

before “to maintain”, and struck out at end “The State’s obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.” Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 112-141, §1507(4), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “In any State wherein the State transportation department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such transportation department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.”

Pub. L. 112-141, §1507(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 112-141, §1507(1), (5), redesignated subsec. (c) as (d) and inserted “or other direct recipient” after “State transportation department”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 112-141, §1507(1), redesignated subsec. (d) as (e).

2005—Subsec. (b). Pub. L. 109-59 substituted “such transportation department” for “such highway department”.

1998—Subsecs. (a) to (c). Pub. L. 105-178 substituted “State transportation department” for “State highway department”.

1995—Subsec. (d). Pub. L. 104-59 added subsec. (d). 1987—Subsecs. (d), (e). Pub. L. 100-17 struck out subsecs. (d) and (e) which read as follows:

“(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain written reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges.

“(e) The Secretary shall establish in cooperation with the State highway departments a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purposes of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title.”

1983—Subsec. (c). Pub. L. 97-424 substituted “State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate,” for “entire State” after “all types in the”, and struck out exception for a situation where such project was subject to an agreement pursuant to subsection (b) of this section, in which case approval was to have been withheld only for secondary or urban projects in the county or municipality where such project is located.

1978—Subsec. (d). Pub. L. 95-599 struck out provisions limiting provisions of the subsection to the Federal-aid system.

1968—Subsecs. (d), (e). Pub. L. 90-495 added subsecs. (d) and (e).

1959—Subsec. (a). Pub. L. 86-70, §21(e)(3), substituted “It” for “Except as provided in subsection (d) of this section, it”.

Subsec. (d). Pub. L. 86-70, §21(d)(2), repealed subsec. (d) which related to expenditure of funds apportioned to the Territory of Alaska and contributed by the Territory for the maintenance of roads.

Statutory Notes and Related Subsidiaries

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 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 1959 AMENDMENT

Amendment by section 21(d)(2) of Pub. L. 86-70 effective July 1, 1959, see section 21(d) of Pub. L. 86-70, set out as a note under section 103 of this title.

Amendment by section 21(e)(3) of Pub. L. 86-70 effective July 1, 1959, see section 21(e) of Pub. L. 86-70, set out as a note under section 101 of this title.

PILOT PROGRAM

Pub. L. 114-94, div. A, title I, §1424, Dec. 4, 2015, 129 Stat. 1425, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Highway Administration (referred to in this section as the ‘Administrator’) may establish a pilot program that allows a State to utilize innovative approaches to maintain the right-of-way of Federal-aid highways within the State.

“(b) LIMITATION.—A pilot program established under subsection (a) shall—

“(1) terminate after not more than 4 years;

“(2) include not more than 5 States; and

“(3) be subject to guidelines published by the Administrator.

“(c) REPORT.—If the Administrator establishes a pilot program under subsection (a), the Administrator shall, not more than 1 year after the completion of the pilot program, 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 on the results of the pilot program.

“(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect the requirements of section 111 of title 23, United States Code.”

ESTABLISHMENT OF MINIMUM FEDERAL GUIDELINES FOR MAINTENANCE; STUDY BY NATIONAL ACADEMY OF SCIENCES AND REPORT

Pub. L. 100-17, title I, §163, Apr. 2, 1987, 101 Stat. 213, directed Secretary to enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems and, not later than 18 months after entering into appropriate arrangements, the National Academy of Sciences was to submit to Secretary and Congress a report on the results of the investigation and study together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

§ 117. Nationally significant multimodal freight and highway projects

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance.

(2) GOALS.—The goals of the program shall be to—

(A) improve the safety, efficiency, and reliability of the movement of freight and people in and across rural and urban areas;

(B) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;

(C) reduce highway or freight congestion and bottlenecks;

(D) improve connectivity between modes of freight transportation;

(E) enhance the resiliency of critical highway or freight infrastructure and help protect the environment;

(F) improve roadways vital to national energy security, including highways that support movement of energy equipment; and

(G) address the impact of population growth on the movement of people and freight.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—In carrying out the program established in subsection (a), the Secretary may make grants, on a competitive basis, in accordance with this section.

