111, 112, 115, 116, 120, 122, 127, 129, 130, 131, 133, 134, 141, 144, 149, 152, 153, 217, 303, 306, 307, 323, 409, and 410 of this title, sections 1261 and 1262 of Title 16, Conservation, sections 7506 and 12186 of Title 42, The Public Health and Welfare, and sections 5316, 5331, 20140, 30308, 31112, 31136, 31306, and 45102 of Title 49, Transportation, repealing section 154 of this title, enacting provisions set out as notes preceding section 101 of this title and under this section, sections 104, 109, 130, 141, 153, 154, 307, 309, 401, and 408 of this title, section 403 of Title 16, section 7511a of Title 42, and section 31136 of Title 49, amending provisions set out as notes under this section and sections 104, 109, 127, 149, and 307 of this title, and repealing provisions set out as notes preceding section 101 of this title and under section 112 of this title] may be cited as the ‘National Highway System Designation Act of 1995’.”

SHORT TITLE OF 1987 AMENDMENT

Section 1(a) of Pub. L. 100-17 provided that: “This Act [enacting sections 151, 156, and 409 of this title, section 508 of Title 33, Navigation and Navigable Waters, section 4604 of Title 42, The Public Health and Welfare, and sections 1607a-2, 1619, 1620, and 1621 of former Title 49, Transportation, amending this section, sections 103, 104, 106, 109, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 125, 127, 129, 130, 138, 140, 144, 152, 154, 157, 204, 210, 215, 217, 307, 315, 319, 321, 323, 401, 402, and 408 of this title, section 4601-11 of Title 16, Conservation, section 1761 of Title 18, Crimes and Criminal Procedure, sec-

tions 4041, 4051, 4052, 4071, 4081, 4221, 4481, 4482, 4483, 6156, 6412, 6420, 6421, 6427, and 9503 of Title 26, Internal Revenue Code, sections 494 and 1414 of Title 33, sections 4601, 4621, 4622, 4623, 4624, 4625, 4626, 4630, 4631, 4633, 4636, 4638, 4651, and 4655 of Title 42, sections 303 and 10922 of Title 49, and sections 1602, 1603, 1604, 1607, 1607a, 1607a-1, 1607c, 1608, 1612, 1613, 1614, 1617, 1655, 2311, 2314, and 2716 of former Title 49, repealing sections 211, 213, 219, and 322 of this title, sections 498a, 498b, 503 to 507, 526, 526a, 529, and 535d of Title 33, and sections 4634 and 4637 of Title 42, enacting provisions set out as notes under this section, sections 103, 104, 116, 120, 125, 127, 130, 144, 202, 307, 401, and 402 of this title, sections 1, 4052, and 4481 of Title 26, section 4601 of Title 42, section 10922 of Title 49, and sections 1601, 1602, 1608, and 2204 of former Title 49, amending provisions set out as notes under this section and sections 103, 104, 130, 141, 144, 146, and 401 of this title, and repealing provisions set out as notes under sections 114, 130, and 217 of this title and section 526a of Title 33] may be cited as the ‘Surface Transportation and Uniform Relocation Assistance Act of 1987.’”

Section 101 of title I of Pub. L. 100-17 provided that: “This title [enacting sections 151, 156, and 409 of this title and section 508 of Title 33, Navigation and Navigable Waters, amending this section, sections 103, 104, 106, 109, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 125, 127, 129, 130, 138, 140, 144, 152, 154, 157, 204, 210, 215, 217, 307, 315, 319, 321, 323, 401, and 402 of this title, section 1761 of Title 18, Crimes and Criminal Procedure, sections 494 and 1414 of Title 33, section 303 of Title 49, Transportation, and sections 1655, 2311, and 2716 of former Title 49, repealing sections 211, 213, 219, and 322 of this title and sections 498a, 498b, 503 to 507, 526, 526a, 529, and 535d of Title 33, enacting provisions set out as notes under this section and sections 103, 104, 116, 120, 125, 127, 130, 144, 202, 307, and 402 of this title, amending provisions set out as notes under this section and sections 103, 104, 130, 141, 144, and 146 of this title, and repealing provisions set out as notes under sections 114, 130, and 217 of this title and section 526a of Title 33] may be cited as the ‘Federal-Aid Highway Act of 1987.’”

SHORT TITLE OF 1983 AMENDMENTS

Section 1 of Pub. L. 97-424 provided: “That this Act [enacting section 157 of this title, sections 4051 to 4053 and 9503 of Title 26, Internal Revenue Code, and sections 1601c, 1607a, 1607a-1, 1617, 1618, and 2301 to 2315 of former Title 49, Transportation, amending section 713c-3 of Title 15, Commerce and Trade, sections 4601-11 and 1606a of Title 16, Conservation, sections 101, 101 notes, 103, 103 note, 105, 109, 112, 113, 114, 115, 116, 118, 119, 120, 122, 125, 127, 130 notes, 137, 139, 140, 141, 142, 144, 150, 152, 201, 202, 203, 204, 210, 214, 217, 218, 307, 307 note, 401 note, and 402 of this title, sections 39, 44E, 46, 48, 103, 165 note, 167, 168, 274, 851, 852, 874, 882, 3304 note, 3454, 4041, 4061, 4063, 4071, 4081, 4101, 4102, 4221, 4222, 4481, 4482, 4483, 6049, 6156, 6201, 6206, 6362, 6412, 6416, 6420, 6421, 6427, 6504, 6675, 7210, 7603, 7604, 7605, 7609, 7610, and 9502 of Title 26, section 1414 of Title 33, Navigation and Navigable Waters, sections 602 and 1382a of Title 42, The Public Health and Welfare, sections 1474, 1475, and 1479 of former Title 46, Shipping, section 1273 of Title 46, Appendix, sections 10927 note, 11909 and 11914 of Title 49, and sections 1602, 1603, 1604, 1607c, 1608, 1611, 1612, 1614, 2204, 2205, 2206 of former Title 49, repealing sections 101 notes, 104 note, and 206 to 209 of this title, sections 120 note, 4091 to 4094, and 6424 of Title 26, and sections 1602 note, 1604a, 1617, and 1618 of former Title 49, and enacting provisions set out as notes under this section, sections 103, 104, 105, 109, 111, 119, 120, 125, 144, 146, 154, 307, 401, and 408 of this title, section 713c-3 of Title 15, sections 1, 39, 46, 165, 274, 3304, 4041, 4051, 4061, 4071, 4081, 4481, 6012, 6427, and 9503 of Title 26, section 602 of Title 42, and sections 1601, 1612, and 2315 of former Title 49] may be cited as the ‘Surface Transportation Assistance Act of 1982.’”

Section 101 of title I of Pub. L. 97-424 provided that: “This title [enacting section 157 of this title, amending this section and sections 103, 105, 109, 112, 113, 114, 115, 116, 118, 119, 120, 122, 125, 127, 137, 139, 140, 142, 144, 150,

152, 201, 202, 203, 204, 210, 214, 217, 218, and 307 of this title, repealing sections 101 notes, 104 note, and 206 to 209 of this title, and enacting provisions set out as notes under this section, sections 103, 104, 105, 109, 111, 119, 120, 125, 144, and 146 of this title, and section 2315 of former Title 49, Transportation] may be cited as the ‘Highway Improvement Act of 1982.’”

