

System resurfacing” for “Repealed” in item 119, “Highway bridge replacement and rehabilitation program” for “Special bridge replacement program” in item 144, “Hazard elimination program” for “Projects for high-hazard locations” in item 152, and “Repealed” for “Program for the elimination of roadside obstacles” in item 153.

1976—Pub. L. 94-280, title I, §§123(b), 128(b), 132(b), 139, May 5, 1976, 90 Stat. 439-441, 443, substituted item 135 “Traffic operations improvement programs” for “Urban area traffic operations improvement programs”; substituted item 146 “Repealed” for “Special urban high density traffic programs”; added item 156 “Highways crossing Federal projects”; and substituted item 111 “Agreements relating to use of and access to rights-of-way—Interstate System” for “Use of and access to rights-of-way—Interstate System” and substituted items 119 and 133 “Repealed” for “Administration of Federal-aid for highways in Alaska” and “Relocation assistance”, respectively.

1975—Pub. L. 93-643, §§107(b), 114(b), 115(b), Jan. 4, 1975, 88 Stat. 2284, 2286, 2287, substituted item 141 reading “Enforcement of requirements” for prior text reading “Real property acquisition policies”, and added items 154 and 155.

1973—Pub. L. 93-87, title I, §§116(b), 121(b), 123(b), 125(b), 126(b), 129(c), 142(b), 157(b), title II, §§205(b), 209(b), 210(b), Aug. 13, 1973, 87 Stat. 258, 261, 263, 264, 266, 272, 278, 285, 287, 288, substituted “Certification acceptance” for “Secondary road responsibilities” in item 117, “Public transportation” for “Urban highway public transportation” in item 142, and added items 145 to 153.

1970—Pub. L. 91-605, title I, §§111(b), 127(b), 134(b), title II, §204(b), Dec. 31, 1970, 84 Stat. 1720, 1731, 1734, 1742, added items 142, 143, 144, and substituted “Fringe and corridor parking facilities” for “Limitation on authorization of appropriations for certain purposes” in item 137.

1968—Pub. L. 90-495, §§10(b), 12(b), 16(b), 22(b), 25(c), 35(b), Aug. 23, 1968, 82 Stat. 820, 822, 823, 827, 829, 836, added items 135, 139, 140, and 141 and substituted “Prevailing rate of wage” for “Prevailing rate of wage—Interstate System” in item 113 and “Construction by States in advance of apportionment” for “Construction by States in advance of apportionment—Interstate System” in item 115.

1966—Pub. L. 89-574, §§8(c)(2), 15(b), Sept. 13, 1966, 80 Stat. 769, 771, added items 137 and 138.

Pub. L. 89-564, title I, §102(b)(1), Sept. 9, 1966, 80 Stat. 734, struck out item 135 relating to highway safety programs.

1965—Pub. L. 89-285, title I, §102, title II, §202, Oct. 22, 1965, 79 Stat. 1030, 1032, substituted “Control of outdoor advertising” for “Areas adjacent to the Interstate System” in item 131, and added item 136.

Pub. L. 89-139, §4(b), Aug. 28, 1965, 79 Stat. 579, added item 135.

1962—Pub. L. 87-866, §§5(b), 9(b), Oct. 23, 1962, 76 Stat. 1147, 1148, added items 133 and 134.

1960—Pub. L. 86-657, §§4(b), 5(b), July 14, 1960, 74 Stat. 523, included ferries in item 129 and added item 132.

### § 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) ASSET MANAGEMENT.—The term “asset management” means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired

state of good repair over the lifecycle of the assets at minimum practicable cost.

(3) 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, designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided.

(4) CONSTRUCTION.—The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway or any project eligible for assistance under this title, 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) preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services;

(B) reconstruction, resurfacing, restoration, rehabilitation, and preservation;

(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-highway grade crossings;

(F) elimination of roadside hazards;

(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.

(5) 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 jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

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

(7) FEDERAL LANDS ACCESS TRANSPORTATION FACILITY.—The term “Federal Lands access transportation facility” means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government.

(8) FEDERAL LANDS TRANSPORTATION FACILITY.—The term “Federal lands transportation facility” means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government, and that appears on the national Federal lands transportation facility inventory described in section 203(c).

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

(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 including public roads on dams, sign, guard-rail, 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) INTERSTATE SYSTEM.—The term “Interstate System” means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

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

(14) MAINTENANCE AREA.—The term “maintenance area” means an area that was designated as an air quality nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an air quality attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(15) NATIONAL HIGHWAY SYSTEM.—The term “National Highway System” means the Fed-

eral-aid highway system described in section 103(b).

(16) 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.

(17) 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.

(18) PROJECT.—The term “project” means any undertaking eligible for assistance under this title.

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

(20) 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.

(21) 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.

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

(23) SAFETY IMPROVEMENT PROJECT.—The term “safety improvement project” means a strategy, activity, or project on a public road that is consistent with the State strategic highway safety plan and corrects or improves a roadway feature that constitutes a hazard to road users or addresses a highway safety problem.

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

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

(26) 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.

(27) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term “State strategic highway safety plan” has the same meaning given such term in section 148(a).

(28) 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.

(29) TRANSPORTATION ALTERNATIVES.—The term “transportation alternatives” means any of the following activities when carried out as part of any program or project authorized or funded under this title, or as an independent program or project related to surface transportation:

(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

(C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

(D) Construction of turnouts, overlooks, and viewing areas.

(E) Community improvement activities, including—

(i) inventory, control, or removal of outdoor advertising;

(ii) historic preservation and rehabilitation of historic transportation facilities;

(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and

(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—

(i) address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329; or

(ii) reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

(30) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—The term “transportation systems management and operations” means integrated strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to pre-

serve capacity and improve security, safety, and reliability of the transportation system.

(B) INCLUSIONS.—The term “transportation systems management and operations” includes—

(i) actions such as traffic detection and surveillance, corridor management, freeway management, arterial management, active transportation and demand management, work zone management, emergency management, traveler information services, congestion pricing, parking management, automated enforcement, traffic control, commercial vehicle operations, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations; and

(ii) coordination of the implementation of regional transportation system management and operations investments (such as traffic incident management, traveler information services, emergency management, roadway weather management, intelligent transportation systems, communication networks, and information sharing systems) requiring agreements, integration, and interoperability to achieve targeted system performance, reliability, safety, and customer service levels.

(31) TRIBAL TRANSPORTATION FACILITY.—The term “tribal transportation facility” means a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).

(32) TRUCK STOP ELECTRIFICATION SYSTEM.—The term “truck stop electrification system” means a system that delivers heat, air conditioning, electricity, or communications to a heavy-duty vehicle.

(33) 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.

(34) 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) DECLARATION OF POLICY.—

(1) ACCELERATION OF CONSTRUCTION OF FEDERAL-AID HIGHWAY SYSTEMS.—Congress declares that it is in the national interest to ac-

celerate the construction of Federal-aid highway systems, including the Dwight D. Eisenhower National System of Interstate and Defense,<sup>1</sup> because many of the highways (or portions of the highways) are inadequate to meet the needs of local and interstate commerce for the national and civil defense.

(2) COMPLETION OF INTERSTATE SYSTEM.—Congress declares that the prompt and early completion of the Dwight D. Eisenhower National System of Interstate and Defense Highways (referred to in this section as the “Interstate System”), so named because of its primary importance to the national defense, is essential to the national interest. 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.

