

- (v) the Secretary of Transportation;
  - (vi) the Secretary of Energy;
  - (vii) the Administrator of the Environmental Protection Agency;
  - (viii) the Director of the Office of Management and Budget;
  - (ix) the Director of the Office of Personnel Management;
  - (x) the Assistant to the President and Director of the Domestic Policy Council;
  - (xi) the Assistant to the President and National Climate Advisor;
  - (xii) the Senior Advisor for Clean Energy Innovation and Implementation; and
  - (xiii) the heads of such other executive departments, agencies, and offices as the Co-Chairs may from time to time invite to participate.
- (e) The Co-Chairs may coordinate subgroups consisting of Task Force members or their designees, as appropriate.

SEC. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
  - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

## § 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.

(b) **SAVINGS PROVISION.**—Nothing in this section shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.

(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; Pub. L. 117-58, div. A, title I, §11310(a), Nov. 15, 2021, 135 Stat. 536.)

## Editorial Notes

### AMENDMENTS

2021—Pub. L. 117-58 designated second sentence of subsec. (a) as subsec. (b), inserted heading, and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “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 reim-

bursed for the preliminary engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.”

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 unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations, heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.”

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of this title.

### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### 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.

## § 103. National Highway System

(a) **IN GENERAL.**—For the purposes of this title, the Federal-aid system is the National Highway System, which includes the Interstate System.

## (b) NATIONAL HIGHWAY SYSTEM.—

(1) DESCRIPTION.—The National Highway System consists of the highway routes and connections to transportation facilities that shall—

(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

(B) meet national defense requirements; and

(C) serve interstate and interregional travel and commerce.

(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:

(A) The National Highway System depicted on the map submitted by the Secretary of Transportation to Congress with the report entitled “Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals” and dated May 24, 1996, and modifications approved by the Secretary before the date of enactment of the MAP-21.

(B) Other urban and rural principal arterial routes, and border crossings on those routes, that were not included on the National Highway System before the date of enactment of the MAP-21.

(C) Other connector highways (including toll facilities) that were not included in the National Highway System before the date of enactment of the MAP-21 but that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

(D) A strategic highway network that—

(i) consists of a network of highways that are important to the United States strategic defense policy, that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime, and that were not included on the National Highway System before the date of enactment of the MAP-21;

(ii) may include highways on or off the Interstate System; and

(iii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

(E) Major strategic highway network connectors that—

(i) consist of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network but were not included on the National Highway System before the date of enactment of the MAP-21; and

(ii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

## (3) MODIFICATIONS TO NHS.—

(A) IN GENERAL.—The Secretary may make any modification to the National Highway System, including any modification con-

sisting of a connector to a major intermodal terminal or the withdrawal of a road from that system, that is proposed by a State if the Secretary determines that the modification—

(i) meets the criteria established for the National Highway System under this title after the date of enactment of the MAP-21; and

(ii)(I) enhances the national transportation characteristics of the National Highway System; or

(II) in the case of the withdrawal of a road, is reasonable and appropriate.

## (B) COOPERATION.—

(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

## (c) INTERSTATE SYSTEM.—

## (1) DESCRIPTION.—

(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

## (B) DESIGN.—

(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

(C) LOCATION.—Highways on the Interstate System shall be located so as—

(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

(ii) to serve the national defense; and

(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

## (4) INTERSTATE SYSTEM DESIGNATIONS.—

(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

## (B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

(i) IN GENERAL.—Subject to clauses (ii) through (vi), if the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

(ii) WRITTEN AGREEMENT.—A designation under clause (i) shall be made only upon the written agreement of each State described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by not later than the date that is 25 years after the date of the agreement.

(iii) FAILURE TO COMPLETE CONSTRUCTION.—If a State described in clause (i) has not substantially completed the construction of a highway designated under this subparagraph by the date specified in clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

(iv) EFFECT OF REMOVAL.—Removal of the designation of a highway under clause (iii) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

(v) RETROACTIVE EFFECT.—An agreement described in clause (ii) that is entered into before August 10, 2005, shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.

(vi) REFERENCES.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, and no such highway shall be signed or marked, as a highway on the Interstate System, until such time as the highway—

(I) is constructed to the geometric and construction standards for the Interstate System; and

(II) has been designated as a route on the Interstate System.

(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

## (5) EXEMPTION OF INTERSTATE SYSTEM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C)—

(i) the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 306108 of title 54, those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature); and

(ii) those elements shall be considered to be historic sites under section 303 of title 49 or section 138 of this title, as applicable.