Section 1 of Pub. L. 97-327, Oct. 15, 1982, 96 Stat. 1611, provided: “That this Act [amending section 144 of this title, provisions set out as notes under this section and section 130 of this title, and enacting provisions set out as notes under section 104 of this title] may be cited as the ‘Federal-Aid Highway Act of 1982.’”

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-134, §13, Dec. 29, 1981, 95 Stat. 1703, provided that: “This Act [amending sections 104, 119, and 139 of this title and enacting provisions set out as notes under this section and section 104 of this title] may be cited as the ‘Federal-Aid Highway Act of 1981.’”

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-599 provided: “That this Act [enacting sections 119, 146, and 407 of this title, and sections 1602-1, 1607, 1614, 1615, 1616, 1617 and 1618 of former Title 49, Transportation, amending this section, sections 103, 104, 105, 109, 111, 116, 118, 120, 122, 124, 125, 129, 131, 134, 141, 144, 148, 151, 152, 154, 155, 215, 217, 219, 320, 402, and 406 of this title, section 1418 of Title 15, Commerce and Trade, section 4601-11 of Title 16, Conservation, sections 39, 4041, 4061, 4071, 4081, 4481, 4482, 6156, 6412, 6421, 6427, 7210, 7603, 7604, 7605, 7609, and 7610 of Title 26, Internal Revenue Code, section 201 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 303, 1602, 1603, 1604, 1607b, 1607c, 1608, 1611, 1612, and 1613 of former Title 49, repealing section 153 of this title and sections 1607, 1607a, and 1614 of former Title 49, and enacting provisions set out as notes under this section, sections 103, 104, 109, 111, 120, 122, 124, 129, 130, 134, 135, 141, 142, 144, 146, 215, 217, 307, 320, 401, 402, and 403 of this title, section 6427 of Title 26, section 201 of former Title 40, Appendix, section 5904 of Title 42, The Public Health and Welfare, section 883 of Title 46, Appendix, Shipping, and sections 1601, 1602, 1604, 1605, 1612, and 1653 of former Title 49] may be cited as the ‘Surface Transportation Assistance Act of 1978.’”

Section 101 of title I of Pub. L. 95-599 provided that: “This title [enacting sections 119 and 146 of this title, amending this section, sections 103, 104, 105, 109, 111, 116, 118, 120, 122, 124, 125, 129, 131, 134, 141, 144, 148, 151, 152, 155, 203, 215, 217, 219, 320, and 406 of this title, and section 201 of former Title 40, Appendix, Public Buildings, Property and Works, repealing section 153 of this title and provisions set out as notes under this section and section 1605 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section, sections 103, 104, 109, 111, 120, 122, 124, 129, 130, 134, 135, 141, 142, 144, 146, 217, 307, and 320 of this title, section 201 of former Title 40, Appendix, section 5904 of Title 42, section 883 of Title 46, Appendix, Shipping, and section 1653 of former Title 49, Transportation] may be cited as the ‘Federal-Aid Highway Act of 1978.’”

Section 501 of Pub. L. 95-599 provided that: “This title [amending section 4601-11 of Title 16, Conservation, sections 39, 4041, 4061, 4071, 4081, 4481, 4482, 6156, 6412, 6421, 6427, 7210, 7603, 7604, and 7605 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under sections 120 and 307 of this title and section 6427 of Title 26] may be cited as the ‘Highway Revenue Act of 1978.’”

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-280, title I, §101, May 5, 1976, 90 Stat. 425, provided that: “This title [enacting section 156 of this title, amending this section and sections 103, 104, 106, 108, 117, 118, 121, 125, 127, 129, 131, 135, 138 to 140, 142, 147, 152, 153, 202, 203, 217, 219, 319, and 320 of this title, repealing sections 146 and 405 of this title, enacting provi-

sions set out as notes under this section, sections 103, 104, 124, 134, 135, 215, 218, 319, and 320 of this title, and section 1605 of former Title 49, Transportation, and amending provisions set out as notes under this section, sections 120, 130, and 142 of this title, and section 1605 of former Title 49] may be cited as the 'Federal-Aid Highway Act of 1976'."

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-643, §1, Jan. 4, 1975, 88 Stat. 2281, provided: "That this Act [enacting sections 141, 154, 155, 219, and 406, amending this section and sections 103, 115, 127, 129, 131, 136, 144, 208, 320, 322, 323, and 405, enacting provisions set out as notes under this section, sections 142, 217, and 320, amending provisions set out as notes under this section and sections 130 and 142, and repealing provisions set out as a note under this section] may be cited as the 'Federal-Aid Highway Amendments of 1974'."

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93-87, title I, §101, Aug. 13, 1973, 87 Stat. 250, provided that: "This title [enacting sections 145 to 150, 217, 218, 323, and 324 of this title and section 1602a of former Title 49, Transportation, amending this section and sections 103 to 105, 108, 109, 114, 117, 121, 126, 129, 135, 140, 142, 143, 149, 207, 303, 307 to 310, 312, 314, and 320 of this title, and enacting provisions set out as notes under this section, sections 103, 104, 120, 130, 142, 218, 307, 319, and 320 of this title, and sections 1608 and 1637 of former Title 49] may be cited as the 'Federal-Aid Highway Act of 1973'."

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-605, title I, §101, Dec. 31, 1970, 84 Stat. 1713, provided that: "This title [enacting sections 142, 143, 215, 216, 321, and 510 of this title, amending this section and sections 103, 104, 105, 106, 109, 120, 125, 128, 129, 131, 134, 135, 136, 139, 140, 303, 307, 320, 506, 511, 512 of this title and section 517 of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under this section and sections 104, 120, 129, 131, 134, 215, 216, 303, 307, 320, and 510 of this title] may be cited as the 'Federal-Aid Highway Act of 1970'."

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-495, §1, Aug. 23, 1968, 82 Stat. 815, provided that: "This Act [enacting sections 135, 139, 140, and 141 of this title, amending this section, sections 103, 104, 108, 112, 113, 115, 116, 120, 125, 128, 129, 131, 135, 136, 138, 205, 319, 402, and 501 to 512 of this title, section 636 of Title 15, Commerce and Trade, section 1653 of former Title 49, Transportation, and provisions set out as a note under this section, repealing section 133 of this title and enacting provisions formerly set out as notes under this section and sections 104, 108, 125, 134, 501, 502, and 510 of this title] may be cited as the 'Federal-Aid Highway Act of 1968'."

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-574, §1, Sept. 13, 1966, 80 Stat. 766, provided that: "This Act [enacting sections 120 and 138 of this title, amending this section and sections 104, 109, 118, 120, 125, 131, 136, 302, and 319 of this title, and enacting provisions set out as notes under this section and sections 106, 108, 125, 133, and 137 of this title] may be cited as the 'Federal-Aid Highway Act of 1966'."