(3) TRANSPORTATION NEEDS OF 21ST CENTURY.—Congress declares that—

(A) it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century;

(B) the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to continue to change;

(C) continued planning for and investment in surface transportation is critical to ensure the surface transportation system adequately meets the changing travel demands of the future;

(D) among the foremost needs that the surface transportation system must meet to provide for a strong and vigorous national economy are safe, efficient, and reliable—

(i) national and interregional personal mobility (including personal mobility in rural and urban areas) and reduced congestion;

(ii) flow of interstate and international commerce and freight transportation; and

(iii) travel movements essential for national security;

(E) special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals;

(F) the connection between land use and infrastructure is significant;

(G) transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life; and

(H) the Secretary should take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st Century.

(4) EXPEDITED PROJECT DELIVERY.—

(A) IN GENERAL.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process.

(B) POLICY OF THE UNITED STATES.—Accordingly, it is the policy of the United States that—

(i) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;

(ii) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;

(iii) project sponsors shall not be prohibited from carrying out preconstruction project development activities concurrently with the environmental review process;

(iv) programmatic approaches shall be used to reduce the need for project-by-project reviews and decisions by Federal agencies; and

(v) the Secretary shall identify opportunities for project sponsors to assume responsibilities of the Secretary where such responsibilities can be assumed in a manner that protects public health, the environment, and public participation.

(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 highway 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.

<sup>1</sup> So in original. Probably should be “Defense Highways.”

(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; Pub. L. 109-59, title I, §§1122, 1909(a), Aug. 10, 2005, 119 Stat. 1196, 1470; Pub. L. 110-244, title I, §101(h), June 6, 2008, 122 Stat. 1574; Pub. L. 112-141, div. A, title I, §§1103, 1301(c), 1501, July 6, 2012, 126 Stat. 419, 528, 560.)

#### REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(29)(A), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§1201 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), referred to in subsec. (b)(2), is section 108(b) of act June 29, 1956, ch. 462, 70 Stat. 378, which is set out below.

#### AMENDMENTS

2012—Subsec. (a)(2). Pub. L. 112-141, §1103(a)(3), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 112-141, §§1103(a)(2), 1501, redesignated par. (2) as (3) and substituted “designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided” for “and designating existing facilities for use for preferential parking for carpools”. Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 112-141, §1103(a)(2), (4)(A), redesignated par. (3) as (4) and inserted “or any project eligible for assistance under this title” after “reconstruction of a highway” in introductory provisions. Former par. (4) redesignated (5).

Subsec. (a)(4)(A). Pub. L. 112-141, §1103(a)(4)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “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);”.

Subsec. (a)(4)(B). Pub. L. 112-141, §1103(a)(4)(C), inserted “reconstruction,” before “resurfacing,” and substituted “rehabilitation, and preservation” for “and rehabilitation”.

Subsec. (a)(4)(E). Pub. L. 112-141, §1103(a)(4)(D), substituted “railway-highway” for “railway”.

Subsec. (a)(4)(F). Pub. L. 112-141, §1103(a)(4)(E), substituted “hazards” for “obstacles”.

Subsec. (a)(5). Pub. L. 112-141, §1103(a)(2), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 112-141, §1103(a)(2), (5), redesignated par. (5) as (6) and inserted “public” before “highway eligible” and “functionally” before “classified”.

Pub. L. 112-141, §1103(a)(1), struck out par. (6). Text read as follows: “The term ‘Federal-aid system’ means any of the Federal-aid highway systems described in section 103.”

Subsec. (a)(7). Pub. L. 112-141, §1103(a)(1), (6), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: “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.”

Subsec. (a)(8). Pub. L. 112-141, §1103(a)(6), added par. (8). Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 112-141, §1103(a)(1), (2), redesignated par. (8) as (9) and struck out former par. (9). Prior to amendment, text of par. (9) read as follows: “The term ‘forest highway’ means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.”

Subsec. (a)(11)(B). Pub. L. 112-141, §1103(a)(7), inserted “including public roads on dams” after “drainage structure”.

Subsec. (a)(12). Pub. L. 112-141, §1103(a)(1), (2), redesignated par. (13) as (12) and struck out former par. (12) which defined Indian reservation road.

Subsec. (a)(13). Pub. L. 112-141, §1103(a)(2), redesignated par. (14) as (13). Former par. (13) redesignated (12).

Subsec. (a)(14). Pub. L. 112-141, §1103(a)(2), (8), redesignated par. (15) as (14), substituted “as an air quality” for “as a”, and inserted “air quality” before “attainment area”. Former par. (14) redesignated (13).

Subsec. (a)(15) to (17). Pub. L. 112-141, §1103(a)(2), redesignated pars. (16) to (18) as (15) to (17), respectively. Former par. (15) redesignated (14).

Subsec. (a)(18). Pub. L. 112-141, §1103(a)(2), (9), redesignated par. (21) as (18) and substituted “any undertaking” for “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”. Former par. (18) redesignated (17).

Subsec. (a)(19). Pub. L. 112-141, §1103(a)(2), (10), redesignated par. (22) as (19) and substituted “the Secretary and the recipient” for “the State transportation department and the Secretary”.

Pub. L. 112-141, §1103(a)(1), struck out par. (19). Text read as follows: “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.”

Subsec. (a)(20). Pub. L. 112-141, §1103(a)(1), (2), redesignated par. (23) as (20) and struck out former par. (20). Prior to amendment, text of par. (20) read as follows: “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.”

Subsec. (a)(21). Pub. L. 112-141, §1103(a)(2), redesignated par. (27) as (21). Former par. (21) redesignated (18).

Subsec. (a)(22). Pub. L. 112-141, §1103(a)(2), redesignated par. (29) as (22). Former par. (22) redesignated (19).

Subsec. (a)(23). Pub. L. 112-141, §1103(a)(11), added par. (23) and struck out former par. (23). Prior to amendment, text read as follows: "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."

Pub. L. 112-141, §1103(a)(2), redesignated par. (30) as (23). Former par. (23) redesignated (20).

Subsec. (a)(24). Pub. L. 112-141, §1103(a)(1), (2), redesignated par. (31) as (24) and struck out former par. (24). Prior to amendment, text of par. (24) read as follows: "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."

Subsec. (a)(25), (26). Pub. L. 112-141, §1103(a)(1), (2), redesignated pars. (32) and (33) as (25) and (26), respectively, and struck out former pars. (25) and (26) which defined public lands highway and public lands highways, respectively.

Subsec. (a)(27). Pub. L. 112-141, §1103(a)(12), added par. (27). Former par. (27) redesignated (21).

Subsec. (a)(28). Pub. L. 112-141, §1103(a)(1), (2), redesignated par. (34) as (28) and struck out former par. (28). Prior to amendment, text of par. (28) read as follows: "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."

Subsec. (a)(29). Pub. L. 112-141, §1103(a)(13), added par. (29) and struck out former par. (29) which defined transportation enhancement activity.

Pub. L. 112-141, §1103(a)(2), redesignated par. (35) as (29). Former par. (29) redesignated (22).

Subsec. (a)(30) to (32). Pub. L. 112-141, §1103(a)(2), (14), added pars. (30) to (32) and redesignated former pars. (30) to (32) as (23) to (25), respectively.

Subsec. (a)(33) to (37). Pub. L. 112-141, §1103(a)(2), redesignated pars. (33) to (37) as (26), (28), (29), (33), and (34), respectively.

Subsec. (a)(38), (39). Pub. L. 112-141, §1103(a)(1), struck out pars. (38) and (39) which defined advanced truck stop electrification system and transportation systems management and operations, respectively.