(2) GRANT AMOUNT.—Except as otherwise provided, each grant made under this section shall be in an amount that is at least \$25,000,000.

(3) GRANT ADMINISTRATION.—The Secretary may—

(A) retain not more than a total of 2 percent of the funds made available to carry out this section for the National Surface Transportation and Innovative Finance Bureau to review applications for grants under this section; and

(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under this section.

(c) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to the following:

(A) A State or a group of States.

(B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.

(C) A unit of local government or a group of local governments.

(D) A political subdivision of a State or local government.

(E) A special purpose district or public authority with a transportation function, including a port authority.

(F) A Federal land management agency that applies jointly with a State or group of States.

(G) A tribal government or a consortium of tribal governments.

(H) A multistate corridor organization.

(I) A multistate or multijurisdictional group of entities described in this paragraph.

(2) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

(d) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

(A) is—

(i) a highway freight project carried out on the National Highway Freight Network established under section 167;

(ii) a highway or bridge project carried out on the National Highway System, including—

(I) a project to add capacity to the Interstate System to improve mobility; or

(II) a project in a national scenic area;

(iii) a freight project that is—

(I) a freight intermodal or freight rail project; or

(II) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility;

(iv) a railway-highway grade crossing or grade separation project;

(v) a wildlife crossing project;

(vi) a surface transportation infrastructure project that—

(I) is located within the boundaries of or functionally connected to an international border crossing area in the United States;

(II) improves a transportation facility owned by a Federal, State, or local government entity; and

(III) increases throughput efficiency of the border crossing described in subclause (I), including—

(aa) a project to add lanes;

(bb) a project to add technology; and

(cc) other surface transportation improvements;

(vii) a project for a marine highway corridor designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor), if the Secretary determines that the project—

(I) is functionally connected to the National Highway Freight Network; and

(II) is likely to reduce on-road mobile source emissions; or

(viii) a highway, bridge, or freight project carried out on the National Multimodal Freight Network established under section 70103 of title 49; and

(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) \$100,000,000; or

(ii) in the case of a project—

(I) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

(2) LIMITATION.—

(A) IN GENERAL.—Not more than 30 percent of the amounts made available for grants under this section for each of fiscal years 2022 through 2026 may be used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

- (i) the project will make a significant improvement to freight movements on the National Highway Freight Network; and
- (ii) the Federal share of the project funds only elements of the project that provide public benefits.

(B) EXCLUSIONS.—The limitation under subparagraph (A)—

- (i) shall not apply to a railway-highway grade crossing or grade separation project; and
- (ii) with respect to a multimodal project, shall apply only to the non-highway portion or portions of the project.

(e) SMALL PROJECTS.—

(1) IN GENERAL.—The Secretary shall reserve not less than 15 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B).

(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least \$5,000,000.

(3) PROJECT SELECTION CONSIDERATIONS.—In addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

- (A) the cost effectiveness of the proposed project;
- (B) the effect of the proposed project on mobility in the State and region in which the project is carried out; and

(C) the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades.

(4) REQUIREMENT.—Of the amounts reserved under paragraph (1), not less than 30 percent shall be used for projects in rural areas (as defined in subsection (i)(3)).

(f) ELIGIBLE PROJECT COSTS.—Grant amounts received for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section (other than subsection (e)) for funding under this section only if the Secretary determines that—

- (1) the project will generate national or regional economic, mobility, or safety benefits;
- (2) the project will be cost effective;
- (3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;
- (4) the project is based on the results of preliminary engineering;
- (5) with respect to related non-Federal financial commitments—

(A) 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project; and

(B) contingency amounts are available to cover unanticipated cost increases;

(6) the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor; and

(7) the project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

(h) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

(1) utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies;

(2) utilization of non-Federal contributions;

(3) contributions to geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities;

(4) enhancement of freight resilience to natural hazards or disasters, including high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades;

(5) whether the project will improve the shared transportation corridor of a multistate corridor organization, if applicable; and

(6) prioritizing projects located in States in which neither the State nor an eligible entity in that State has been awarded a grant under this section.

(i) RURAL AREAS.—

(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the amounts made available for grants under this section, including the amounts made available under subsection (e), each fiscal year to make grants for projects located in rural areas.