SHORT TITLE OF 1965 AMENDMENT

Pub. L. 89-285, §403, Oct. 22, 1965, 79 Stat. 1033, provided that: "This Act [enacting sections 136 of this title and provisions set out as notes under sections 131 and 135 of this title and amending sections 131 and 319 of this title] may be cited as the 'Highway Beautification Act of 1965'."

SHORT TITLE OF 1964 AMENDMENT

Pub. L. 88-423 §1, Aug. 13, 1964, 78 Stat. 397, provided that: "This Act [amending this section and sections

104, 205, 209, and 320 of this title] may be cited as the 'Federal-Aid Highway Act of 1964'."

SHORT TITLE OF 1963 AMENDMENT

Pub. L. 88-157, §1, Oct. 24, 1963, 77 Stat. 276, provided: "That this Act [amending sections 104, 106, 109, 121, 131, and 307 of this title] may be cited as the 'Federal-Aid Highway Amendments Act of 1963'."

SHORT TITLE OF 1962 AMENDMENT

Pub. L. 87-866, §1, Oct. 23, 1962, 76 Stat. 1145, provided that: "This Act [enacting sections 133, 134 and 214 of this title, amending this section and sections 103, 104, 203, and 307 of this title, and enacting provisions set out as a note under section 307 of this title] may be cited as the 'Federal-Aid Highway Act of 1962'."

SHORT TITLE OF 1961 AMENDMENT

Pub. L. 87-61, title I, §101, June 29, 1961, 75 Stat. 122, provided that: "This Act [enacting section 6156 of Title 26, Internal Revenue Code, amending sections 111, 131 and 210 of this title and sections 4041, 4061, 4071, 4081, 4218, 4221, 4226, 4481, 4482, 6412, 6416, 6421, and 6601 of Title 26, enacting provisions set out as notes under this section and section 104 of this title and under section 4041 of Title 26, and amending provisions set out as notes under this section and section 120 of this title] may be cited as the 'Federal-Aid Highway Act of 1961'."

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-657, §1, July 14, 1960, 74 Stat. 522, provided that: "This Act [enacting section 132 of this title and amending sections 104, 114, 120, 129, 203, 205, 210, and 305 of this title] may be cited as the 'Federal Highway Act of 1960'."

SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86-342, title I, §101, Sept. 21, 1959, 73 Stat. 611, provided that: "This Act [amending sections 125, 131, 137, and 320 of this title, and sections 4041, 4081, 4082, 4226, 6412, 6416, and 6421 of Title 26, Internal Revenue Code, enacting notes set out under section 307 of this title and section 4082 of Title 26, and amending notes set out under this section and sections 104 and 120 of this title] may be cited as the 'Federal-Aid Highway Act of 1959'."

SEPARABILITY

Section 36 of Pub. L. 90-495 provided that: "If any provision of this Act (including the amendments made by this Act) [enacting sections 135, 139, 140, 141, and 501-511 of this title, amending this section, sections 103, 104, 108, 112, 113, 115, 116, 120, 125, 128, 129, 131, 135, 136, 138, 205, 319, and 402 of this title, section 636 of Title 15, Commerce and Trade, section 1653 of former Title 49, Transportation, and provisions set out as a note under this section, repealing section 133 of this title, and enacting provisions set out as notes under this section and sections 104, 108, 125, 134, 501, 502, and 510 of this title] or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby."

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of Commerce and other officers and offices of Department of Commerce under this title and under specific related laws and parts of laws set out in the notes in this title relating generally to highways and highway and traffic safety transferred to and vested in Secretary of Trans-

portation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created Department of Transportation. See section 102 of Title 49, Transportation, and Pub. L. 97-449, § 2, Jan. 12, 1983, 96 Stat. 2439.

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Pub. L. 105-178, title I, § 1118, June 9, 1998, 112 Stat. 161, provided that:

“(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.

“(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to—

“(1) high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102-240, 105 Stat. 2032]; and

“(2) any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) selected by the Secretary after consideration of—

“(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

“(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182 [Dec. 8, 1993]); and

“(ii) is projected to increase in the future;

“(B) the extent to which commercial vehicle traffic in each State—

“(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182); and

“(ii) is projected to increase in the future;

“(C) the extent to which international truck-borne commodities move through each State;

“(D) the reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

“(E) the extent of leveraging of Federal funds provided under this subsection, including—

“(i) use of innovative financing;

“(ii) combination with funding provided under other sections of this Act [see Tables for classification] and title 23, United States Code; and

“(iii) combination with other sources of Federal, State, local, or private funding including State, local, and private matching funds;

“(F) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy; and

“(G) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

“(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

“(1) Feasibility studies.

“(2) Comprehensive corridor planning and design activities.

“(3) Location and routing studies.

“(4) Multistate and intrastate coordination for corridors described in subsection (b).

“(5) After review by the Secretary of a development and management plan for the corridor or a usable component thereof under subsection (b)—

“(A) environmental review; and

“(B) construction.

“(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State or metropolitan planning organization

receiving an allocation under this section shall develop, and submit to the Secretary for review, a development and management plan for the corridor or a usable component thereof with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

“(1) A complete and comprehensive analysis of corridor costs and benefits.

“(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

“(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

“(4) The results of any environmental reviews and mitigation plans.

“(5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall encourage all States having jurisdiction over any portion of such corridor to participate in the development of such plan.

“(e) APPLICABILITY OF TITLE 23.—Funds made available by section 1101 of this Act [set out in part as a note below] to carry out this section and section 1119 [set out below] shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

“(f) COORDINATION OF PLANNING.—Planning with respect to a corridor under this section shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

“(g) STATE DEFINED.—In this section, the term ‘State’ has the meaning such term has under section 101 of title 23, United States Code.”

COORDINATED BORDER INFRASTRUCTURE PROGRAM

Pub. L. 105-178, title I, § 1119, June 9, 1998, 112 Stat. 163, provided that:

“(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure program under which the Secretary may make allocations to border States and metropolitan planning organizations for areas within the boundaries of 1 or more border States for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

“(b) ELIGIBLE USES.—Allocations to States and metropolitan planning organizations under this section may only be used in a border region for—

“(1) improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;

“(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

“(3) operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement;

“(4) modifications to regulatory procedures to expedite cross border vehicle and cargo movements;

“(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements; and

“(6) activities of Federal inspection agencies.

“(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

“(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

“(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

“(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

“(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act [see Tables for classification], and combination with other sources of Federal, State, local, or private funding;

“(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

“(6) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

“(7) the degree of demonstrated coordination with Federal inspection agencies;

“(8) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

“(9) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

“(10) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

“(d) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available by section 1101 [set out in part as a note below] to carry out this section and section 1118 [set out above] to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BORDER REGION.—The term ‘border region’ means the portion of a border State in the vicinity of an international border with Canada or Mexico.

“(2) BORDER STATE.—The term ‘border State’ means any State that has a boundary in common with Canada or Mexico.”