(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, preservation, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 306108 of title 54.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 887; Pub. L. 86-70, §21(d)(1), June 25, 1959, 73 Stat. 145; Pub. L. 86-624, §17(b), (c), July 12, 1960, 74 Stat. 415; Pub. L. 87-866, §8(a), Oct. 23, 1962, 76 Stat. 1147; Pub. L. 90-238, Jan. 2, 1968, 81 Stat. 772; Pub. L. 90-495, §§14, 21, Aug. 23, 1968, 82 Stat. 822, 826; Pub. L. 91-605, title I, §§106(b), 124, Dec. 31, 1970, 84 Stat. 1716, 1729; Pub. L. 93-87, title I, §§109(a), 110(a), (b), 137, 148(a)-(c), (e), Aug. 13, 1973, 87 Stat. 255, 256, 268, 274; Pub. L. 93-643, §125, Jan. 4, 1975, 88 Stat. 2290; Pub. L. 94-280, title I, §§109, 110, 111(a), May 5, 1976, 90 Stat. 431, 433; Pub. L. 95-599, title I, §107(a), (b), (f)(1), Nov. 6, 1978, 92 Stat. 2694, 2695; Pub. L. 96-106, §§1, 2(a), (c), Nov. 9, 1979, 93 Stat. 796; Pub. L. 96-144, §2, Dec. 13, 1979, 93 Stat. 1084; Pub. L. 97-424, title I, §§107(a)-(c)(1), (d), (e), 108(f), Jan. 6, 1983, 96 Stat. 2101-2104; Pub. L. 100-17, title I, §103(b), (f)(1), Apr. 2, 1987, 101 Stat. 136, 141; Pub. L. 102-240, title I, §§1006(a), (b), (d), 1011, title III, §3003(b), Dec. 18, 1991, 105 Stat. 1923, 1925, 1935, 2088; Pub. L. 103-272, §5(f)(1), July 5, 1994, 108 Stat. 1374; Pub. L. 103-429, §§3(1), 7(a)(4)(B), Oct. 31, 1994, 108 Stat. 4377, 4389; Pub. L. 104-59, title I, §101, title III, §301(a), Nov. 28, 1995, 109 Stat. 569, 578; Pub. L. 104-287, §2, Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105-178, title I, §1106(b), June 9, 1998, 112 Stat. 131; Pub. L. 109-59, title I, §§1106, 1118(b)(1), title VI, §§6006(a)(1), 6007, Aug. 10, 2005, 119 Stat. 1166, 1181, 1872, 1873; Pub. L. 112-141, div. A, title I, §1104(a), July 6, 2012, 126 Stat. 422; Pub. L.

113-287, §5(f)(1), Dec. 19, 2014, 128 Stat. 3268; Pub. L. 114-94, div. A, title I, §1122(e), Dec. 4, 2015, 129 Stat. 1369.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of the MAP-21, referred to in subsec. (b)(2)(B)–(D)(i), (E)(i), (3)(A)(i), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

#### CODIFICATION

Another section 1106(b) of Pub. L. 105-178 is set out as a note below.

#### AMENDMENTS

2015—Subsec. (b)(3)(A). Pub. L. 114-94, §1122(e)(1), in introductory provisions, struck out “, including any modification consisting of a connector to a major intermodal terminal,” after “any modification” and inserted “, including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,” after “the National Highway System”.

Subsec. (b)(3)(A)(ii). Pub. L. 114-94, §1122(e)(2), designated existing provisions as subcl. (I) and added subcl. (II).

2014—Subsec. (c)(5)(B)(i). Pub. L. 113-287, §5(f)(1)(A), substituted “section 306108 of title 54” for “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)”.

Subsec. (c)(5)(C). Pub. L. 113-287, §5(f)(1)(B), substituted “section 306108 of title 54” for “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)”.

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to Federal-aid systems.

2005—Subsec. (b)(6). Pub. L. 109-59, §1118(b)(1)(A), substituted “STATE ELIGIBLE” for “ELIGIBLE” in heading.

Subsec. (b)(6)(P). Pub. L. 109-59, §1118(b)(1)(B), struck out subpar. (P) which read as follows: “In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for assistance under section 133, any airport, and any seaport.”

Subsec. (b)(6)(Q), (R). Pub. L. 109-59, §6006(a)(1), added subpars. (Q) and (R).

Subsec. (b)(7). Pub. L. 109-59, §1118(b)(1)(C), added par. (7).

Subsec. (c)(4)(B)(ii). Pub. L. 109-59, §1106(a), substituted “25” for “12”.

Subsec. (c)(4)(B)(iii)(I). Pub. L. 109-59, §1106(b)(1), struck out “in the agreement between the Secretary and the State or States” before “under clause (ii)”.

Subsec. (c)(4)(B)(iii)(III). Pub. L. 109-59, §1106(b)(2), added subcl. (III).

Subsec. (c)(5). Pub. L. 109-59, §6007, added par. (5).

1998—Pub. L. 105-178 reenacted section catchline without change and amended text generally. Prior to amendment, section related to Federal-aid systems and, in subsec. (a), identified such systems, in subsec. (b), described National Highway System, in subsec. (e), described Interstate Highway System, in subsec. (f), specified authority of Secretary with respect to system, in subsec. (g), provided for removal of certain parts from system, in subsec. (h), authorized Secretary to pay all non-Federal costs of certain parts of system, and in subsec. (i), described eligible projects for National Highway System.