Subsec. (b)(4). Pub. L. 112-141, §1301(c), added par. (4).

Subsec. (c). Pub. L. 112-141, §1103(b), substituted "Federal-aid highway" for "Federal-aid system".

2008—Subsec. (a)(39). Pub. L. 110-244 added par. (39).

2005—Subsec. (a)(35). Pub. L. 109-59, §1122(a), amended heading and text of par. (35) generally, substituting introductory provisions and subpars. (A) to (L) defining "Transportation enhancement activity" for substantially identical undesignated provisions defining "Transportation enhancement activities".

Subsec. (a)(38). Pub. L. 109-59, §1122(b), added par. (38).

Subsec. (b). Pub. L. 109-59, §1909(a), inserted subsec. heading, substituted heading and text of par. (1) for first undesignated par. relating to declaration that it was in the national interest to accelerate the construction of the Federal-aid highway systems, designated second undesignated par. as par. (2), inserted heading, and substituted "Congress declares that the prompt and early completion of the Dwight D. Eisenhower National System of Interstate and Defense Highways (referred to in this section as the 'Interstate System'), so named because of its primary importance to the national defense, is essential to the national interest" for "It is hereby declared that the prompt and early completion of The Dwight D. Eisenhower System of Inter-

state 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", and substituted heading and text of par. (3) for third undesignated par. relating to the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems.

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 "start-up 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 re-

habilitation 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, a 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 AND TERMINATION DATES OF 2012 AMENDMENT

Pub. L. 112-141, §3(a), July 6, 2012, 126 Stat. 413, provided that: “Except as otherwise provided, divisions A, B, C (other than sections 32603(d), 32603(g), 32912, and 34002 of that division) and E [see Tables for classification], including the amendments made by those divisions, take effect on October 1, 2012.”

Pub. L. 112-141, §3(b), July 6, 2012, 126 Stat. 413, provided that: “Except as otherwise provided, any reference to the date of enactment of the MAP-21 or to

the date of enactment of the Federal Public Transportation Act of 2012 in the divisions described in subsection (a) [set out above] or in an amendment made by those divisions [see Tables for classification] shall be deemed to be a reference to the effective date of those divisions [Oct. 1, 2012].”

Pub. L. 112-140, §1(c), June 29, 2012, 126 Stat. 391, provided that: “On the date of enactment of the MAP-21 [Pub. L. 112-141, approved July 6, 2012]—

“(1) this Act [see Short Title of 2012 Amendment note below] and the amendments made by this Act shall cease to be effective;

“(2) the text of the laws amended by this Act shall revert back so as to read as the text read on the day before the date of enactment of this Act [June 29, 2012]; and

“(3) the amendments made by the MAP-21 [see Tables for classification] shall be executed as if this Act had not been enacted.”

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-244, title I, §121(a), (b), June 6, 2008, 122 Stat. 1608, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act [see Tables for classification] and the amendments made by this Act take effect on the date of enactment of this Act [June 6, 2008].

“(b) EXCEPTION.—

“(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H) [amending section 144 of this title, not Pub. L. 109-59], 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall—

“(A) take effect as of the date of enactment of that Act [Aug. 10, 2005]; and

“(B) be treated as being included in that Act as of that date.

“(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act [June 6, 2008]) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.”

#### 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 classification] 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

Pub. L. 91-605, title I, §147, Dec. 31, 1970, 84 Stat. 1739, provided that: “The amendments made by section 117 [enacting section 510 of this title, amending this sec-



tion, 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

Pub. L. 90-495, §37, Aug. 23, 1968, 82 Stat. 836, 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

Pub. L. 86-70, §21(e), June 25, 1959, 73 Stat. 146, 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 2012 AMENDMENT

Pub. L. 112-141, §1(a), July 6, 2012, 126 Stat. 405, provided that: "This Act [see Tables for classification] may be cited as the 'Moving Ahead for Progress in the 21st Century Act' or the 'MAP-21'."

Pub. L. 112-141, div. A, title II, §2001, July 6, 2012, 126 Stat. 607, provided that: "This title [amending sections 601 to 609 of this title] may be cited as the 'America Fast Forward Financing Innovation Act of 2012'."

Pub. L. 112-141, div. C, title I, §31001, July 6, 2012, 126 Stat. 732, provided that: "This title [see Tables for classification] may be cited as the 'Motor Vehicle and Highway Safety Improvement Act of 2012' or 'Mariah's Act'."

Pub. L. 112-141, div. E, §50001, July 6, 2012, 126 Stat. 864, provided that: "This division [see Tables for classification] may be cited as the 'Transportation Research and Innovative Technology Act of 2012'."

Pub. L. 112-141, div. G, §110001, July 6, 2012, 126 Stat. 980, provided that: "This division [see Tables for classification] may be cited as the 'Surface Transportation Extension Act of 2012, Part II'."

Pub. L. 112-140, §1(a), June 29, 2012, 126 Stat. 391, provided that: "This Act [amending section 327 of this

title, sections 460f-11 and 777c of Title 16, Conservation, sections 4041, 4051, 4071, 4081, 4221, 4482, 4483, 6412, 9503, 9504, and 9508 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as notes under this section, section 327 of this title, section 460f-11 of Title 16, and section 9503 of Title 26, and amending provisions set out as notes under sections 5309, 5310, 5338, 14710, 31100, and 31301 of Title 49] may be cited as the 'Temporary Surface Transportation Extension Act of 2012'."

Pub. L. 112-102, §1(a), Mar. 30, 2012, 126 Stat. 271, provided that: "This Act [amending sections 460f-11 and 777c of Title 16, Conservation, sections 4041, 4051, 4071, 4081, 4221, 4481 to 4483, 6412, 9503, 9504, and 9508 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as notes under section 460f-11 of Title 16 and section 9503 of Title 26, and amending provisions set out as notes under sections 5309, 5310, 5338, 14710, 31100, and 31301 of Title 49] may be cited as the 'Surface Transportation Extension Act of 2012'."

#### SHORT TITLE OF 2011 AMENDMENT

Pub. L. 112-30, §1(a), Sept. 16, 2011, 125 Stat. 342, provided that: "This Act [amending sections 405 and 410 of this title, sections 460f-11 and 777c of Title 16, Conservation, sections 4041, 4051, 4071, 4081, 4221, 4261, 4271, 4481 to 4483, 6412, 9502 to 9504, and 9508 of Title 26, Internal Revenue Code, and sections 106, 5305, 5307, 5309, 5311, 5337, 5338, 31104, 31144, 40117, 41742, 41743, 44302, 44303, 47104, 47107, 47115, 47141, 48101 to 48103, and 49108 of Title 49, Transportation, enacting provisions set out as notes under this section, section 460f-11 of Title 16, and sections 1, 4081, 9502, and 9503 of Title 26, and amending provisions set out as notes under sections 402, 403, and 405 of this title and sections 5309, 5310, 5338, 14710, 31100, 31301, 41731, and 47109 of Title 49] may be cited as the 'Surface and Air Transportation Programs Extension Act of 2011'."

Pub. L. 112-30, title I, §101, Sept. 16, 2011, 125 Stat. 343, provided that: "This title [amending sections 405 and 410 of this title, sections 460f-11 and 777c of Title 16, Conservation, sections 4041, 4051, 4071, 4081, 4221, 4481 to 4483, 6412, 9503, 9504, and 9508 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as notes under section 460f-11 of Title 16 and section 9503 of Title 26, and amending provisions set out as notes under sections 402, 403, and 405 of this title and sections 5309, 5310, 5338, 14710, 31100, and 31301 of Title 49] may be cited as the 'Surface Transportation Extension Act of 2011, Part II'."