HIGHWAY ECONOMIC REQUIREMENT SYSTEM

Pub. L. 105-178, title I, §1213(a), June 9, 1998, 112 Stat. 199, provided that:

“(1) METHODOLOGY.—

“(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (in this subsection referred to as the ‘model’).

“(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

“(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Comptroller General shall submit to Congress a report on the results of the evaluation.

“(2) STATE INVESTMENT PLANS.—

“(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United

States shall conduct a study on the extent to which the model can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

“(B) REQUIRED ELEMENTS.—The study shall—

“(i) identify any additional data that may need to be collected beyond the data submitted, before the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

“(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

“(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.”

SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE

Pub. L. 105-178, title I, §1213(d), June 9, 1998, 112 Stat. 200, provided that:

“(1) ASSESSMENT.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (in this subsection referred to as the ‘border’).

“(2) CONSULTATION.—In carrying out the assessment, the Secretary shall consult with—

“(A) the Secretary of State;

“(B) the Attorney General;

“(C) the Secretary of the Treasury;

“(D) the Commandant of the Coast Guard;

“(E) the Administrator of General Services;

“(F) the American Commissioner on the International Boundary Commission, United States and Mexico;

“(G) State agencies responsible for transportation and law enforcement in border States; and

“(H) municipal governments and transportation authorities in sister cities in the border area.

“(3) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

“(A) assess the flow of commercial and private traffic through designated ports of entry on the border;

“(B) assess the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

“(C) assess the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic and infrastructure;

“(D) assess future demands on transportation infrastructure in the border area; and

“(E) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

“(4) REPORT.—Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary shall submit to Congress a report on the assessment conducted under this subsection, including any related legislative and administrative recommendations.”

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

Pub. L. 105-178, title I, §1221, June 9, 1998, 112 Stat. 221, as amended by Pub. L. 108-88, §5(a)(9), Sept. 30, 2003, 117 Stat. 1114, provided that:

“(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation and identify private sector-based initiatives.

“(b) RESEARCH.—

“(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local govern-

ments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment and the role of the private sector in shaping such relationships.

“(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

“(c) PLANNING.—

“(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

“(2) PURPOSES.—The purposes of the allocations shall be—

“(A) to improve the efficiency of the transportation system;

“(B) to reduce the impacts of transportation on the environment;

“(C) to reduce the need for costly future investments in public infrastructure;

“(D) to provide efficient access to jobs, services, and centers of trade; and

“(E) to examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals identified in subparagraphs (A) through (D).

“(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

“(A) propose projects for funding that address the purposes described in paragraph (2); and

“(B) demonstrate a commitment of non-Federal resources to the proposed projects.

“(4) ADDITIONAL CRITERIA.—In addition, the Secretary shall give consideration to applicants that demonstrate a commitment to public and private involvement, including involvement of nontraditional partners in the project team.

“(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

“(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

“(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

“(A) have instituted preservation or development plans and programs that—

“(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

“(ii) (I) are coordinated with State and local adopted preservation or development plans;

“(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

“(III) are intended to promote innovative private sector strategies.

“(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

“(i) spending policies that direct funds to high-growth areas;

“(ii) urban growth boundaries to guide metropolitan expansion;

“(iii) ‘green corridors’ programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

“(iv) other similar programs or policies as determined by the Secretary;

“(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

“(D) examine ways to encourage private sector investments that address the purposes of this section; and

“(E) propose projects for funding that address the purposes described in subsection (c)(2).

“(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

“(4) USE OF ALLOCATED FUNDS.—

“(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

“(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

“(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

“(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

“(I) transit-oriented development plans;

“(II) traffic calming measures; or

“(III) other coordinated transportation and community and system preservation practices.

“(e) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$20,000,000 for fiscal year 1999 and \$25,000,000 for each of fiscal years 2000 through 2003 and \$10,416,667 for the period of October 1, 2003, through February 29, 2004.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”

TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

Pub. L. 105-178, title I, §1223, June 9, 1998, 112 Stat. 224, as amended by Pub. L. 105-206, title IX, §9003(j), July 22, 1998, 112 Stat. 842, provided that:

“(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement, the International Paralympic movement, and the Special Olympics International movement by hosting international quadrennial Olympic and Paralympic events, and Special Olympics International events, in the United States.

“(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out sections 118(c) and 144(g)(1) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, if—

“(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event or a Special Olympics International event; and

“(2) the project is otherwise eligible for assistance under sections 118(c) and 144(g)(1) of such title.

“(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

“(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, under sections 134 and 135 of title 23, United States Code; and

“(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

“(d) FUNDING.—Notwithstanding section 5001(a) [112 Stat. 419], from funds made available under such sec-

tion, the Secretary may provide assistance for the development of an Olympic, a Paralympic, and a Special Olympics transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

“(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—

“(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

“(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

“(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee or Special Olympics International.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.”

DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS

Pub. L. 105-178, title I, §1311, as added by Pub. L. 105-206, title IX, §9004(a), July 22, 1998, 112 Stat. 842, provided that:

“(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 [31 U.S.C. 501 note] (relating to infrastructure investment).

“(b) SELECTION PROCESS.—

“(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act [see Tables for classification] (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

“(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

“(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

“(1) The intelligent transportation system deployment program under title V [see Tables for classification].

“(2) The national corridor planning and development program.

“(3) The coordinated border infrastructure and safety program.

“(4) The construction of ferry boats and ferry terminal facilities.

“(5) The national scenic byways program.

“(6) The Interstate discretionary program.

“(7) The discretionary bridge program.”

COMPLIANCE WITH BUY AMERICAN ACT

Section 359(c) of Pub. L. 104-59 directed Secretary of Transportation to conduct a study on compliance with Buy American Act (41 U.S.C. 10a-10c) with respect to contracts entered into using amounts made available from Highway Trust Fund and not later than 1 year after Nov. 28, 1995, transmit to Congress report on results.

DISADVANTAGED BUSINESS ENTERPRISES

Pub. L. 108-88, §8(t), Sept. 30, 2003, 117 Stat. 1126, provided that: “Amounts made available under the amendments made by this section [amending sections 5307, 5309, 5337, and 5338 of Title 49, Transportation, and provisions set out as notes under section 322 of this title and sections 5309, 5310, and 5338 of Title 49] shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century [Pub. L. 105-178] (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act [see Tables for classification].”

Pub. L. 105-178, title I, §1101(b), June 9, 1998, 112 Stat. 113, provided that:

“(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act [see Tables for classification] shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

“(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ‘socially and economically disadvantaged individuals’ has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

“(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

“(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

“(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act [see Tables for classification], if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

“(6) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act [June 9, 1998], the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

“(A) in the case of small business concerns certified in each State under paragraph (4) as owned and controlled by socially and economically disadvantaged individuals—

“(i) the number of the small business concerns; and

“(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and V of this Act [see Tables for classification];

“(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

“(i) the number of the small business concerns;

“(ii) the annual gross receipts of the small business concerns; and

“(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

“(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

“(i) the annual gross receipts of the small business concerns; and

“(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

“(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and V of this Act, other than small business concerns described in subparagraph (B)—

“(i) the annual gross receipts of the business concerns; and

“(ii) the net worth of individuals that own and control the business concerns;

“(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

“(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

“(G) any discrimination on the basis of race, color, national origin, or sex against small business concerns owned and controlled by socially and economically disadvantaged individuals;

“(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and V of this Act; and

“(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

“(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

“(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

“(i) the issuance of a final order described in paragraph (5) by a Federal court that suspends a program established under paragraph (1); or

“(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

“(K) the impact of the requirement of paragraph (1), and any program carried out to comply with para-

graph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.”