1996—Subsec. (e)(4)(L). Pub. L. 104-287 substituted “CHAPTER 53 OF TITLE 49” for “FTA” in heading.

1995—Subsec. (b)(3)(C). Pub. L. 104-59, §101(b)(1), substituted “The” for “For purposes of proposing highways for designation to the National Highway System, the”.

Subsec. (b)(3)(D). Pub. L. 104-59, §101(b)(2), substituted “The” for “In proposing highways for designa-

tion to the National Highway System, the” and inserted “on the National Highway System” after “highway mileage”.

Subsec. (b)(5) to (8). Pub. L. 104-59, §101(a), added pars. (5) to (8).

Subsec. (i)(8). Pub. L. 104-59, §301(a), added par. (8) and struck out former par. (8) which read as follows: “Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds.”

1994—Subsec. (e)(4)(L)(i). Pub. L. 103-272, §5(f)(1)(A), as amended by Pub. L. 103-429, §7(a)(4)(B), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Subsec. (e)(4)(L)(ii). Pub. L. 103-272, §5(f)(1)(B), as amended by Pub. L. 103-429, §7(a)(4)(B), substituted “section 5323(a)(1)(D) of title 49” for “section 3(e)(4) of the Federal Transit Act”.

Subsec. (i)(3). Pub. L. 103-429, §3(1), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

1991—Subsec. (a). Pub. L. 102-240, §1006(a), added subsec. (a) and struck out former subsec. (a) which established and continued four Federal-aid systems: primary, urban, secondary and Interstate.

Subsec. (b). Pub. L. 102-240, §1006(a), added subsec. (b) and struck out former subsec. (b) which related to Federal-aid primary system.

Subsecs. (c), (d). Pub. L. 102-240, §1006(b)(1), struck out subsecs. (c) and (d) which related to Federal-aid secondary system and Federal-aid urban system, respectively.

Subsec. (e)(4)(E)(i). Pub. L. 102-240, §1011(c), inserted provisions at end specifying that funds authorized to be appropriated for substitute transit projects for fiscal year 1993 and for substitute highway projects for fiscal year 1995 are to remain available until expended.

Subsec. (e)(4)(G). Pub. L. 102-240, §1011(a)(1), struck out “and” before “\$740,000,000”, inserted provisions relating to fiscal years 1992 through 1995 and inserted provisions authorizing obligation of sums for transit substitute projects.

Subsec. (e)(4)(H)(i). Pub. L. 102-240, §1011(a)(2)(A), inserted provisions at end relating to apportionment of funds for fiscal years 1992 through 1995.

Subsec. (e)(4)(H)(iii). Pub. L. 102-240, §1011(a)(2)(B), (C), substituted “1988-1995” for “1988, 1989, 1990, and 1991” in heading and “1991, 1992, 1993, 1994, and 1995” for “and 1991” in text.

Subsec. (e)(4)(I). Pub. L. 102-240, §3003(b), substituted “Federal Transit Act” for “Urban Mass Transportation Act of 1964”.

Subsec. (e)(4)(J)(i). Pub. L. 102-240, §1011(b)(1), (2), inserted “and ending before October 1, 1991” after “1983,” and provisions at end relating to apportionment of 100 percent of funds appropriated for fiscal years 1992 and 1993.

Subsec. (e)(4)(J)(iii). Pub. L. 102-240, §1011(b)(3), (4), substituted “1988-1993” for “1988, 1989, 1990, and 1991” in heading and substituted “1991, 1992, and 1993” for “and 1991” in text.

Subsec. (e)(4)(L). Pub. L. 102-240, §3003(b), substituted “FTA” for “UMTA” in heading and “Federal Transit Act” for “Urban Mass Transportation Act of 1964” in cls. (i) and (ii).

Subsec. (f). Pub. L. 102-240, §1006(b)(2), struck out “the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and” before “the Interstate System” and struck out at end “No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.”

Subsec. (i). Pub. L. 102-240, §1006(d), added subsec. (i). 1987—Subsec. (e). Pub. L. 100-17, §103(f)(1)(A)–(D), (H)–(J), inserted heading, indented par. (1) and aligned such par. and pars. (2), (3), and (5) to (9) with par. (4), as amended, and inserted headings for pars. (1) to (3), (8), and (9).

Subsec. (e)(4). Pub. L. 100-17, §103(b), amended par. (4) generally, revising and restating as subpars. (A) to (P) provisions formerly contained in a single paragraph.

Subsec. (e)(5). Pub. L. 100-17, §103(f)(1)(E), (K), inserted heading, aligned subpars. (A) and (B) with subpar. (A) of par. (4), and substituted "withdrawal of approval." for "withdrawal of approval; and" in subpar. (B).

Subsec. (e)(6). Pub. L. 100-17, §103(f)(1)(F), (K), inserted heading, aligned subpars. (A) and (B) with subpar. (A) of par. (4), and substituted "withdrawal of approval." for "withdrawal of approval;" in subpar. (B).

Subsec. (e)(7). Pub. L. 100-17, §103(f)(1)(G), inserted heading and substituted "are to be applied." for "are to be applied; and".

1983—Subsec. (b)(1). Pub. L. 97-424, §108(f), substituted "Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands" for "or Puerto Rico" after "Hawaii, Alaska,".

Subsec. (e)(4). Pub. L. 97-424, §107(a)(1), struck out eighth sentence and substituted provision relating to authorizations and apportionment of funds for fiscal years ending Sept. 30, 1983, through Sept. 30, 1986, and relating to substitute highway projects and substitute transit projects for provision that there were authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as might be necessary out of the general fund of the Treasury.

Pub. L. 97-424, §107(a)(2), struck out sixth sentence and substituted provisions relating to the period of availability of sums apportioned under this paragraph and of sums available for obligation and the disposition of funds apportioned to a State and unobligated for provision that the sums available for obligation would remain available until obligated.

Pub. L. 97-424, §107(b), inserted at end provision that any route or segment thereof which was statutorily designed after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.

Pub. L. 97-424, §107(c)(1)(A), inserted "or up to and including the 1983 interstate cost estimate, whichever is earlier," after "approved by Congress," and before "subject to increase or decrease" in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(c)(1)(B), struck out "the date of enactment of the Federal-Aid Highway Act of 1976 or" after "portion thereof as of", and "whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate" after "substitute project under this paragraph," in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(c)(1)(C), inserted "or the date of approval of the 1983 interstate cost estimate, whichever is earlier," after "approval of each substitute project under this paragraph" in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(d), inserted provision in third sentence that except with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route until Sept. 30, 1985.

Pub. L. 97-424, §107(e)(1), struck out "which is within an urbanized area or which passes through and connects urbanized areas within a State and" after "portion thereof on the Interstate System" in first sentence.

Pub. L. 97-424, §107(e)(2), substituted "which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the

withdrawn route was located", for "which will serve the urbanized area and the connecting nonurbanized area corridor from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located", after "section 103 of this title; or both," in second sentence.

1979—Subsec. (e)(4). Pub. L. 96-144 provided that after Sept. 30, 1979, the Secretary shall not withdraw his approval under par. (4) of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal, and that any withdrawal of approval of any such route or portion thereof before Sept. 30, 1979, is determined to be authorized by par. (4).

Pub. L. 96-106, §1, inserted provision that the preceding sentence not apply to a designation made under section 139 of this title.

Subsec. (e)(5). Pub. L. 96-106, §2(a), inserted ", in the case of any withdrawal of approval before November 6, 1978" after "any other provision of law".

Subsec. (e)(6) to (9). Pub. L. 96-106, §2(c), added pars. (6) and (7) and redesignated former pars. (6) and (7) as (8) and (9), respectively.

1978—Subsec. (e)(2). Pub. L. 95-599, §107(a)(1), substituted provisions relating to the deadline for designation of Interstate routes for provisions relating to maximum costs of all mileage and granting of preferences.

Subsec. (e)(4). Pub. L. 95-599, §107(a)(2), (b), (f)(1)(A), substituted provision setting the maximum Federal share at 85 per cent of the cost of the substitute project for provision stating that the share would be determined in accordance with section 120 of this title, inserted provisions relating to deadline for approval by Secretary and designation of mileage, and struck out provision relating to withdrawal of approval.

Subsec. (e)(5) to (7). Pub. L. 95-599, §107(f)(1)(B), (C), redesignated par. (5) as (7) and added pars. (5) and (6).

1976—Subsec. (e)(2). Pub. L. 94-280, §§109(a), 111(a), struck out from second sentence "prior to the enactment of this paragraph" after "with this title," and in fourth sentence, substituted provision respecting limitation of cost to United States for aggregate of mileage for route withdrawals which read as follows: "or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate" for "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

Subsec. (e)(4). Pub. L. 94-280, §110(a), in revising par. (4), substituting provisions set out in text for prior provisions set out in note hereunder, among other changes: authorized the Secretary to withdraw approval of route or portion thereof on Interstate System which passes through and connects urbanized areas within a State and to incur obligations for Federal share of projects authorized under any highway assist-

ance program under section 103 of this title; provided for determination of Federal share of substitute projects as provided in section 120 of this title applicable to the highway program of which the substitute project is a part; made specific reference to section 4 of, for prior general reference to, Urban Mass Transportation Act of 1964, as source of Federal share for mass transit projects; authorized sums available for obligation to remain available until obligated; made sums obligated for mass transit projects part of, to be administered through, Urban Mass Transportation Fund; authorized appropriations out of general fund of the Treasury for liquidation of obligations incurred under this paragraph; made amended par. (4) effective Aug. 13, 1973; and deleted provisions making route withdrawn mileage available for designation on Interstate System in any other State, prohibition against obligation under this paragraph of general funds after June 30, 1981, and requirement that for nonhighway public mass transit project, the Secretary receive State assurance that public mass transportation system will fully utilize the proposed project.