Pub. L. 112-5, §1(a), Mar. 4, 2011, 125 Stat. 14, provided that: "This Act [amending section 777c of Title 16, Conservation, sections 9503 and 9504 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under section 901 of Title 2, The Congress, and sections 5309, 5310, 5338, 14710, 31309, 31100, 31301, and 31100 of Title 49] may be cited as the 'Surface Transportation Extension Act of 2011'."

#### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-322, title II, §2001(a), Dec. 22, 2010, 124 Stat. 3522, provided that: "This title [amending sections 327 and 510 of this title, section 777c of Title 16, Conservation, sections 9503 and 9504 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under section 901 of Title 2, The Congress, and sections 5309, 5310, 5338, 14710, 31100, 31301, and 31309 of Title 49] may be cited as the 'Surface Transportation Extension Act of 2010, Part II'."

Pub. L. 111-147, title IV, §401, Mar. 18, 2010, 124 Stat. 78, provided that: “This title [amending sections 405 and 410 of this title, section 777c of Title 16, Conservation, sections 9502 to 9504 of Title 26, Internal Revenue Code, and sections 5305, 5307, 5309, 5311, 5337, 5338, 31104, and 31144 of Title 49, Transportation, enacting provisions set out as notes under this section and sections 9502 and 9503 of Title 26, and amending provisions set out as notes under sections 402, 403, and 405 of this title, section 901 of Title 2, The Congress, and sections 5309, 5310, 5338, 14710, 31100, 31301, and 31309 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2010.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-244, §1(a), June 6, 2008, 122 Stat. 1572, provided that: “This Act [see Tables for classification] may be cited as the ‘SAFETEA-LU Technical Corrections Act of 2008.’”

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-59, §1(a), Aug. 10, 2005, 119 Stat. 1144, provided that: “This Act [see Tables for classification] may be cited as the ‘Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users’ or ‘SAFETEA-LU.’”

Pub. L. 109-42, §1, July 30, 2005, 119 Stat. 435, provided that: “This Act [amending section 9503 and 9504 of Title 26, Internal Revenue Code, and section 5338 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as a note under section 104 of this title] may be cited as the ‘Surface Transportation Extension Act of 2005, Part VI.’”

Pub. L. 109-40, §1, July 28, 2005, 119 Stat. 410, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2005, Part V.’”

Pub. L. 109-37, §1, July 22, 2005, 119 Stat. 394, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2005, Part IV.’”

Pub. L. 109-35, §1, July 20, 2005, 119 Stat. 379, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2005, Part III.’”

Pub. L. 109-20, §1, July 1, 2005, 119 Stat. 346, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this

title, and sections 5307, 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2005, Part II.’”

Pub. L. 109-14, §1, May 31, 2005, 119 Stat. 324, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, section 777c of Title 16, Conservation, sections 4481 to 4483, 9503, and 9504 of Title 26, Internal Revenue Code, section 13106 of Title 46, Shipping, and sections 5307, 5309, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as notes under this section and section 4481 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2005.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-310, §1, Sept. 30, 2004, 118 Stat. 1144, 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, 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, amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, section 901 of Title 2, and sections 5307, 5309, 5310, and 5338 of Title 49, and repealing provisions set out as a note under section 9503 of Title 26] may be cited as the ‘Surface Transportation Extension Act of 2004, Part V.’”

Pub. L. 108-280, §1, July 30, 2004, 118 Stat. 876, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as notes under section 9503 of Title 26, amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, and 5338 of Title 49, and repealing provisions set out as a note under section 5337 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2004, Part IV.’”

Pub. L. 108-263, §1, June 30, 2004, 118 Stat. 698, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, 5337, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2004, Part III.’”

Pub. L. 108-224, §1, Apr. 30, 2004, 118 Stat. 627, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, 5337, and 5338 of Title 49] may be cited as the ‘Surface Transportation Extension Act of 2004, Part II.’”

Pub. L. 108-202, §1, Feb. 29, 2004, 118 Stat. 478, provided that: “This Act [amending sections 144, 157, 163, and 188 of this title, 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, 5338, 31104, and 31107 of Title 49, Transportation, enacting provisions set out as a note under section 9503 of Title 26, and amending provisions set out as notes under this section, sections 104, 322, and 402 of this title, and sections 5307, 5309, 5310, 5337, and 5338 of Title

49] may be cited as the ‘Surface Transportation Extension Act of 2004.’”

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 AMENDMENT

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

Pub. L. 104-59, §1(a), Nov. 28, 1995, 109 Stat. 568, 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

Pub. L. 100-17, §1(a), Apr. 2, 1987, 101 Stat. 132, 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 4607-11 of Title 16, Conservation, section 1761 of Title 18, Crimes and Criminal Procedure, sections 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.’”

Pub. L. 100-17, title I, §101, Apr. 2, 1987, 101 Stat. 134, 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 AMENDMENT

Pub. L. 97-424, §1, Jan. 6, 1983, 96 Stat. 2097, 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 4607-11 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.’”

Pub. L. 97-424, title I, §101, Jan. 6, 1983, 96 Stat. 2097, 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'."

Pub. L. 97-327, §1, 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

Pub. L. 95-599, §1, Nov. 6, 1978, 92 Stat. 2689, 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 4607-11 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'."

Pub. L. 95-599, title I, §101, Nov. 6, 1978, 92 Stat. 2689, 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'."

Pub. L. 95-599, title V, §501, Nov. 6, 1978, 92 Stat. 2756, 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 provisions 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

Pub. L. 90-495, §36, Aug. 23, 1968, 82 Stat. 836, 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 Transportation 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.

## DECLARATION OF POLICY AND PROJECT DELIVERY INITIATIVE

Pub. L. 112-141, div. A, title I, §1301(a), (b), July 6, 2012, 126 Stat. 527, provided that:

"(a) IN GENERAL.—It is the policy of the United States that—

"(1) it is in the national interest for the Department [of Transportation], State departments of transportation, transit agencies, and all other recipients of Federal transportation funds—

"(A) to accelerate project delivery and reduce costs; and

"(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater private sector involvement in project financing and delivery while enhancing safety and protecting the environment;

"(2) delay in the delivery of transportation projects increases project costs, harms the economy of the United States, and impedes the travel of the people of the United States and the shipment of goods for the conduct of commerce; and

"(3) the Secretary [of Transportation] shall identify and promote the deployment of innovation aimed at reducing the time and money required to deliver transportation projects while enhancing safety and protecting the environment.

"(b) PROJECT DELIVERY INITIATIVE.—

"(1) IN GENERAL.—To advance the policy described in subsection (a), the Secretary [of Transportation] shall carry out a project delivery initiative under this section [amending this section and enacting this note].

"(2) PURPOSES.—The purposes of the project delivery initiative shall be—

"(A) to develop and advance the use of best practices to accelerate project delivery and reduce costs across all modes of transportation and expedite the deployment of technology and innovation;

"(B) to implement provisions of law designed to accelerate project delivery; and

"(C) to select eligible projects for applying experimental features to test innovative project delivery techniques.

"(3) ADVANCING THE USE OF BEST PRACTICES.—

"(A) IN GENERAL.—In carrying out the initiative under this section, the Secretary shall identify and advance best practices to reduce delivery time and project costs, from planning through construction, for transportation projects and programs of projects regardless of mode and project size.