Similar provisions were contained in the following prior acts:

Pub. L. 102-240, title I, §1003(b), Dec. 18, 1991, 105 Stat. 1919.

Pub. L. 100-17, title I, §106(c), Apr. 2, 1987, 101 Stat. 145.

HIGHWAY USE TAX EVASION PROJECTS

Pub. L. 102-240, title I, §1040, Dec. 18, 1991, 105 Stat. 1992, as amended by Pub. L. 104-59, title III, §325(f), Nov. 28, 1995, 109 Stat. 592; Pub. L. 104-66, title I, §1122(b), Dec. 21, 1995, 109 Stat. 725; Pub. L. 105-130, §5(c)(1), Dec. 1, 1997, 111 Stat. 2557, related to highway use tax evasion projects, prior to repeal by Pub. L. 105-178, title I, §1114(b)(2), June 9, 1998, 112 Stat. 154. See section 143 of this title.

SCENIC BYWAYS PROGRAM

Section 1047 of Pub. L. 102-240, as amended by Pub. L. 105-130, §5(c)(2), Dec. 1, 1997, 111 Stat. 2557, provided that:

“(a) SCENIC BYWAYS ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

“(2) MEMBERSHIP.—The advisory committee established under this section shall be composed of 17 members as follows:

“(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

“(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

“(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

“(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

“(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

“(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

“(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

“(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

“(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

“(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

“(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

“(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

“(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

“(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

“(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

“(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

“(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry. Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

“(3) FUNCTIONS.—The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

“(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

“(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

“(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

“(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

“(D) Standards for maintaining highway safety on the scenic byway system.

“(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

“(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

“(G) Such other matters as the advisory committee may deem appropriate.

“(H) Such other matters for which the Secretary may request recommendations.

“(4) REPORT.—Not later than 18 months after the date of the enactment of this Act [Dec. 18, 1991], the advisory committee established under this section shall submit to the Secretary and Congress a report containing the recommendations described in paragraph (3).

“(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide technical assistance to the States (as such term is defined under section 101 of title 23, United States Code) and shall make grants to the States for the planning, design, and development of State scenic byway programs.

“(c) FEDERAL SHARE.—The Federal share payable for the costs of planning, design, and development of State scenic byway programs under this section shall be 80 percent.

“(d) FUNDING.—There shall be available to the Secretary for carrying out this section (other than subsection (f)), out of the Highway Trust Fund (other than the Mass Transit Account), \$1,000,000 for fiscal year 1992, \$3,000,000 for fiscal year 1993, \$4,000,000 for fiscal year 1994, \$14,000,000 for each of the fiscal years 1995, 1996, and 1997, and \$7,000,000 for the period of October 1, 1997, through March 31, 1998. Such sums shall remain available until expended.

“(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a

grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of activities for which the grant is being made.

“(f) INTERIM SCENIC BYWAYS PROGRAM.—

“(1) GRANT PROGRAM.—During fiscal years 1992, 1993, and 1994, the Secretary may make grants to any State which has a scenic highway program for carrying out eligible projects on highways which the State has designated as scenic byways.

“(2) PRIORITY PROJECTS.—In making grants under paragraph (1), the Secretary shall give priority to—

“(A) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

“(B) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

“(C) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

“(D) those eligible projects in multi-State corridors where the States submit joint applications.

“(3) ELIGIBLE PROJECTS.—The following are projects which are eligible for Federal assistance under this subsection:

“(A) Planning, design, and development of State scenic byway programs.

“(B) Making safety improvements to a highway designated as a scenic byway under this subsection to the extent such improvements are necessary to accommodate increased traffic, and changes in the types of vehicles using the highway, due to such designation.

“(C) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

“(D) Improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation.

“(E) Protecting historical and cultural resources in areas adjacent to the highway.

“(F) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

“(4) FEDERAL SHARE.—The Federal share payable for the costs of carrying out projects and developing programs under this subsection with funds made available pursuant to this subsection shall be 80 percent.

“(5) FUNDING.—There shall be available to the Secretary for carrying out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account), \$10,000,000 for fiscal year 1992, \$10,000,000 for fiscal year 1993, and \$10,000,000 for fiscal year 1994. Such sums shall remain available until expended.

“(g) LIMITATION.—The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area. The Secretary may not use more than 10 percent of the funds authorized for each fiscal year under subsection (f)(5) for removal of any outdoor advertising sign, display, or device.

“(h) TREATMENT OF SCENIC HIGHWAYS IN OREGON.—For purposes of this section, a highway designated as a scenic highway in the State of Oregon shall be treated as a scenic byway.”

COMMEMORATION OF DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Section 6012 of Pub. L. 102-240 provided that:

“(a) STUDY.—The Secretary shall conduct a study to determine an appropriate symbol or emblem to be placed on highway signs referring to the Interstate System to commemorate the vision of President Dwight D. Eisenhower in creating the Dwight D. Eisenhower National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways].

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall transmit to Congress a report on the results of the study under this section.”

DESIGNATION OF NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AS THE DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Pub. L. 101-427, Oct. 15, 1990, 104 Stat. 927, as amended by Pub. L. 107-217, §6(b), Aug. 21, 2002, 116 Stat. 1304; Pub. L. 108-178, §2(b)(3), Dec. 15, 2003, 117 Stat. 2640, provided: “That—

“(a) notwithstanding any other provision of law, The National System of Interstate and Defense Highways shall be redesignated as ‘The Dwight D. Eisenhower System of Interstate and Defense Highways’; and

“(b) any reference before the date of enactment of this Act [Oct. 15, 1990] in any provision of law, regulation, map, sign, or otherwise to ‘The National System of Interstate and Defense Highways’ shall be deemed to refer, on and after such date, to ‘The Dwight D. Eisenhower System of Interstate and Defense Highways.’”

SIGNS IDENTIFYING FUNDING SOURCES

Section 154 of Pub. L. 100-17 provided that: “If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund (other than the Mass Transit Account) signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.”

ELIGIBILITY FOR FEDERAL-AID HIGHWAY FUNDS OF PROJECTS INVOLVING IMPROVEMENTS IN VICINITY OF INTERCHANGES NECESSARY TO UPGRADE SAFETY OF PRIMARY ROUTES NOT ON COMMON ALIGNMENT WITH INTERSTATE ROUTE

Section 128 of Pub. L. 97-424 provided that: “In any case where a project involving a Federal-aid primary route not on the Interstate System, and a route on the Interstate System which was originally constructed without the expenditure of any funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended [set out as a note below], and was subsequently added to the Interstate System, both occupying a common alignment and having elements which have been approved in concept by the Secretary of Transportation as part of a project providing for the upgrading of an interchange on such Interstate route, the cost of improvements in the vicinity of the interchange necessary to upgrade the safety of that part of such Federal-aid primary route not on a common alignment with such Interstate route in an environmentally acceptable manner shall be eligible for the expenditure of funds authorized by such section 108(b).”