Pub. L. 94-280, §110(b), inserted provision for application of sums to a permissible transportation project when paid to a State for a route or portion of the Interstate System in event of withdrawal of approval for the route or portion instead of making of refund to Highway Trust Fund.

Subsec. (e)(5). Pub. L. 94-280, §109(b), added par. (5).

1975—Subsec. (e)(2), (4). Pub. L. 93-643 inserted “, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate” after “House Report Numbered 92-1443”.

1973—Subsec. (b). Pub. L. 93-87, §148(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 93-87, §148(b), (e), designated existing provisions as par. (1), inserted “access roads to airports,” after “local rural roads”, and added par. (2).

Subsec. (d)(1). Pub. L. 93-87, §109(a), 148(c), authorized establishment of Federal-aid urban system in such other urban areas as the State highway department may designate, substituted “shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals” for “designed taking into consideration the highest traffic volume corridors, and the longest trips within such area and shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area based upon the planning process required pursuant to the provisions of section 134 of this title”, reenacted third sentence without change, inserted “to the extent feasible” in the text reading “Each route of the system to the extent feasible shall connect with another route”, substituted “Routes . . . shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title” for “Routes . . . shall be selected by the appropriate local officials and the State highway departments in cooperation with each other subject to the approval of the Secretary as provided in subsection (f) of this section”, and inserted preceding last sentence “Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section”, and designated provisions, as amended, as par. (1), respectively.

Subsec. (d)(2). Pub. L. 93-87, §148(c), added par. (2).

Subsec. (e)(2). Pub. L. 93-87, §137(a), substituted in first sentence “additional mileage for the Interstate System of five hundred miles” for “additional mileage for the Interstate System of two hundred miles”; in fourth sentence “1972 Interstate System cost estimate set forth in House Public Works Committee Print Num-

bered 92-29, as revised in House Report Numbered 92-1443” for “1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised”; and in fifth sentence “preference, along with due regard for interstate highway type needs on a nationwide basis,” for “due regard”, respectively.

Subsec. (e)(4). Pub. L. 93-87, §137(b), added par. (4).

Subsec. (g). Pub. L. 93-87, §110(a), substituted first sentence reading “the Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System.” for “The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met.”; deleted former second sentence reading “Nothing in the preceding sentence shall be construed to prohibit the substitution prior to July 1, 1973, of alternative segments of the Interstate System which will meet the requirements of this title.”; substituted “Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him such schedule will be met,” for “Any segment of the Interstate System with respect to which a State has not submitted plans, specifications, and estimates for approval by the Secretary by July 1, 1975,” before “shall be removed from designation as a part of the Interstate System”; authorized the Secretary to designate as a part of the Interstate System any segment previously removed from the System when necessary in the interest of national defense or for other reasons of national interest; and made subsec. (g) inapplicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.

Subsec. (h). Pub. L. 93-87, §110(b), added subsec. (h).

1970—Subsec. (a). Pub. L. 91-605, §106(b)(3), substituted “four” for “three” and added the urban system to the list of Federal-aid systems.

Subsecs. (b), (c). Pub. L. 91-605, §106(b)(1), substituted “subsection (f)” for “subsection (e)”.

Subsecs. (d), (e). Pub. L. 91-605, §106(b)(1), added subsec. (d), redesignated former subsec. (d) as (e) and substituted “subsection (f)” for “subsection (e)”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 91-605, §106(b)(1), (2), redesignated former subsec. (e) as (f) and inserted reference to Federal-aid urban system.

Subsec. (g). Pub. L. 91-605, §124, added subsec. (g).

1968—Subsec. (d)(1). Pub. L. 90-495, §14(a), inserted provision making allowance for an exception in pars. (2) and (3) to the forty-one thousand mile total extent of the Interstate system.

Subsec. (d)(2). Pub. L. 90-495, §21, substituted “1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised” for “1965 Interstate System cost estimate set forth in House Document Numbered 42, Eighty-ninth Congress”.

Subsec. (d)(3). Pub. L. 90-495, §14(b), added par. (3).

Subsec. (d). Pub. L. 90-238 redesignated existing provision as par. (1) and added par. (2).

1962—Subsec. (c). Pub. L. 87-866 substituted “This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be

subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area” for “This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds”.

1960—Subsec. (d). Pub. L. 86-624, §17(c), substituted “within the United States, including the District of Columbia, and” for “within the continental United States and”, and inserted “to the greatest extent possible” in two places.

1959—Subsec. (f). Pub. L. 86-70 repealed subsec. (f) which related to determination of roads in the Territory of Alaska on which Federal-aid funds could be expended.

Subsec. (g). Pub. L. 86-624, §17(b), repealed subsec. (g) which provided that the systems of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

##### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-429, §7(a), Oct. 31, 1994, 108 Stat. 4388, provided in part that the amendment made by that section is effective July 5, 1994.

##### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by sections 1006 and 1011 of 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 1978 AMENDMENT

Pub. L. 95-599, title I, §107(c), Nov. 6, 1978, 92 Stat. 2694, provided that: “The amendment made by subsection (a) of this section [amending this section] shall apply to each route or portion thereof designated under [former] section 103(e)(2) of title 23, United States Code, before January 1, 1978, the construction of which was not complete on such date, and the Secretary of Transportation shall make such revisions in existing contracts and agreements as may be necessary to carry out this section and the amendment made by subsection (a) of this section.”

Pub. L. 95-599, title I, §107(f)(2), Nov. 6, 1978, 92 Stat. 2695, which provided that the amendments made by section 107(f)(1) of Pub. L. 95-599 to this section apply to any withdrawal of approval before Nov. 6, 1978, was repealed by Pub. L. 96-106, §2(b), Nov. 9, 1979, 93 Stat. 796.

##### EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-87, title I, §110(c), Aug. 13, 1973, 87 Stat. 256, provided that: “The amendments made by subsections

(a) and (b) of this section [amending this section] shall take effect June 30, 1973.”

##### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

##### EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-866, §8(b), Oct. 23, 1962, 76 Stat. 1147, provided that: “The amendment made by subsection (a) of this section [amending this section] shall apply to apportionments made before as well as after the date of enactment of this Act [Oct. 23, 1962].”

##### EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86-70, §21(d), June 25, 1959, 73 Stat. 145, provided that the repeal of subsec. (f) of this section, sections 116(d), 119, and 120(h) of this title, and sections 321a to 321d and 322 to 325 of Title 48, Territories and Insular Possessions, is effective July 1, 1959.

#### STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS

Pub. L. 114-94, div. A, title I, §1122(a)-(d), Dec. 4, 2015, 129 Stat. 1368, 1369, provided that:

“(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 90 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall issue guidance relating to working with State departments of transportation that request assistance from the division offices of the Federal Highway Administration—

“(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

“(2) to identify any necessary functional classification changes to rural and urban principal arterials.

“(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

“(1) to assist in the review of roads in accordance with guidance issued under subsection (a);

“(2) to expeditiously review and facilitate requests from States to reclassify roads classified as principal arterials; and

“(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

“(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

“(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

“(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

“(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, 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 report that includes a description of—

“(1) each request for reclassification of National Highway System roads;

“(2) the status of each request; and

“(3) if applicable, the justification for the denial by the Secretary of a request.”

REAL-TIME SYSTEM MANAGEMENT INFORMATION  
PROGRAM

Pub. L. 109-59, title I, §1201, Aug. 10, 2005, 119 Stat. 1196, provided that:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall establish a real-time system management information program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the major highways of the United States and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

“(2) PURPOSES.—The purposes of the real-time system management information program are to—

“(A) establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;

“(B) identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and

“(C) provide the capability and means to share that data with State and local governments and the traveling public.

“(b) DATA EXCHANGE FORMATS.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged across jurisdictional boundaries, facilitating nationwide availability of information.

“(c) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

“(1) ADDRESSING INFORMATION NEEDS.—As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regulations, such governments shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.

“(2) DATA EXCHANGE.—States shall incorporate the data exchange formats established by the Secretary [of Transportation] under subsection (b) to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

“(d) ELIGIBILITY.—Subject to project approval by the Secretary [of Transportation], a State may obligate funds apportioned to the State under [former] sections 104(b)(1), 104(b)(2), and 104(b)(3) of title 23, United States Code, for activities relating to the planning and deployment of real-time monitoring elements that advance the goals and purposes described in subsection (a).

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

“(f) STATEWIDE INCIDENT REPORTING SYSTEM DEFINED.—In this section, the term ‘statewide incident reporting system’ means a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.”

FREIGHT INTERMODAL DISTRIBUTION PILOT GRANT  
PROGRAM

Pub. L. 109-59, title I, §1306, Aug. 10, 2005, 119 Stat. 1215, which related to the Freight Intermodal Distribution Pilot Grant Program, was repealed by Pub. L. 112-141, div. A, title I, §1519(b)(2), July 6, 2012, 126 Stat. 575.

ADMINISTRATION OF NATIONAL HIGHWAY SYSTEM AND  
INTERSTATE MAINTENANCE PROGRAM

Pub. L. 105-178, title I, §1106(a), June 9, 1998, 112 Stat. 131, provided that: “The Secretary shall administer the National Highway System program and the Interstate Maintenance program as a combined program for purposes of allowing States maximum flexibility. References in this Act [see Tables for classification] and title 23, United States Code, shall not be affected by such consolidation.”

UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE  
FUNDS

Pub. L. 105-178, title I, §1106(b), June 9, 1998, 112 Stat. 136, provided that: “Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) of title 23, United States Code (as in effect on the day before the date of enactment of this Act [June 9, 1998]), shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.”