"(B) ADMINISTRATION.—To advance the use of best practices, the Secretary shall—

"(i) engage interested parties, affected communities, resource agencies, and other stakeholders to gather information regarding opportunities for accelerating project delivery and reducing costs;

"(ii) establish a clearinghouse for the collection, documentation, and advancement of existing and new innovative approaches and best practices;

"(iii) disseminate information through a variety of means to transportation stakeholders on new innovative approaches and best practices; and

"(iv) provide technical assistance to assist transportation stakeholders in the use of flexibility authority to resolve project delays and accelerate project delivery if feasible.

“(4) IMPLEMENTATION OF ACCELERATED PROJECT DELIVERY.—The Secretary shall ensure that the provisions of this subtitle [subtitle C (§§ 1301–1323) of title I of div. A of Pub. L. 112–141, see Tables for classification] designed to accelerate project delivery are fully implemented, including—

“(A) expanding eligibility of early acquisition of property prior to completion of environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) allowing the use of the construction manager or general contractor method of contracting in the Federal-aid highway system; and

“(C) establishing a demonstration program to streamline the relocation process by permitting a lump-sum payment for acquisition and relocation if elected by the displaced occupant.”

#### INNOVATIVE PROJECT DELIVERY METHODS POLICY

Pub. L. 112–141, div. A, title I, § 1304(a), July 6, 2012, 126 Stat. 532, provided that:

“(1) IN GENERAL.—Congress declares that it is in the national interest to promote the use of innovative technologies and practices that increase the efficiency of construction of, improve the safety of, and extend the service life of highways and bridges.

“(2) INCLUSIONS.—The innovative technologies and practices described in paragraph (1) include state-of-the-art intelligent transportation system technologies, elevated performance standards, and new highway construction business practices that improve highway safety and quality, accelerate project delivery, and reduce congestion related to highway construction.”

#### REPORT ON HIGHWAY TRUST FUND EXPENDITURES

Pub. L. 112–141, div. A, title I, § 1535, July 6, 2012, 126 Stat. 584, provided that:

“(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes above], the Comptroller General of the United States shall submit to Congress a report describing the activities funded from the Highway Trust Fund during each of fiscal years 2009 through 2011, including for purposes other than construction and maintenance of highways and bridges.

“(b) UPDATES.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that updates the information provided in the report under that subsection for the applicable 5-year period.

“(c) INCLUSIONS.—A report submitted under subsection (a) or (b) shall include information similar to the information included in the report of the Government Accountability Office numbered ‘GAO–09–729R’ and entitled ‘Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004–2008.’”

#### PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE

Pub. L. 109–59, title I, § 1301, Aug. 10, 2005, 119 Stat. 1198, as amended by Pub. L. 110–244, title I, § 103(a), June 6, 2008, 122 Stat. 1578; Pub. L. 112–141, div. A, title I, § 1120, July 6, 2012, 126 Stat. 492, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Under current law, surface transportation programs rely primarily on formula capital apportionments to States.

“(2) Despite the significant increase for surface transportation program funding in the Transportation Equity Act of the 21st Century [Pub. L. 105–178, see Tables for classification], current levels of investment are insufficient to fund critical high-cost transportation infrastructure facilities that address critical national economic and transportation needs.

“(3) Critical high-cost transportation infrastructure facilities often include multiple levels of government, agencies, modes of transportation, and trans-

portation goals and planning processes that are not easily addressed or funded within existing surface transportation program categories.

“(4) Projects of national and regional significance have national and regional benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating passenger and freight movement.

“(5) The benefits of projects described in paragraph (4) accrue to local areas, States, and the Nation as a result of the effect such projects have on the national transportation system.

“(6) A program dedicated to constructing projects of national and regional significance is necessary to improve the safe, secure, and efficient movement of people and goods throughout the United States and improve the health and welfare of the national economy.

“(b) ESTABLISHMENT OF PROGRAM.—The Secretary [of Transportation] shall establish a program to provide grants to eligible applicants for projects of national and regional significance.

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

“(1) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the costs of—

“(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(B) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

“(2) ELIGIBLE PROJECT.—The term ‘eligible project’ means any surface transportation project eligible for Federal assistance under title 23, United States Code, including freight railroad projects and activities eligible under such title.

“(3) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means—

“(A) a State department of transportation or a group of State departments of transportation;

“(B) a tribal government or consortium of tribal governments;

“(C) a transit agency; or

“(D) a multi-State or multi-jurisdictional group of the agencies described in subparagraphs (A) through (C).

“(d) ELIGIBILITY.—To be eligible for assistance under this section, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

“(1) \$500,000,000; or

“(2) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

“(e) APPLICATIONS.—Each eligible applicant seeking to receive a grant under this section for an eligible project shall submit to the Secretary [of Transportation] an application in such form and in accordance with such requirements as the Secretary shall establish.

“(f) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall—

“(A) establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (d);

“(B) conduct a national solicitation for applications; and

“(C) award grants on a competitive basis.

“(2) CRITERIA FOR GRANTS.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

“(A) is based on the results of preliminary engineering;

“(B) is justified based on the ability of the project—

“(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

“(ii) to reduce congestion, including impacts in the State, region, and Nation;

“(iii) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;

“(iv) to otherwise enhance the national transportation system; and

“(v) to garner support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility; and

“(C) is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility.

“(3) SELECTION CONSIDERATIONS.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

“(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

“(B) improves roadways vital to national energy security; and

“(C) helps maintain or protect the environment.

“(4) PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of preliminary engineering for the project.

“(5) NON-FEDERAL FINANCIAL COMMITMENT.—

“(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (2)(C), the Secretary shall require that—

“(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases; and

“(ii) each proposed non-Federal source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

“(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of non-Federal financing under subparagraph (A), the Secretary shall consider—

“(i) existing financial commitments;

“(ii) the degree to which financing sources are dedicated to the purposes proposed;

“(iii) any debt obligation that exists or is proposed by the recipient for the proposed project; and

“(iv) the extent to which the project has a non-Federal financial commitment that exceeds the required non-Federal share of the cost of the project.

“(6) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall issue regulations on the manner in which the Secretary will evaluate and rate the projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment, as required under this subsection.

“(7) PROJECT EVALUATION AND RATING.—

“(A) IN GENERAL.—A proposed project may advance from preliminary engineering to final design and construction only if the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements.

“(B) EVALUATION AND RATING.—In making such findings, the Secretary shall evaluate and rate the project as ‘highly recommended’, ‘recommended’, or ‘not recommended’ based on the results of preliminary engineering, the project justification criteria, and the degree of non-Federal financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established under the regulations issued under paragraph (6).

“(g) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

“(1) LETTER OF INTENT.—

“(A) IN GENERAL.—The Secretary [of Transportation] may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

“(B) NOTIFICATION.—At least 60 days before issuing a letter under subparagraph (A) or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

“(C) NOT AN OBLIGATION.—The issuance of a letter is deemed not to be an obligation under sections 1108(c), 1108(d), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.

“(D) OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when contract authority is allocated to a project.

“(E) CONGRESSIONAL APPROVAL.—The Secretary may not issue a letter of intent, enter into a full funding grant agreement under paragraph (2), or make any other obligation or commitment to fund a project under this section if a joint resolution of disapproval is enacted disapproving funding for the project before the last day of the 60-day period described in subparagraph (B).