STUDY OF FUTURE TRANSPORTATION PROFESSIONAL MANPOWER NEEDS; REPORT

Section 135 of Pub. L. 97-424 provided that: “The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences’ Transportation Research Board to conduct a comprehensive study and investigation of future transportation professional manpower needs, including

but not limited to prevailing methods of recruitment, training, and financial and other incentives and disincentives which encourage or discourage retention in service of such professional manpower by Federal, State, and local governments. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than two years after the enactment of this Act [Jan. 6, 1983] on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to the Academy at its request any information which the Academy deems necessary for the purpose of conducting the study and investigation authorized by this section.”

CHANGE IN LOCATION OF INTERSTATE SEGMENTS

Section 139 of Pub. L. 97-424, as amended by Pub. L. 100-457, title III, §348, Sept. 30, 1988, 102 Stat. 2156, provided that:

“(a) Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981 [section 4(b) of Pub. L. 97-134, which amended section 108(b) of the Federal-Aid Highway Act of 1956, set out as a note under this section] the Secretary of Transportation may approve a change in location of any Interstate route or segment and approve, in lieu thereof, the construction of such Interstate route or segment on a new location if the original location of such route or segment meets the following criteria: (1) it has been designated under section 103(e) of title 23, United States Code; (2) it is serving Interstate travel as of the date of enactment of this section [Jan. 6, 1983]; (3) it requires improvements which are eligible under the Federal-Aid Highway Act of 1981 [see Short Title of 1981 Amendments note above] and which would either involve major modifications in order to meet acceptable standards or result in severe environmental impacts and such major modifications or mitigation measures relating to the environmental impacts are not cost effective. The cost of the construction of such Interstate route or segment on new location with funds available under section 108(b) of the Federal-Aid Highway Act of 1956, as amended [set out as a note below], shall not exceed the estimated cost of the eligible improvements on the original location as eligible under the Federal-Aid Highway Act of 1981 and included in the 1983 interstate cost estimate as approved by the Congress. Such cost shall be increased or decreased, as determined by the Secretary, based on changes in construction costs of the original location of the route or segment as of the date of approval of each project on the new location. Upon approval of a new location, and funds apportioned under section 104(b)(5)(A) of title 23, United States Code, which were expended on the route or segment in the original location shall be refunded to the Highway Trust Fund and credited to the unobligated balance of the State’s apportionment made under section 104(b)(5)(A) of title 23, United States Code, and other eligible Federal-aid highway funds may be substituted in lieu thereof at the appropriate Federal share.

“(b) Where the Secretary of Transportation approves a relocation of an Interstate route or segment under the provisions of subsection (a) of this section, such route or segment shall not be eligible for withdrawal under the provisions of section 103(e)(4) of title 23, United States Code, and shall be subject to the Interstate System completion deadlines provided in subsections (d) and (e) of section 107 of the Surface Transportation Assistance Act of 1978 [section 107(d), (e) of Pub. L. 95-599, set out as a note under section 103 of this title] or subject to Interstate System completion deadlines as may be determined by Congress.

“(c) Notwithstanding any other provision of this section or of any other provision of law, any project involving the relocation of any Interstate route or segment that is approved by the Secretary of Transportation under subsection (a) shall be eligible for discretionary funds made available under section 118(b)(2)(B) of title 23, United States Code.”

BUY AMERICA

Section 165 of Pub. L. 97-424, as amended by Pub. L. 98-229, § 10, Mar. 9, 1984, 98 Stat. 57; Pub. L. 100-17, title I, §§ 133(a)(6), 337(a)(1), (b), (c), Apr. 2, 1987, 101 Stat. 171, 241; Pub. L. 102-240, title I, § 1048, title III, § 3003(b), Dec. 18, 1991, 105 Stat. 1999, 2088; Pub. L. 103-272, § 4(r), July 5, 1994, 108 Stat. 1371; Pub. L. 103-429, § 7(a)(3)(E), Oct. 31, 1994, 108 Stat. 4389, provided that:

“(a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act [see Short Title of 1983 Amendment note above] or, after the date of enactment of this Act [Jan. 6, 1983], any funds authorized to be appropriated to carry out this Act, title 23, United States Code, or the Surface Transportation Assistance Act of 1978 [see Short Title of 1978 Amendment note above] and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.

“(b) The provisions of subsection (a) of this section shall not apply where the Secretary finds—

“(1) that their application would be inconsistent with the public interest;

“(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(3) [Repealed. Pub. L. 103-272, § 4(r)(2), July 5, 1994, 108 Stat. 1371.]

“(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

“(c) For purposes of this section, in calculating components' costs, labor costs involved in final assembly shall not be included in the calculation.

“(d) The Secretary of Transportation shall not impose any limitation or condition on assistance provided under this Act [see Short Title of 1983 Amendment note above], the Surface Transportation Assistance Act of 1978 [see Short Title of 1978 Amendment note above] or title 23, United States Code, which restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements.

“(e) [Repealed section 401 of Pub. L. 95-599, set out below.]

“(e) REPORT ON WAIVERS.—By January 1, 1995, the Secretary shall submit to Congress a report on the purchases from foreign entities waived under subsection (b) in fiscal years 1992 and 1993, indicating the dollar value of items for which waivers were granted under subsection (b).

“(f) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

“(1) affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

“(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States; that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102-240, see Short Title of 1991 Amendment note set out under section 101 of Title 49, Transportation] pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

“(g) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

“(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section, and

“(2) the foreign country has violated the terms of the agreement by discriminating against products covered by this section that are produced in the United States and are covered by the agreement, the provisions of subsection (b) shall not apply to products produced in that foreign country.”

[Section 337(a) of Pub. L. 100-17 provided that:

“(1)(A) Effective October 1, 1989, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 [section 165(b)(3) of Pub. L. 97-424, set out above] is amended by striking out ‘50’ and inserting in lieu thereof ‘55’.

“(B) Effective October 1, 1991, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out ‘55’ and inserting in lieu thereof ‘60’.

“(2)(A) Except as provided in subparagraph (B), the amendments made by subparagraphs (A) and (B) of paragraph (1) shall apply only to contracts entered into on or after their respective effective dates.

“(B) The amendments made by paragraph (1) shall not apply with respect to any supplier or contractor or any successor in interest or assignee which qualified under the provisions of section 165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to the date of enactment of this Act [Apr. 2, 1987] under a contract entered into prior to April 1, 1992.”]

[Section 337(d) of Pub. L. 100-17 provided that: “The amendments made by subsections (b) and (c) of this section [amending section 165 of Pub. L. 97-424, set out above] shall not apply to any contract awarded pursuant to bids which were outstanding on the date of enactment of this Act [Apr. 2, 1987].”]