(2) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make grants under subsection (e).

(3) RURAL AREA DEFINED.—In this subsection, the term “rural area” means an area that is outside an urbanized area with a population of over 200,000.

(j) FEDERAL ASSISTANCE.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) or for a grant under subsection (q), the Federal share of the cost of a project assisted with a grant under this section may not exceed 60 percent.

(B) SMALL PROJECTS.—In the case of a project described in subsection (e)(1), the Federal share of the cost of the project shall be 80 percent.

(2) MAXIMUM FEDERAL INVOLVEMENT.—Except for grants under subsection (q), Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that—

(A) for a State with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under section 120(b); and

(B) for a State not described in subparagraph (A), the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

(3) FEDERAL LAND MANAGEMENT AGENCIES.—Notwithstanding any other provision of law, any Federal funds other than those made available under this title or title 49 may be used to pay the non-Federal share of the cost of a project carried out under this section by a Federal land management agency, as described under subsection (c)(1)(F).

(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary under paragraph (2)(B), in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

(A) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

(B) any non-Federal funds obligated or expended in accordance with subparagraph (A) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

(2) REQUIREMENTS.—

(A) APPLICATION.—In order to obligate and expend non-Federal funds under paragraph (1), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that paragraph, including—

(i) a description of the activities the grant recipient intends to fund;

(ii) a justification for advancing the activities described in clause (i), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

(iii) the level of risk of the activities described in clause (i).

(B) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subparagraph (A).

(C) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds obligated or expended under paragraph (1) shall comply with all applicable requirements, including any requirements included in the grant agreement.

(3) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subsection shall not—

(A) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

(B) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

(C) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in paragraph (1).

(l) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

(m) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

(n) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not later than 60 days before the date on which a grant is provided for a project under this section, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the proposed grant, including—

(A) an evaluation and justification for the applicable project; and

(B) a description of the amount of the proposed grant award.

(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

(o) APPLICANT NOTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the date on which a grant recipient for a project under this section is selected, the Secretary shall provide to each eligible applicant not selected for that grant a written notification that the eligible applicant was not selected.

(2) INCLUSION.—A written notification under paragraph (1) shall include an offer for a written or telephonic debrief by the Secretary that will provide—

(A) detail on the evaluation of the application of the eligible applicant; and

(B) an explanation of and guidance on the reasons the application was not selected for a grant under this section.

(3) RESPONSE.—

(A) IN GENERAL.—Not later than 30 days after the eligible applicant receives a written notification under paragraph (1), if the eligible applicant opts to receive a debrief described in paragraph (2), the eligible applicant shall notify the Secretary that the eligible applicant is requesting a debrief.

(B) DEBRIEF.—If the eligible applicant submits a request for a debrief under subparagraph (A), the Secretary shall provide the debrief by not later than 60 days after the date on which the Secretary receives the request for a debrief.

(p) REPORTS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, 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 Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reasons for selecting the project, based on any criteria established by the Secretary in accordance with this section.

(B) INCLUSIONS.—The report submitted under subparagraph (A) shall specify each criterion established by the Secretary that the project meets.

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

(D) APPLICABILITY.—This paragraph applies to all projects described in subparagraph (A) that the Secretary selects on or after October 1, 2021.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section.

(B) REPORT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Comptroller General of the United States 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 describes, for each project selected to receive funding under this section—

(i) the process by which each project was selected;

(ii) the factors that went into the selection of each project; and

(iii) the justification for the selection of each project based on any criteria established by the Secretary in accordance with this section.

(3) INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Inspector General of the Department of Transportation shall—

(A) conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section; and

(B) 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 final report that describes the findings of the Inspector General of the Department of Transportation with respect to the assessment conducted under subparagraph (A).

(q) STATE INCENTIVES PILOT PROGRAM.—

(1) ESTABLISHMENT.—There is established a pilot program to award grants to eligible applicants for projects eligible for grants under this section (referred to in this subsection as the “pilot program”).

(2) PRIORITY.—In awarding grants under the pilot program, the Secretary shall give priority to an application that offers a greater non-Federal share of the cost of a project relative to other applications under the pilot program.

(3) FEDERAL SHARE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the cost of a project assisted with a grant under the pilot program may not exceed 50 percent.