“(2) FULL FUNDING GRANT AGREEMENT.—

“(A) IN GENERAL.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under subsection (f)(7).

“(B) TERMS.—If the Secretary makes a full funding grant agreement with an applicant, the agreement shall—

“(i) establish the terms of participation by the United States Government in a project under this section;

“(ii) establish the maximum amount of Government financial assistance for the project;

“(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

“(iv) make timely and efficient management of the project easier according to the laws of the United States.

“(C) AGREEMENT.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may

not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(3) AMOUNTS.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full funding grant agreements may be not more than the greater of the amount authorized to carry out this section or an amount equivalent to the last 2 fiscal years of funding authorized to carry out this section less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements may be not more than a limitation specified in law.

“(h) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—A grant for a project under this section shall be subject to all of the requirements of title 23, United States Code.

“(2) OTHER TERMS AND CONDITIONS.—The Secretary [of Transportation] shall require that all grants under this section be subject to all terms, conditions, and requirements that the Secretary decides are necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

“(i) GOVERNMENT’S SHARE OF PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary [of Transportation] shall estimate the cost of a project receiving assistance under this section. A grant for the project is for 80 percent of the project cost, unless the grant recipient requests a lower grant percentage. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

“(j) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary [of Transportation] gives priority consideration to financing projects that include more than the non-Government share required under subsection (i) the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

“(k) REPORTS.—

“(1) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary [of Transportation] shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants under this section.

“(2) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph [subsection] shall include evaluations and ratings, as required under subsection (f). The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

“(3) PROJECT SELECTION JUSTIFICATIONS.—

“(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary selects a project for funding under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the reasons for selecting the project, based on the criteria described in subsection (f).

“(B) INCLUSIONS.—The report submitted under subparagraph (A) shall specify each criteria described in subsection (f) that the project meets.

“(C) AVAILABILITY.—The Secretary shall make available on the website of the Department the report submitted under subparagraph (A).

“(l) REPORT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the MAP-21 [deemed to be Oct. 1, 2012], the Secretary [of Transportation] shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding projects of national and regional significance.

“(2) PURPOSE.—The purpose of the report issued under this subsection shall be to identify projects of national and regional significance that—

“(A) will significantly improve the performance of the Federal-aid highway system, nationally or regionally;

“(B) is able to—

“(i) generate national economic benefits that reasonably exceed the costs of the projects, including increased access to jobs, labor, and other critical economic inputs;

“(ii) reduce long-term congestion, including impacts in the State, region, and the United States, and increase speed, reliability, and accessibility of the movement of people or freight; and

“(iii) improve transportation safety, including reducing transportation accidents, and serious injuries and fatalities; and

“(C) can be supported by an acceptable degree of non-Federal financial commitments.

“(3) CONTENTS.—The report issued under this subsection shall include—

“(A) a comprehensive list of each project of national and regional significance that—

“(i) has been compiled [sic] through a survey of State departments of transportation; and

“(ii) has been classified by the Secretary as a project of regional or national significance in accordance with this section;

“(B) an analysis of the information collected under paragraph (1), including a discussion of the factors supporting each classification of a project as a project of regional or national significance; and

“(C) recommendations on financing for eligible project costs.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000,000 for fiscal year 2013, to remain available until expended.”

#### NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM

Pub. L. 109-59, title I, §1302, Aug. 10, 2005, 119 Stat. 1204, as amended by Pub. L. 110-244, title I, §§101(d), 103(b), June 6, 2008, 122 Stat. 1573, 1578, which related to the National Corridor Infrastructure Improvement Program, was repealed by Pub. L. 112-141, div. A, title I, §1519(b)(2), July 6, 2012, 126 Stat. 575.

#### DELTA REGION TRANSPORTATION DEVELOPMENT PROGRAM

Pub. L. 109-59, title I, §1308, Aug. 10, 2005, 119 Stat. 1218, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall carry out a program in the 8 States comprising the Delta Region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee) to—

“(1) support and encourage multistate transportation planning and corridor development;

“(2) provide for transportation project development;

“(3) facilitate transportation decisionmaking; and

“(4) support transportation construction.

“(b) ELIGIBLE RECIPIENTS.—A State transportation department or metropolitan planning organization in a



Delta Region State may receive and administer funds provided under the program.

“(c) ELIGIBLE ACTIVITIES.—The Secretary [of Transportation] shall make allocations under the program for multistate highway planning, development, and construction projects.

“(d) OTHER PROVISIONS REGARDING ELIGIBILITY.—All activities funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135 of title 23, United States Code.

“(e) SELECTION CRITERIA.—The Secretary [of Transportation] shall select projects to be carried out under the program based on—

“(1) whether the project is located—

“(A) in an area under the authority of the Delta Regional Authority; and

“(B) on a Federal-aid highway;

“(2) endorsement of the project by the State department of transportation; and

“(3) evidence of the ability of the recipient of funds provided under the program to complete the project.

“(f) PROGRAM PRIORITIES.—In administering the program, the Secretary [of Transportation] shall—

“(1) encourage State and local officials to work together to develop plans for multimodal and multi-jurisdictional transportation decisionmaking; and

“(2) give priority to projects that emphasize multimodal planning, including planning for operational improvements that—

“(A) increase the mobility of people and goods;

“(B) improve the safety of the transportation system with respect to catastrophic natural disasters or disasters caused by human activity; and

“(C) contribute to the economic vitality of the area in which the project is being carried out.

“(g) FEDERAL SHARE.—Amounts provided by the Delta Regional Authority to carry out a project under this subsection [probably means this section] may be applied to the non-Federal share of the project required by section 120 of title 23, United States Code.

“(h) 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 \$10,000,000 for each of fiscal years 2006 through 2009.

“(2) CONTRACT AUTHORITY.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended.”

#### MOTORCYCLIST ADVISORY COUNCIL

Pub. L. 109-59, title I, §1914, Aug. 10, 2005, 119 Stat. 1478, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation], acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

“(1) barrier design;

“(2) road design, construction, and maintenance practices; and

“(3) the architecture and implementation of intelligent transportation system technologies.

“(b) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

“(1) at least—

“(A) one member recommended by a national motorcyclist association;

“(B) one member recommended by a national motorcycle riders foundation;

“(C) one representative of the National Association of State Motorcycle Safety Administrators;

“(D) two members of State motorcyclists' organizations;

“(E) one member recommended by a national organization that represents the builders of highway infrastructure;

“(F) one member recommended by a national association that represents the traffic safety systems industry; and

“(G) one member of a national safety organization; and

“(2) at least one, and not more than two, motorcyclists who are traffic system design engineers or State transportation department officials.”

#### 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 truckborne 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. 109-59, title I, §1303, Aug. 10, 2005, 119 Stat. 1207, provided that:

“(a) GENERAL AUTHORITY.—The Secretary [of Transportation] shall implement a coordinated border infrastructure program under which the Secretary shall distribute funds to border States to improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico.

“(b) ELIGIBLE USES.—Subject to subsection (d), a State may use funds apportioned under this section only for—

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

“(2) construction of highways and related safety and safety enforcement facilities in a border region that facilitate motor vehicle and cargo movements related to international trade;

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

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

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

“(c) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary [of Transportation] shall apportion among border States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

“(1) 20 percent in the ratio that—

“(A) the total number of incoming commercial trucks that pass through the land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

“(B) the total number of incoming commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

“(2) 30 percent in the ratio that—

“(A) the total number of incoming personal motor vehicles and incoming buses that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

“(B) the total number of incoming personal motor vehicles and incoming buses that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

“(3) 25 percent in the ratio that—

“(A) the total weight of incoming cargo by commercial trucks that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

“(B) the total weight of incoming cargo by commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

“(4) 25 percent of the ratio that—

“(A) the total number of land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

“(B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary.