USE OF ARTICLES MINED OR MANUFACTURED IN UNITED STATES

Pub. L. 95-599, title IV, § 401, Nov. 6, 1978, 92 Stat. 2756, as amended by Pub. L. 97-327, § 6, Oct. 15, 1982, 96 Stat. 1613, which required that articles, materials, and supplies used in projects administered by Department of Transportation be mined or produced in United States, was repealed by Pub. L. 97-424, title I, § 165(e), Jan. 6, 1983, 96 Stat. 2137.

INTERCITY PORTIONS OF INTERSTATE SYSTEM; CONSTRUCTION OF PROJECTS; REPORT TO CONGRESS; EXEMPTION

Section 102(b) of Pub. L. 94-280 provided that at least 30 percent of the apportionment made to each State for each of the fiscal years ending Sept. 30, 1978, and Sept. 30, 1979, of the sums authorized in section 102(a) of Pub. L. 94-280 be expended by such State for projects for the construction of intercity portions which would close essential gaps in the Interstate System and provide a continuous System; that the Secretary of Transportation report to Congress before Oct. 1, 1976, on those intercity portions of the Interstate System the construction of which would be needed to close essential gaps in the System; and that a State which did not have sufficient projects to meet the 30 percent requirement would, upon approval of the Secretary of Transportation, be exempt from the requirement to the extent of such inability.

INTERSTATE SYSTEM; PROHIBITION OF OBLIGATION OF FUNDS FOR RESURFACING, RESTORATION, OR REHABILITATION PROJECTS

Section 102(c) of Pub. L. 94-280 provided that no part of the funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended [set out as a note below], for the Interstate System, shall be obligated for any project for resurfacing, restoring, or rehabilitating any portion of the Interstate System.

INTERSTATE FUNDING STUDY; REPORT AND RECOMMENDATIONS TO CONGRESS

Section 150 of Pub. L. 94-280 directed Secretary of Transportation to undertake a complete study of the fi-

nancing of completion of the Interstate Highway System and report to Congress within nine months the results of the study, and to submit to Congress within one year his recommendations regarding the need to provide Federal financial assistance for resurfacing, restoration, and rehabilitation of routes of the System together with results of a study of alternative means of assuring that the high level of transportation service provided by the System is maintained.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS; INVESTIGATION AND STUDY; REPORT TO CONGRESS

Section 153 of Pub. L. 94-280 directed Secretary of Transportation to make an investigation and study for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems; that such study include appropriate consultations with the Secretary of the Interior, the Administrator of the Federal Energy Administration, and other appropriate Federal and State officials; that the Secretary report the results of such investigation and study together with his recommendations, to the Congress not later than one year after May 5, 1976; and that, in order to carry out the study, the Secretary use such funds as were available to him for such purposes under section 104(a) of this title.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION; ESTABLISHMENT; TERMINATION; ETC.

Section 154 of Pub. L. 94-280, as amended by Pub. L. 95-599, title I, §137(a), (b)(1), Nov. 6, 1978, 92 Stat. 2710, established National Transportation Policy Study Commission; directed Commission, not later than July 1, 1979, to make an investigation and study and report to the President and Congress on the transportation needs and the resources, requirements, and policies of the United States to meet such expected needs; and provided for the Commission to terminate six months after the report.

CONSENT OF GOVERNING BODY FOR EXPENDITURE OF FUNDS

Section 102(d) of Pub. L. 93-643 provided that no funds appropriated under the expanded definition of this section [23 U.S.C. 101(a)] shall be expended without the formal consent of the governing body of the tribe band or group of Indians or Alaskan Natives for whose use the Indian reservation roads and bridges are intended."

CARPPOOL DEMONSTRATION PROJECTS IN URBAN AREAS; APPROPRIATIONS AUTHORIZATION

Section 120(b) of Pub. L. 93-643, relating to grants for demonstration projects designed to encourage the use of carpools in urban areas, was repealed by Pub. L. 95-599, title I, §126(b), Nov. 6, 1978, 92 Stat. 2706. See section 146 of this title.

EMERGENCY HIGHWAY ENERGY CONSERVATION

Pub. L. 93-239, §§1-3, Jan. 2, 1974, 87 Stat. 1046, 1047, as amended by Pub. L. 93-643, §§114(c), 120(a), Jan. 4, 1975, 83 Stat. 2286, 2289; Pub. L. 94-280, title I, §143, May 5, 1976, 90 Stat. 445; Pub. L. 95-599, title I, §126(b), Nov. 6, 1978, 92 Stat. 2706, provided:

"[Section 1. Short title]. That this Act be cited as the 'Emergency Highway Energy Conservation Act'.

"SEC. 2. [Repealed. Pub. L. 93-643, §114(c), Jan. 4, 1975, 88 Stat. 2086.]

"SEC. 3. [Repealed. Pub. L. 95-599, title I, §126(b), Nov. 6, 1978, 92 Stat. 2706.]"

Section 4 of Pub. L. 93-239 amended section 601(d) of Federal Aviation Act of 1958, as amended [section 1421(d) of former Title 49, Transportation], relating to emergency locator transmitters.

FUTURE HIGHWAY NEEDS: REPORTS TO CONGRESS

Section 121 of Pub. L. 91-605 provided that:

"(a) The Secretary of Transportation shall develop and include in the report of Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139) [set out below], specific recommendations for the functional realignment of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 [see section 17 of Pub. L. 90-495, set out as a note below] and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

"(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realignment required by such subsection.

"(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

"(d) As a part of the future highway needs report to be submitted to Congress on January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction."

Pub. L. 89-139, §3, Aug. 28, 1965, 79 Stat. 578, which had required the submitting of a report to Congress every second year as to the estimates of the future highway needs of the Nation, and Pub. L. 90-495, §17, Aug. 23, 1968, 82 Stat. 823, which had required that the report include the results of a systematic nationwide functional highway classification study, were repealed by Pub. L. 97-424, title I, §160(b), Jan. 6, 1983, 96 Stat. 2135.

STUDIES OF NEED FOR AND SURVEY OF HIGHWAY CONSTRUCTION PROGRAMS FOR GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

Pub. L. 90-495, §29, Aug. 23, 1968, 82 Stat. 830, directed the Secretary of Transportation, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands, to make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands, and to submit a report to Congress on or before April 1, 1969.

Pub. L. 89-574, §13, Sept. 13, 1966, 80 Stat. 770, as amended by Pub. L. 97-449, §2(a), Jan. 2, 1983, 96 Stat. 2439, directed the Secretary, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands to make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands, and to submit a report to Congress on or before July 1, 1967.

REPORT AND RECOMMENDATIONS OF SECRETARY OF COMMERCE

Section 5 of Pub. L. 85-767 directed Secretary of Commerce to submit to Congress not later than Feb. 1, 1959, a report on progress made in attaining objectives set forth in this section, together with recommendations.