(B) NO FEDERAL INVOLVEMENT.—

(i) IN GENERAL.—For grants awarded under the pilot program, except as provided in clause (ii), an eligible applicant may not use Federal assistance to satisfy the non-Federal share of the cost under subparagraph (A).

(ii) EXCEPTION.—An eligible applicant may use funds from a secured loan (as defined in section 601(a)) to satisfy the non-Federal share of the cost under subparagraph (A) if the loan is repayable from non-Federal funds.

(4) RESERVATION.—

(A) IN GENERAL.—Of the amounts made available to provide grants under this section, the Secretary shall reserve for each fiscal year \$150,000,000 to provide grants under the pilot program.

(B) UNUTILIZED AMOUNTS.—In any fiscal year during which applications under this subsection are insufficient to effect an award or allocation of the entire amount reserved under subparagraph (A), the Secretary shall use the unutilized amounts to provide other grants under this section.

(5) SET-ASIDES.—

(A) SMALL PROJECTS.—

(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 10 percent for projects eligible for a grant under subsection (e).

(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i)—

(I) the requirements of subsection (e) shall apply; and

(II) the requirements of subsection (g) shall not apply.

(B) RURAL PROJECTS.—

(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 25 percent for projects eligible for a grant under subsection (i).

(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i), the requirements of subsection (i) shall apply.

(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the administration of the pilot program, including—

(A) the number, types, and locations of eligible applicants that have applied for grants under the pilot program;

(B) the number, types, and locations of grant recipients under the pilot program;

(C) an assessment of whether implementation of the pilot program has incentivized eligible applicants to offer a greater non-Federal share for grants under the pilot program; and

(D) any recommendations for modifications to the pilot program.

(r) MULTISTATE CORRIDOR ORGANIZATION DEFINED.—For purposes of this section, the term “multistate corridor organization” means an organization of a group of States developed through cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations for a shared transportation corridor.

(s) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available from the Highway Trust Fund, there are authorized to be appropriated to carry out this section, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated—

- (1) \$1,000,000,000 for fiscal year 2022;
- (2) \$1,100,000,000 for fiscal year 2023;
- (3) \$1,200,000,000 for fiscal year 2024;
- (4) \$1,300,000,000 for fiscal year 2025; and
- (5) \$1,400,000,000 for fiscal year 2026.

(Added Pub. L. 114-94, div. A, title I, §1105(a), Dec. 4, 2015, 129 Stat. 1332; amended Pub. L. 116-159, div. B, title I, §1102, Oct. 1, 2020, 134 Stat. 726; Pub. L. 117-58, div. A, title I, §11110(a), Nov. 15, 2021, 135 Stat. 468.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Surface Transportation Reauthorization Act of 2021 and the date of enactment

of this subsection, referred to in subsecs. (p)(2)(B), (3) and (q)(6), are the date of enactment of div. A of Pub. L. 117-58, which was approved Nov. 15, 2021.

PRIOR PROVISIONS

A prior section 117, added Pub. L. 105-178, title I, §1601(a), June 9, 1998, 112 Stat. 255; amended Pub. L. 106-346, §101(a) [title III, §363], Oct. 23, 2000, 114 Stat. 1356, 1356A-36; Pub. L. 109-59, title I, §1701(a)-(d), Aug. 10, 2005, 119 Stat. 1254-1256; Pub. L. 110-244, title I, §101(k), June 6, 2008, 122 Stat. 1574, related to high priority projects program, prior to repeal by Pub. L. 112-141, div. A, title I, §1519(b)(1)(A), July 6, 2012, 126 Stat. 575, effective Oct. 1, 2012.

Another prior section 117, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 897; Pub. L. 93-87, title I, §116(a), Aug. 13, 1973, 87 Stat. 258; Pub. L. 94-280, title I, §116, May 5, 1976, 90 Stat. 436; Pub. L. 97-449, §5(d)(1), Jan. 12, 1983, 96 Stat. 2442; Pub. L. 102-240, title I, §1016(f)(2), Dec. 18, 1991, 105 Stat. 1946, related to certification acceptance, prior to repeal by Pub. L. 105-178, title I, §1601(a), June 9, 1998, 112 Stat. 255.