INTERMODAL FREIGHT CONNECTORS STUDY

Pub. L. 105-178, title I, §1106(d), June 9, 1998, 112 Stat. 136, required the Secretary, not later than 2 years after June 9, 1998, to review and report to Congress on the condition of and improvements made to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities since the designation of the National Highway System.

FUNCTIONAL RECLASSIFICATION OF HIGHWAYS

Pub. L. 102-240, title I, §1006(c), Dec. 18, 1991, 105 Stat. 1925, provided that:

“(1) STATE ACTION.—Each State shall functionally reclassify the roads and streets in such State in accordance with such guidelines and time schedule as the Secretary may establish in order to carry out the objectives of this section [amending this section and sections 101, 104 and 113 of this title and enacting provisions set out as a note under section 311 of this title], including the amendments made by this section.

“(2) APPROVAL AND SUBMISSION TO CONGRESS.—Not later than September 30, 1993, the Secretary shall approve the functional reclassification of roads and streets made by the States pursuant to this subsection and shall submit a report to Congress containing such reclassification.

“(3) STATE DEFINED.—In this subsection, the term ‘State’ has the meaning such term has under section 101 of title 23, United States Code, and shall include the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas.”

APPORTIONMENT FACTORS FOR EXPENDITURES ON  
SUBSTITUTE HIGHWAY AND TRANSIT PROJECTS

Pub. L. 100-17, title I, §103(a), Apr. 2, 1987, 101 Stat. 136, directed Secretary to apportion for fiscal year 1987 the sums to be apportioned for such year under 22 U.S.C. 103(e)(4) for expenditure on substitute highway and transit projects, using the apportionment factors contained in the Committee Print Numbered 100-6 of the Committee on Public Works and Transportation of the House of Representatives.

SUBSTITUTE TRANSIT PROJECTS; INCREASE IN COST TO  
COMPLETE; APPORTIONMENT FACTORS

Pub. L. 100-17, title I, §103(c), Apr. 2, 1987, 101 Stat. 141, increased the cost of completing substitute transit



projects under subsec. (e)(4)(B) of this section by \$100,000,000 in accordance with the apportionment factors contained in the Committee Print Numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

COMBINED ROAD PLAN DEMONSTRATION PROGRAM;  
REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 100-17, title I, §137, Apr. 2, 1987, 101 Stat. 174, directed Secretary, in cooperation with up to 5 States, to conduct a combined road plan demonstration to test feasibility of approaches for combining, streamlining, and increasing flexibility in administration of Federal-aid secondary program, Federal-aid urban program, and the off-system bridge, urban bridge, and secondary bridge programs and to submit to Congress an interim report on the program being carried out within 3 years after Apr. 2, 1987, and a final report evaluating the effectiveness of the demonstration program and making needed recommendations as soon as practicable after completion of the demonstration.

ROUTES WITHDRAWN; AVAILABILITY TO SECRETARY OF  
SUMS WHERE SUMS DETERMINED ARE LESS THAN  
COST OF COMPLETING WITHDRAWN ROUTES

Pub. L. 97-424, title I, §107(c)(2), Jan. 6, 1983, 96 Stat. 2012, as amended by Pub. L. 100-17, title I, §103(f)(2), Apr. 2, 1987, 101 Stat. 142, provided that certain sums determined under former subsec. (e)(4)(B) of this section for withdrawn Interstate System routes would be made available to the Secretary based on cost of completion as of June 30, 1980.

WITHDRAWAL OF SECRETARY'S APPROVAL OF ROUTE OR  
PORTION OF ROUTE ON INTERSTATE SYSTEM BETWEEN  
JUNE 20, 1979, AND JUNE 30, 1979, INCLUSIVE; SUBSTITUTION OF PROJECTS

Pub. L. 96-144, §3, Dec. 13, 1979, 93 Stat. 1084, provided that when the Secretary withdrew approval for an Interstate System route, the sum available for a substitute project would be equal to the Federal share of the cost to complete the withdrawn route based on the 1975 estimate, subject to certain discretionary adjustments.

NECESSITY OF ENVIRONMENTAL IMPACT STATEMENT  
PRIOR TO ROUTE CONSTRUCTION ON THE DWIGHT D.  
EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE  
HIGHWAYS

Pub. L. 95-599, title I, §107(d), Nov. 6, 1978, 92 Stat. 2694, as amended by Pub. L. 101-427, Oct. 15, 1990, 104 Stat. 927, prohibited construction of an Interstate System route or portion thereof for which an environmental impact statement under the National Environmental Policy Act of 1969 had not been submitted to the Secretary by September 30, 1983.