SECTION 108(b) OF THE FEDERAL-AID HIGHWAY ACT OF 1956

Section 108(b) of act June 29, 1956, ch. 462, title I, 70 Stat. 378, as amended by Pub. L. 85-381, §7(a), Apr. 16, 1958, 72 Stat. 93; Pub. L. 86-342, title I, §102, Sept. 21, 1959, 73 Stat. 611; Pub. L. 87-61, title I §103, June 29, 1961, 75 Stat. 122; Pub. L. 89-139, §1, Aug. 28, 1965, 79 Stat. 578; Pub. L. 89-574, §2, Sept. 13, 1966, 80 Stat. 766; Pub. L. 90-495, §2, Aug. 23, 1968, 82 Stat. 815; Pub. L. 91-605 title I, §§102, 106(b)(1), Dec. 31, 1970, 84 Stat. 1714, 1716; Pub. L. 93-87, title I, §102, Aug. 13, 1973, 87 Stat. 250; Pub. L. 94-280, title I, §102(a), May 5, 1976, 90 Stat. 425; Pub. L. 95-599, title I, §102, Nov. 6, 1978, 92 Stat. 2689; Pub. L. 97-134, §4(a), (b), Dec. 29, 1981, 95 Stat. 1700; Pub. L. 97-327, §2, Oct. 15, 1982, 96 Stat. 1611; Pub. L. 97-424, title I, §§102, 127(a), Jan. 6, 1983, 96 Stat. 2097, 2117; Pub. L. 100-17, title I, §§104, 138, Apr. 2, 1987, 101 Stat. 142, 175; Pub. L. 102-240, title I, §1001(f), Dec. 18, 1991, 105 Stat. 1916; Pub. L. 103-331, title III, §335(c), Sept. 30, 1994, 108 Stat. 2494, provided that: "For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (e) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,100,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of \$3,150,000,000 for the fiscal year ending September 30,

1992, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1993, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1994, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1995, and the additional sum of \$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102-240, as amended by Pub. L. 103-331, title III, §335(a), Sept. 30, 1994, 108 Stat. 2494, which is not classified to the Code], for the fiscal year ending September 30, 1996. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967. Effective on and after the date of enactment of this sentence [Dec. 29, 1981], the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full access control; (2) a pavement design to accommodate the types and volumes of traffic anticipated for the twenty-year period from date of authorization of the initial basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. Notwithstanding any other provision of law, including any other provision of this subsection, where a project is to be constructed (1) to provide parking garage ramps in conjunction with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with preferential parking for carpools, vanpools, and buses and the ramps are part of an environmental mitigation effort and are designed to feed into an aerial walkway system, or (2) to provide a parking lot near the terminus of an Interstate System spur route which radiates from an Interstate System beltway which will be used as an intermodal transfer facility for a light rail transit project to be constructed in the median of the spur route and the parking lot is part of an environmental mitigation effort, or (3) to provide a parking garage and associated facilities as part of an intermodal transfer facility with a transit system near or within an Interstate System route right-of-way which will have direct and indirect access to the facility by way of local streets and the parking garage and associated facilities are part of an environmental mitigation effort, or (4) to provide for the comprehensive upgrading of existing high occupancy vehicle lanes, new ramps and parking facilities at mass transit intermodal transfer points on an existing Interstate System route which has temporary high occupancy vehicle lanes in the median and the parking facilities and ramps are part of an environmental mitigation effort, the costs of such parking garage ramps, parking lots, parking garages, associated interchange ramps, high occupancy vehicle lanes, and other associ-

ated work eligible under title 23, United States Code, shall be eligible for funds authorized by this subsection as if the costs for these projects were included in the 1981 interstate cost estimate and shall be included as eligible projects in any future interstate cost estimate. For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence. Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environmental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that (1) such costs may be further developed in the design and environmental process under normal Federal-aid interstate procedures, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street."

Section 127(b) of Pub. L. 97-424 provided that: "Notwithstanding the provisions of section 108(b) of the Federal-Aid Highway Act of 1956, as amended [set out above], the Secretary of Transportation may approve the expenditure of funds authorized under such section for the construction of a previously approved project which provides for improvements to and reconstruction of ramps and service roads which are being developed as part of a roadway system to relieve a severely congested segment on an Interstate route. Such expenditures shall be limited (1) to work necessary to provide more effective and safe operation of such Interstate route, and (2) to a section of an Interstate route which proceeded to construction contract prior to the date of enactment of such Act and which Interstate route, together with service roads, was constructed without the expenditure of any funds authorized by such section."

DEFINITIONS OF "INTERSTATE SYSTEM" AND "SECRETARY"

Pub. L. 105-178, § 2, June 9, 1998, 112 Stat. 111, provided that: "In this Act [see Tables for classification], the following definitions apply:

"(1) INTERSTATE SYSTEM.—The term 'Interstate System' has the meaning such term has under section 101 of title 23, United States Code.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation."

DEFINITION OF "STATE"

Pub. L. 105-178, title I, § 1103(n), June 9, 1998, 112 Stat. 127, as amended by Pub. L. 105-206, title IX, § 9002(c)(2), July 22, 1998, 112 Stat. 835, provided that: "For the purposes of apportioning funds under sections 104, 105, 144, and 206 of title 23, United States Code, the term 'State' means any of the 50 States and the District of Columbia."

DEFINITION OF "SECRETARY"

Section 2 of Pub. L. 104-59 provided that: "In this Act [See Short Title of 1995 Amendment note above], the term 'Secretary' means the Secretary of Transportation."

Section 2 of Pub. L. 100-17 provided that: "As used in this Act [see Short Title of 1987 Amendment note above], the term 'Secretary' means the Secretary of Transportation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 181 of this title; title 16 sections 4601-6a, 4601/1, 3911; title 42 section 1786; title 49 sections 104, 5308, 47107.

§ 102. Program efficiencies

(a) HOV PASSENGER REQUIREMENTS.—

(1) IN GENERAL.—A State transportation department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupant vehicles.

(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312-93(c) of such title. Such permission may be revoked by the State should the State determine it necessary.

(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.

(c) ENGINEERING COST REIMBURSEMENT.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 887; Pub. L. 102-240, title I, § 1016(a), Dec. 18, 1991, 105 Stat. 1945; Pub. L. 105-178, title I, §§ 1206, 1209, 1212(a)(2)(A)(i), 1304, June 9, 1998, 112 Stat. 185, 186, 193, 227.)

REFERENCES IN TEXT

Section 163 of the Surface Transportation Assistance Act of 1982, referred to in subsec. (a)(1), is section 163 of Pub. L. 97-424, which is set out as a note under section 146 of this title.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, § 1209, designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

Subsec. (a)(1). Pub. L. 105-178, § 1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department".

Subsec. (b). Pub. L. 105-178, § 1206, added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 105-178, § 1304, which directed insertion of "(or such longer period as the State requests and the Secretary determines to be reasonable)" after "10 years" in first sentence of subsec. (b), was executed by making the insertion in first sentence of subsec. (c) to reflect the probable intent of Congress and the amendment by Pub. L. 105-178, § 1206. See below.