AMENDMENTS

2021—Pub. L. 117-58, §11110(a)(1), inserted “multimodal” before “freight” in section catchline.

Subsec. (a)(2)(A). Pub. L. 117-58, §11110(a)(2)(A), inserted “in and across rural and urban areas” after “people”.

Subsec. (a)(2)(C). Pub. L. 117-58, §11110(a)(2)(B), inserted “or freight” after “highway”.

Subsec. (a)(2)(E). Pub. L. 117-58, §11110(a)(2)(C), inserted “or freight” after “highway”.

Subsec. (a)(2)(F). Pub. L. 117-58, §11110(a)(2)(D), inserted “, including highways that support movement of energy equipment” after “security”.

Subsec. (b)(3). Pub. L. 117-58, §11110(a)(3), added par. (3).

Subsec. (c)(1)(H), (I). Pub. L. 117-58, §11110(a)(4), added subpar. (H) and redesignated former subpar. (H) as (I).

Subsec. (d)(1)(A)(v) to (viii). Pub. L. 117-58, §11110(a)(5)(A), added cls. (v) to (viii).

Subsec. (d)(2)(A). Pub. L. 117-58, §11110(a)(5)(B)(ii), which directed substitution of “each of fiscal years 2022 through 2026” for “fiscal years 2016 through 2020, in the aggregate,” in introductory provisions, was executed by making the substitution for “fiscal years 2016 through 2021, in the aggregate,” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 116-159. See 2020 Amendment note below.

Pub. L. 117-58, §11110(a)(5)(B)(i), substituted “30 percent” for “\$600,000,000” in introductory provisions.

Subsec. (e)(1). Pub. L. 117-58, §11110(a)(6)(A), substituted “not less than 15 percent” for “10 percent”.

Subsec. (e)(3)(C). Pub. L. 117-58, §11110(a)(6)(B), added subpar. (C).

Subsec. (e)(4). Pub. L. 117-58, §11110(a)(6)(C), added par. (4).

Subsec. (f)(2). Pub. L. 117-58, §11110(a)(7), inserted “(including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species)” after “environmental mitigation”.

Subsec. (h)(4) to (6). Pub. L. 117-58, §11110(a)(8), added pars. (4) to (6).

Subsec. (i)(2). Pub. L. 117-58, §11110(a)(9), substituted “grants under subsection (e)” for “other grants under this section”.

Subsec. (j). Pub. L. 117-58, §11110(a)(10)(A), substituted “Federal Assistance” for “Federal Share” in heading.

Subsec. (j)(1). Pub. L. 117-58, §11110(a)(10)(A), (B), substituted “Federal share” for “In general” in par. heading, designated existing provisions as subpar. (A), inserted subpar. heading, and substituted “Except as provided in subparagraph (B) or for a grant under subsection (q), the Federal share” for “The Federal share”, and added subpar. (B).

Subsec. (j)(2). Pub. L. 117-58, §11110(a)(10)(C), substituted “Except for grants under subsection (q), Fed-

eral assistance other” for “Federal assistance other”, inserted dash after “except that”, added subpar. (A), and inserted subpar. (B) designation and “for a State not described in subparagraph (A),” before “the total Federal”.

Subsecs. (k) to (n). Pub. L. 117-58, §1110(a)(11), (12), added subsec. (k) and redesignated former subsecs. (k) to (m) as (l) to (n), respectively. Former subsec. (n) redesignated (p) and subsequently struck out.

Subsec. (n)(1). Pub. L. 117-58, §1110(a)(13), added par. (1) and struck out former par. (1) which related to congressional notification regarding certain grants.

Subsec. (o). Pub. L. 117-58, §1110(a)(14), added subsec. (o).

Subsec. (p). Pub. L. 117-58, §1110(a)(11), (15), redesignated subsec. (n) as (p), struck it out, and added a new subsec. (p). Prior to amendment, subsec. related to annual reports on projects by the Secretary and assessments and reports by the Comptroller General.

Subsecs. (q) to (s). Pub. L. 117-58, §1110(a)(15), added subsecs. (q) to (s).

2020—Subsec. (d)(2)(A). Pub. L. 116-159 substituted “\$600,000,000” for “\$500,000,000” and “2021” for “2020” in introductory provisions.