“(d) PROJECTS IN CANADA OR MEXICO.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border motor vehicle and cargo movements at an international port of entry into the border region of the State, may be constructed using funds apportioned to the State under this section if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico that is responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary [of Transportation] that any facility constructed under this subsection will be—

“(1) constructed in accordance with standards equivalent to applicable standards in the United States; and

“(2) properly maintained and used over the useful life of the facility for the purpose for which the Secretary is allocating such funds to the project.

“(e) TRANSFER OF FUNDS TO THE GENERAL SERVICES ADMINISTRATION.—

“(1) STATE FUNDS.—At the request of a border State, funds apportioned to the State under this section may be transferred to the General Services Administration for the purpose of funding one or more projects described in subsection (b) if—

“(A) the Secretary [of Transportation] determines, after consultation with the transportation department of the border State, that the General Services Administration should carry out the project; and

“(B) the General Services Administration agrees to accept the transfer of, and to administer, those funds in accordance with this section.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—A border State that makes a request under paragraph (1) shall provide directly

to the General Services Administration, for each project covered by the request, the non-Federal share of the cost of the project.

“(B) NO AUGMENTATION OF APPROPRIATIONS.—Funds provided by a border State under subparagraph (A)—

“(i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and

“(ii) shall be—

“(I) administered, subject to paragraph (1)(B), in accordance with the procedures of the General Services Administration; but

“(II) available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

“(3) OBLIGATION AUTHORITY.—Obligation authority shall be transferred to the General Services Administration for a project in the same manner and amount as the funds provided for the project under paragraph (1).

“(4) LIMITATION ON TRANSFER OF FUNDS.—No State may transfer to the General Services Administration under this subsection an amount that is more than the lesser of—

“(A) 15 percent of the aggregate amount of funds apportioned to the State under this section for such fiscal year; or

“(B) \$5,000,000.

“(f) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that, subject to subsection (e), such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title.

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

“(1) BORDER REGION.—The term ‘border region’ means any portion of a border State within 100 miles of an international land border with Canada or Mexico.

“(2) BORDER STATE.—The term ‘border State’ means any State that has an international land border with Canada or Mexico.

“(3) COMMERCIAL TRUCK.—The term ‘commercial truck’ means a commercial motor vehicle as defined in section 31301(4) (other than subparagraph (B)) of title 49, United States Code.

“(4) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning such term has under section 101(a) of title 23, United States Code.

“(5) STATE.—The term ‘State’ has the meaning such term has in section 101(a) of such title 23.”  
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, COMMUNITY, AND SYSTEM PRESERVATION PROGRAM

Pub. L. 109-59, title I, §1117(a)-(g), Aug. 10, 2005, 119 Stat. 1177, 1178, provided that:

“(a) ESTABLISHMENT.—In cooperation with appropriate State, tribal, regional, and local governments,

the Secretary [of Transportation] shall establish a comprehensive program to address the relationships among transportation, community, and system preservation plans and practices and identify private sector-based initiatives to improve such relationships.

“(b) PURPOSE.—Through the program under this section, the Secretary [of Transportation] shall facilitate the planning, development, and implementation of strategies to integrate transportation, community, and system preservation plans and practices that address one or more of the following:

“(1) Improve the efficiency of the transportation system of the United States.

“(2) Reduce the impacts of transportation on the environment.

“(3) Reduce the need for costly future investments in public infrastructure.

“(4) Provide efficient access to jobs, services, and centers of trade.

“(5) Examine community development patterns and identify strategies to encourage private sector development that achieves the purposes identified in paragraphs (1) through (4).

“(c) GENERAL AUTHORITY.—The Secretary [of Transportation] shall allocate funds made available to carry out this section to States, metropolitan planning organizations, local governments, and tribal governments to carry out eligible projects to integrate transportation, community, and system preservation plans and practices.

“(d) ELIGIBILITY.—A project described in subsection (c) is an eligible project under this section if the project—

“(1) is eligible for assistance under title 23 or chapter 53 of title 49, United States Code; or

“(2) is to conduct any other activity relating to transportation, community, and system preservation that the Secretary [of Transportation] determines to be appropriate, including corridor preservation activities that are necessary to implement one or more of the following:

“(A) Transit-oriented development plans.

“(B) Traffic calming measures.

“(C) Other coordinated transportation, community, and system preservation practices.

“(e) CRITERIA.—In allocating funds made available to carry out this section, the Secretary [of Transportation] shall give priority consideration to applicants that—

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

“(A) are coordinated with State and local preservation or development plans, including transit-oriented development plans;

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

“(C) promote innovative private sector strategies;

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

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

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

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

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

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

“(4) demonstrate a commitment to public and private involvement, including the involvement of non-traditional partners in the project team; and

“(5) examine ways to encourage private sector investments that address the purposes of this section.

“(f) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this section, the Secretary [of Transpor-

tation] shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

“(g) 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 \$25,000,000 for fiscal year 2005 and \$61,250,000 for each of fiscal years 2006 through 2009.

“(2) CONTRACT AUTHORITY.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable, and the Federal share for projects and activities carried out with such funds shall be determined in accordance with section 120(b) of title 23, United States Code.”

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; Pub. L. 108-202, §5(a)(9), Feb. 29, 2004, 118 Stat. 481; Pub. L. 108-224, §4(a)(9), Apr. 30, 2004, 118 Stat. 629; Pub. L. 108-263, §4(a)(9), June 30, 2004, 118 Stat. 700; Pub. L. 108-280, §4(a)(9), July 30, 2004, 118 Stat. 879; Pub. L. 108-310, §5(a)(9), Sept. 30, 2004, 118 Stat. 1149; Pub. L. 109-14, §4(a)(9), May 31, 2005, 119 Stat. 327; Pub. L. 109-20, §4(a)(9), July 1, 2005, 119 Stat. 348; Pub. L. 109-35, §4(a)(9), July 20, 2005, 119 Stat. 381; Pub. L. 109-37, §4(a)(9), July 22, 2005, 119 Stat. 396; Pub. L. 109-40, §4(a)(9), July 28, 2005, 119 Stat. 412, which related to a transportation and community and system preservation pilot program and authorized appropriations to carry out such program through July 30, 2005, was repealed by Pub. L. 109-59, title I, §1117(h), Aug. 10, 2005, 119 Stat. 1179.

#### 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 [former] 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 [former] 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 section, 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

Pub. L. 104-59, title III, § 359(c), Nov. 28, 1995, 109 Stat. 627, directed Secretary of Transportation to conduct a study on compliance with Buy American Act (see 41 U.S.C. 8301 et seq.) 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. 112-141, div. A, title I, § 1101(b), July 6, 2012, 126 Stat. 414, provided that:

“(1) FINDINGS.—Congress finds that—

“(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally-assisted surface transportation markets across the United States;

“(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

“(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

“(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

“(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

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

“(A) SMALL BUSINESS CONCERN.—

“(i) IN GENERAL.—The term ‘small business concern’ means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

“(ii) EXCLUSIONS.—The term ‘small business concern’ does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary [of Transportation] for inflation.