TIME LIMIT FOR COMMENCEMENT OF, OR CONTRACT FOR,  
CONSTRUCTION; REMOVAL FROM DESIGNATION AS  
PART OF INTERSTATE SYSTEM

Pub. L. 95-599, title I, §107(e), Nov. 6, 1978, 92 Stat. 2694, as amended by Pub. L. 97-424, title I, §107(g), Jan. 6, 1983, 96 Stat. 2103; Pub. L. 100-17, title I, §103(d)(1), Apr. 2, 1987, 101 Stat. 141, required routes on the Interstate System to be either under construction or under contract for construction by Sept. 30, 1986, and directed the Secretary to remove any route that did not meet such requirement from Interstate System designation.

INTERSTATE SYSTEM ROUTES WITHDRAWN FOR PURPOSE  
OF DESIGNATING ALTERNATIVE ROUTES AS SUBJECT  
TO ROUTE WITHDRAWAL PROVISIONS

Pub. L. 94-280, title I, §111(b), May 5, 1976, 90 Stat. 433, provided that the amendment made by section 111(a) of Pub. L. 94-280 to this section would apply to Interstate

System routes approval of which was withdrawn by the Secretary under former subsec. (e)(2) of this section.

INTERSTATE SYSTEM SUBSECTION (e)(4) PROVISIONS IN  
EFFECT PRIOR TO AMENDMENT BY PUB. L. 94-280,  
§110; ROUTE WITHDRAWALS WITHIN URBANIZED  
AREAS; AVAILABILITY OF MILEAGE IN OTHER STATES;  
PUBLIC MASS TRANSIT NONHIGHWAY PROJECTS; GEN-  
ERAL FUNDS UNAVAILABLE FOR OBLIGATION AFTER  
JUNE 30, 1981; SUPPLEMENTARY FUNDS; URBAN MASS  
TRANSPORTATION PROVISIONS APPLICABLE

Section 103(e)(4) of this title, as added Pub. L. 93-87, title I, §137(b), Aug. 13, 1973, 87 Stat. 269, and amended Pub. L. 93-643, §125(b), Jan. 4, 1975, 88 Stat. 2290, read prior to amendment by section 110 of Pub. L. 94-280 [see 1976 Amendment notes above] as follows: "Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within any urbanized area in that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof approval of which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of such urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds in the Treasury of its proportional share of the cost of such project in an amount equal to the Federal share which would be paid for such a project under the Urban Mass Transportation Act of 1964 [section 1601 et seq. of Title 49, Transportation], except that the total Federal cost of all such projects under this paragraph with respect to such route or portion thereof approval of which is withdrawn under this paragraph, shall not exceed the Federal share of the cost which would have been paid for such route or portion thereof, as such cost is included in the 1972 Interstate System cost estimate set forth in table 5 of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate. Funds apportioned to such State for the Interstate System, which apportionment is based upon an Interstate System cost estimate that includes a route or portion thereof approval of which is withdrawn under this paragraph, shall be reduced by an amount equal to the Federal share of such project as such share becomes a contractual obligation of the United States. No general funds shall be obligated under authority of this paragraph after June 30, 1981. No nonhighway pub-

lic mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code [section 1501 et seq. of Title 5, Government Organization and Employees], any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended [section 1601 et seq. of Title 49, Transportation]. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, [section 1602 (e)(4) of Title 49], shall apply in carrying out this paragraph.”

#### BASIS OF FEDERAL-AID SYSTEMS REALIGNMENT

Pub. L. 93-87, title I, §148(d), Aug. 13, 1973, 87 Stat. 274, provided that: “Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.”

### § 104. Apportionment

#### (a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

- (A) \$490,964,697 for fiscal year 2022;
- (B) \$500,783,991 for fiscal year 2023;
- (C) \$510,799,671 for fiscal year 2024;
- (D) \$521,015,664 for fiscal year 2025; and
- (E) \$531,435,977 for fiscal year 2026.

(2) PURPOSES.—The amounts authorized to be appropriated by this subsection shall be used—

(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2;

(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

(3) AVAILABILITY.—The amounts made available under paragraph (1) shall remain available until expended.

(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, the national highway freight program, the carbon

reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176, and to carry out section 134 as follows:

(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 59.0771195921461 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—For the surface transportation block grant program, 28.7402203421251 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 6.70605141316253 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

- (i) \$2,536,490,803 for fiscal year 2022;
- (ii) \$2,587,220,620 for fiscal year 2023;
- (iii) \$2,638,965,032 for fiscal year 2024;
- (iv) \$2,691,744,332 for fiscal year 2025; and
- (v) \$2,745,579,213 for fiscal year 2026.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

- (i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to
- (ii) the total amount of funds apportioned to all States for that program for fiscal year 2020.

(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

(A) IN GENERAL.—For the national highway freight program under section 167, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

- (i) \$1,373,932,519 for fiscal year 2022;
- (ii) \$1,401,411,169 for fiscal year 2023;
- (iii) \$1,429,439,392 for fiscal year 2024;
- (iv) \$1,458,028,180 for fiscal year 2025; and
- (v) \$1,487,188,740 for fiscal year 2026.

(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—

- (i) the total base apportionment determined for the State under subsection (c); bears to