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

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

EFFICIENT USE OF NON-FEDERAL FUNDS

Pub. L. 117-58, div. A, title I, §1110(c), Nov. 15, 2021, 135 Stat. 475, provided that:

“(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a grant described in paragraph (2), section 117(k) of title 23, United States Code, shall apply to the grant as if the grant was a grant provided under that section.

“(2) GRANT DESCRIBED.—A grant referred to in paragraph (1) is a grant that is—

“(A) provided under a competitive discretionary grant program administered by the Federal Highway Administration;

“(B) for a project eligible under title 23, United States Code; and

“(C) in an amount greater than \$5,000,000.”

§ 118. Availability of funds

(a) DATE AVAILABLE FOR OBLIGATION.—Except as otherwise specifically provided, authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out this title shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(b) PERIOD OF AVAILABILITY.—Except as otherwise specifically provided, funds apportioned or allocated pursuant to this title in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that remain unobligated at the end of that period shall lapse.

(c) OBLIGATION AND RELEASE OF FUNDS.—

(1) IN GENERAL.—Funds apportioned or allocated to a State for a purpose for any fiscal

year shall be considered to be obligated if a sum equal to the total of the funds apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated.

(2) RELEASED FUNDS.—Any funds released by the final payment for a project, or by modifying the project agreement for a project, shall be—

(A) credited to the same class of funds previously apportioned or allocated to the State for the project; and

(B) immediately available for obligation.

(3) NET OBLIGATIONS.—Notwithstanding any other provision of law (including a regulation), obligations recorded against funds made available under this subsection shall be recorded and reported as net obligations.

(d) Funds made available to the State of Alaska and the Commonwealth of Puerto Rico under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 897; Pub. L. 89-574, §7(a), Sept. 13, 1966, 80 Stat. 768; Pub. L. 94-280, title I, §117(a), May 5, 1976, 90 Stat. 436; Pub. L. 95-599, title I, §115(a), Nov. 6, 1978, 92 Stat. 2697; Pub. L. 96-106, §5(a), Nov. 9, 1979, 93 Stat. 797; Pub. L. 97-424, title I, §115, Jan. 6, 1983, 96 Stat. 2107; Pub. L. 100-17, title I, §§114(a)-(c), (e)(2)-(4), 115, Apr. 2, 1987, 101 Stat. 150-153; Pub. L. 102-240, title I, §1020, Dec. 18, 1991, 105 Stat. 1948; Pub. L. 102-388, title IV, §409, Oct. 6, 1992, 106 Stat. 1565; Pub. L. 105-178, title I, §§1106(c)(1)(B), 1107(b), 1226(b), June 9, 1998, 112 Stat. 136, 137; Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837; Pub. L. 109-59, title I, §§1111(a), 1501(b), Aug. 10, 2005, 119 Stat. 1171, 1235; Pub. L. 112-141, div. A, title I, §1519(b)(1)(B), (c)(4), formerly (c)(5), July 6, 2012, 126 Stat. 575, renumbered §1519(c)(4), Pub. L. 114-94, div. A, title I, §1446(d)(5)(B), Dec. 4, 2015, 129 Stat. 1438.)

Editorial Notes

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-94 amended Pub. L. 112-141, §1519(c). See 2012 Amendment note below.

2012—Subsec. (b). Pub. L. 112-141, §1519(c)(4), formerly §1519(c)(5), as renumbered by Pub. L. 114-94, §1446(d)(5)(B), designated par. (2) as subsec. (b), struck out “(other than for Interstate construction)” after “this title”, and struck out former par. (1) relating to interstate construction funds and heading of former par. (2) which read “OTHER FUNDS”.

Subsecs. (c) to (e). Pub. L. 112-141, §1519(b)(1)(B), redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which related to set asides for interstate discretionary projects.

2005—Subsec. (c)(1). Pub. L. 109-59, §1111(a), substituted “\$100,000,000 for each of fiscal years 2005 through 2009” for “\$50,000,000 in fiscal year 1998 and \$100,000,000 in each of fiscal years 1999 through 2003”.

Subsec. (d). Pub. L. 109-59, §1501(b), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.”