“(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ‘socially and economically disadvantaged individuals’ has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act [15 U.S.C. 631 et seq.], except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

“(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under divisions A and B of this Act [see Tables for classification] and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

“(A) survey and compile a list of the small business concerns referred to in paragraph (2) in the State, including the location of the small business concerns in the State; and

“(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—

“(i) women;

“(ii) socially and economically disadvantaged individuals (other than women); and

“(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

“(5) UNIFORM CERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

“(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

“(i) on-site visits;

“(ii) personal interviews with personnel;

“(iii) issuance or inspection of licenses;

“(iv) analyses of stock ownership;

“(v) listings of equipment;

“(vi) analyses of bonding capacity;

“(vii) listings of work completed;

“(viii) examination of the resumes of principal owners;

“(ix) analyses of financial capacity; and

“(x) analyses of the type of work preferred.

“(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

“(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

“(B) such other information as the Secretary [of Transportation] determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

“(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under divisions A and B of this Act [see Tables for classification] and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (2) is unconstitutional.”

Similar provisions were contained in the following prior acts:

Pub. L. 111-147, title IV, § 451, Mar. 18, 2010, 124 Stat. 96.

Pub. L. 109-59, title I, § 1101(b), Aug. 10, 2005, 119 Stat. 1156, as amended by Pub. L. 110-244, title I, § 101(a), June 6, 2008, 122 Stat. 1573.

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

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.

Pub. L. 109-14, § 7(s), May 31, 2005, 119 Stat. 334, provided that: “Amounts made available under the amendments made by this section [amending sections 5307, 5309, and 5338 of Title 49, Transportation, and provisions set out as notes under section 322 of this title and sections 5307, 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].”

Similar provisions were contained in the following prior acts:

Pub. L. 108-310, § 8(t), Sept. 30, 2004, 118 Stat. 1158.

Pub. L. 108-88, §8(t), Sept. 30, 2003, 117 Stat. 1126, as amended by Pub. L. 108-202, §9(t), Feb. 29, 2004, 118 Stat. 489; Pub. L. 108-224, §7(t), Apr. 30, 2004, 118 Stat. 637; Pub. L. 108-263, §7(t), June 30, 2004, 118 Stat. 708; Pub. L. 108-280, §7(t), July 30, 2004, 118 Stat. 885.

#### 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

Pub. L. 102-240, title I, §1047, Dec. 18, 1991, 105 Stat. 1996, 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 Fed-

eral 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

Pub. L. 102-240, title VI, §6012, Dec. 18, 1991, 105 Stat. 2180, 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

Pub. L. 100-17, title I, §154, Apr. 2, 1987, 101 Stat. 209, which related to erection of signs indicating sources of funding on projects under construction with funds from the Highway Trust Fund, was repealed and restated in section 321 of this title by Pub. L. 109-59, title I, §1901(a), (c), Aug. 10, 2005, 119 Stat. 1464.

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

Pub. L. 97-424, title I, §128, Jan. 6, 1983, 96 Stat. 2118, 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

Pub. L. 97-424, title I, §135, Jan. 6, 1983, 96 Stat. 2125, 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 inves-



tigation, 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

Pub. L. 97-424, title I, §139, Jan. 6, 1983, 96 Stat. 2127, 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 [former] 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 Amendment 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 [former] 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 [former] 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 [former] 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 [Pub. L. 95-599, formerly set out as notes 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 [former] section 118(b)(2)(B) of title 23, United States Code."

#### BUY AMERICA

Pub. L. 97-424, title I, §165, Jan. 6, 1983, 96 Stat. 2136, 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, which prohibited obligation of funds unless steel, iron, and manufactured products used in the project had been produced in the United States, was repealed and restated in section 313 of this title by Pub. L. 109-59, title I, §1903(a), (d), Aug. 10, 2005, 119 Stat. 1464, 1465.

#### 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

Pub. L. 94-280, title I, §102(b), May 5, 1976, 90 Stat. 425, 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

Pub. L. 94-280, title I, §102(c), May 5, 1976, 90 Stat. 426, 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

Pub. L. 94-280, title I, §150, May 5, 1976, 90 Stat. 447, directed Secretary of Transportation to undertake a complete study of the financing 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

Pub. L. 94-280, title I, §153, May 5, 1976, 90 Stat. 448, 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.

Pub. L. 94-280, title I, §154, May 5, 1976, 90 Stat. 448, 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

Pub. L. 93-643, §102(d), Jan. 4, 1975, 88 Stat. 2282, 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.

CARPOOL DEMONSTRATION PROJECTS IN URBAN AREAS;  
APPROPRIATIONS AUTHORIZATION

Pub. L. 93-643, §120(b), Jan. 4, 1975, 88 Stat. 2289, 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

Pub. L. 91-605, title I, §121, Dec. 31, 1970, 84 Stat. 1725, 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

Pub. L. 85-767, §5, Aug. 27, 1958, 72 Stat. 921, 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

Act June 29, 1956, ch. 462, title I, §108(b), 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 [former] 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 associated 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.”

Pub. L. 97-424, title I, §127(b), Jan. 6, 1983, 96 Stat. 2118, 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 “DEPARTMENT”, “INTERSTATE SYSTEM”, “SECRETARY”, AND “STATE” FOR PURPOSES OF CERTAIN ACTS

Pub. L. 112-141, §2, July 6, 2012, 126 Stat. 413, provided that: “In this Act [see Tables for classification], the following definitions apply:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”

Pub. L. 112-141, div. C, title I, §31002, July 6, 2012, 126 Stat. 732, provided that: “In this title [see Tables for classification], the term ‘Secretary’ means the Secretary of Transportation.”

Pub. L. 109-59, §2, Aug. 10, 2005, 119 Stat. 1153, provided that: “In this Act [see Tables for classification], the following definitions apply:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”

Pub. L. 109-59, title I, §1120(c), Aug. 10, 2005, 119 Stat. 1192, provided that: “For the purposes of apportioning funds under sections 104, [former] 105, 130, [former] 144, and 206 of title 23, United States Code, and section 1404 [set out as a note under section 402 of this title], relating to the safe routes to school program, the term ‘State’ means any of the 50 States and the District of Columbia.”

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.”

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, [former] 105, [former] 144, and 206 of title 23, United States Code, the term ‘State’ means any of the 50 States and the District of Columbia.”

Pub. L. 104-59, §2, Nov. 28, 1995, 109 Stat. 569, provided that: “In this Act [See Short Title of 1995 Amendment note above], the term ‘Secretary’ means the Secretary of Transportation.”

Pub. L. 100-17, §2, Apr. 2, 1987, 101 Stat. 134, provided that: “As used in this Act [see Short Title of 1987 Amendment note above], the term ‘Secretary’ means the Secretary of Transportation.”

## § 102. Program efficiencies

(a) 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.

(b) 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 reimbursed for the preliminary 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; Pub. L. 109-59, title I, §1121(b)(1), Aug. 10, 2005, 119 Stat. 1195; Pub. L. 112-141, div. A, title I, §1502, July 6, 2012, 126 Stat. 561.)

### AMENDMENTS

2012—Subsec. (b). Pub. L. 112-141 substituted “reimbursed for the preliminary engineering” for “made available for such engineering”.

2005—Pub. L. 109-59 redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out heading and text of former subsec. (a). Text read as follows:

“(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.”

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.

Pub. L. 105-178, §1206, redesignated subsec. (b) as (c).

1991—Pub. L. 102-240 substituted section catchline for one which read: “Authorizations” and amended text generally. Prior to amendment, text read as follows: “The provisions of this title apply to all unappropri-