

“(B) the costs of emergency relief projects.”

EXPENDITURES MADE PRIOR TO FISCAL YEAR ENDING SEPTEMBER 30, 1978; APPROPRIATION FROM HIGHWAY TRUST FUND

Pub. L. 97-424, title I, §153(b), Jan. 6, 1983, 96 Stat. 2133, provided that all expenditures made under this section prior to the fiscal year ending Sept. 30, 1978, were authorized to have been appropriated from the Highway Trust Fund.

§ 126. Transferability of Federal-aid highway funds

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), a State may transfer from an apportionment under section 104(b) not to exceed 50 percent of the amount apportioned for the fiscal year to any other apportionment of the State under that section.

(b) APPLICATION TO CERTAIN SET-ASIDES.—

(1) IN GENERAL.—Funds that are subject to sections 104(d) and 133(d)(1)(A) shall not be transferred under this section.

(2) FUNDS TRANSFERRED BY STATES.—Funds transferred by a State under this section of the funding set aside for a State under section 133(h) for a fiscal year—

(A) may only come from the portion of those funds that are available for obligation in any area of the State under section 133(h); and

(B) may only be transferred if the Secretary certifies that the State—

(i) held a competition in compliance with the guidance issued to carry out section 133(h) and provided sufficient time for applicants to apply;

(ii) offered to each eligible entity, and provided on request of an eligible entity, technical assistance; and

(iii) demonstrates that there were not sufficiently suitable applications from eligible entities to use the funds to be transferred.

(Added Pub. L. 105-178, title I, §1310(a), June 9, 1998, 112 Stat. 234, §110; renumbered §126, Pub. L. 106-159, title I, §102(a)(1), Dec. 9, 1999, 113 Stat. 1752; amended Pub. L. 109-59, title I, §1401(a)(3)(B), Aug. 10, 2005, 119 Stat. 1225; Pub. L. 112-141, div. A, title I, §1509(a), July 6, 2012, 126 Stat. 567; Pub. L. 114-94, div. A, title I, §§1109(c)(1), 1446(a)(2), Dec. 4, 2015, 129 Stat. 1343, 1437; Pub. L. 117-58, div. A, title I, §11109(b)(2), Nov. 15, 2021, 135 Stat. 468.)

Editorial Notes

PRIOR PROVISIONS

A prior section 126, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 901; Pub. L. 93-87, title I, §152(3), Aug. 13, 1973, 87 Stat. 276, related to providing Federal aid for highway construction only to States that used at least amounts provided by law on June 18, 1934, for such purposes, prior to repeal by Pub. L. 105-178, title I, §1226(d), as added by Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837.

AMENDMENTS

2021—Subsec. (b)(2). Pub. L. 117-58, §11109(b)(2)(A), (B), which directed substitution of “set aside for a State under section 133(h) for a fiscal year—

“(A) may”

for “reserved for a State under section 133(h) for a fiscal year may”, was executed by making the substitution for “reserved for the State under section 133(h) for a fiscal year may” to reflect the probable intent of Congress.

Subsec. (b)(2)(B). Pub. L. 117-58, §11109(b)(2)(A), (C), added subpar. (B).

2015—Subsec. (b)(1). Pub. L. 114-94, §1446(a)(2), substituted “133(d)(1)(A)” for “133(d)”.

Subsec. (b)(2). Pub. L. 114-94, §1109(c)(1), substituted “for the State under section 133(h)” for “for the State under section 213” and “of the State under section 133(h)” for “of the State under section 213(c)(1)(B)”.

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to uniform transferability of Federal-aid highway funds.

2005—Subsec. (a). Pub. L. 109-59, which directed insertion of “under” after “State’s apportionment”, was executed by making the insertion after “State’s apportionment” the second place it appeared, to reflect the probable intent of Congress.

1999—Pub. L. 106-159 renumbered section 110 of this title as this section.

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 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.

§ 127. Vehicle weight limitations—Interstate System

(a) IN GENERAL.—

(1) The Secretary shall withhold 50 percent of the apportionment of a State under section 104(b)(1) in any fiscal year in which the State does not permit the use of The Dwight D. Eisenhower System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more.

(2) However, the maximum gross weight to be allowed by any State for vehicles using The Dwight D. Eisenhower System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula: