

## ACQUISITION OF DWELLINGS

Pub. L. 89-285, title III, §305, Oct. 22, 1965, 79 Stat. 1033, provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title] shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings)."

## TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Pub. L. 89-285, title IV, §401, Oct. 22, 1965, 79 Stat. 1033, provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under sections 131, 135, and 136 of this title] shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

## AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES

Pub. L. 89-285, title IV, §402, Oct. 22, 1965, 79 Stat. 1033, as amended by Pub. L. 97-449, §2(a), Jan. 12, 1983, 96 Stat. 2439, provided that: "In addition to any other amounts authorized by this Act and the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title], there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary not to exceed \$5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act)."

**§ 132. Payments on Federal-aid projects undertaken by a Federal agency**

(a) IN GENERAL.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may—

(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

(b) REIMBURSEMENT.—On execution with a State of a project agreement described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2).

(c) RECOVERY AND CREDITING OF FUNDS.—Any sums reimbursed to the State under this section which may be in excess of the Federal pro rata share under the provisions of this title of the State's share of the cost as set forth in the approved final voucher submitted by the State shall be recovered and credited to the same class of funds from which the Federal payment under this section was made.

(Added Pub. L. 86-657, §4(a), July 14, 1960, 74 Stat. 522; amended Pub. L. 109-59, title I, §1119(b), Aug. 10, 2005, 119 Stat. 1182.)

## Editorial Notes

## AMENDMENTS

2005—Pub. L. 109-59 designated third sentence as subsec. (c), inserted heading, and substituted subsecs. (a) and (b) for first and second sentences which read as follows: "Where a proposed Federal-aid project is to be undertaken by a Federal agency pursuant to an agreement between a State and such Federal agency and the State makes a deposit with or payment to such Federal agency as may be required in fulfillment of the State's obligation under such agreement for the work undertaken or to be undertaken by such Federal agency, the Secretary, upon execution of a project agreement with such State for the proposed Federal-aid project, may reimburse the State out of the appropriate appropriations the estimated Federal share under the provisions of this title of the State's obligation so deposited or paid by such State. Upon completion of such project and its acceptance by the Secretary, an adjustment shall be made in such Federal share payable on account of such project based on the final cost thereof."

**§ 133. Surface transportation block grant program**

(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation block grant program in accordance with this section to provide flexible funding to address State and local transportation needs.

(b) ELIGIBLE PROJECTS.—Funds apportioned to a State under section 104(b)(2) for the surface transportation block grant program may be obligated for the following:

(1) Construction of—

(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

(B) ferry boats and terminal facilities—

(i) that are eligible for funding under section 129(c); or

(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);

(C) transit capital projects eligible for assistance under chapter 53 of title 49;

(D) infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;

(E) truck parking facilities eligible for funding under section 1401 of MAP-21 (23 U.S.C. 137 note);

(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA-LU (23 U.S.C. 101 note); and

(G) wildlife crossing structures.

(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

(3) Environmental measures eligible under sections 119(g), 148(a)(4)(B)(xvii), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

(5)<sup>1</sup> Highway and transit safety infrastructure improvements and programs, including projects eligible under section 130 and installation of safety barriers and nets on bridges.

(6) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

(7) Recreational trails projects eligible for funding under section 206 including the maintenance and restoration of existing recreational trails,<sup>2</sup> pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 208.

(8) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(9) Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.

(10) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

(11) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

(12) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

(13) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.

(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.

(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.

(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.

(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats.

(20) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

(21) The creation and operation by a State of an office to assist in the design, implementation, and oversight, including conducting value for money analyses or similar comparative analyses, of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

(22) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).

(24) Projects to enhance travel and tourism.

(c) LOCATION OF PROJECTS.—A surface transportation block grant project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

(2) for a project described in paragraphs (5) through (15) and paragraph (23) of subsection (b);

(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;

(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and

(5) as approved by the Secretary.

(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2) (after the set aside of funds under subsection (h))—

(A) 55 percent for each of fiscal years 2022 through 2026 shall be obligated under this section, in proportion to their relative shares of the population of the State—

(i) in urbanized areas of the State with an urbanized area population of over 200,000;

(ii) in urbanized areas of the State with an urbanized area population of not less than 50,000 and not more than 200,000;

(iii) in urban areas of the State with a population not less than 5,000 and not more than 49,999; and

(iv) in other areas of the State with a population less than 5,000; and

(B) the remainder may be obligated in any area of the State.

<sup>1</sup> So in original. There is no par. (4).

<sup>2</sup> So in original.

(2) **METROPOLITAN AREAS.**—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

(3) **LOCAL CONSULTATION.**—

(A) **CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS.**—For purposes of clause (ii) of paragraph (1)(A), a State shall—

(i) establish a process to consult with all metropolitan planning organizations in the State that represent an urbanized area described in that clause; and

(ii) describe how funds allocated for areas described in that clause will be allocated equitably among the applicable urbanized areas during the period of fiscal years 2022 through 2026.

(B) **CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.**—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

(4) **DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

(B) **OTHER FACTORS.**—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

(5) **APPLICABILITY OF PLANNING REQUIREMENTS.**—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

(e) **OBLIGATION AUTHORITY.**—

(1) **IN GENERAL.**—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(2) shall make available during the period of fiscal years 2022 through 2026 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

(B) the ratio that—

(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

(ii) the total of the sums apportioned to the State for Federal-aid highways and

highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

(2) **JOINT RESPONSIBILITY.**—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).

(f) **BRIDGES NOT ON FEDERAL-AID HIGHWAYS.**—

(1) **DEFINITION OF OFF-SYSTEM BRIDGE.**—In this subsection, the term “off-system bridge” means a highway bridge or low water crossing (as defined by the Secretary) located on a public road, other than a bridge or low water crossing (as defined by the Secretary) on a Federal-aid highway.

(2) **SPECIAL RULE.**—

(A) **SET-ASIDE.**—Of the amounts apportioned to a State for fiscal year 2013 and each fiscal year thereafter under this section, the State shall obligate for activities described in paragraphs (1)(A) and (10) of subsection (b) for off-system bridges, projects and activities described in subsection (b)(1)(A) for the replacement of low water crossings with bridges, and projects and activities described in subsection (b)(10) for low water crossings (as defined by the Secretary), an amount that is not less than 20 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009, except that amounts allocated under subsection (d) shall not be obligated to carry out this subsection.

(B) **REDUCTION OF EXPENDITURES.**—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

(3) **CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.**—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge, rehabilitation of a bridge, or replacement of a low water crossing (as defined by the Secretary) with a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is non-controversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge or, in the case of a replacement of a low water crossing with a bridge, is determined by the Secretary on completion to have improved the safety of the location—

(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

(B) that crediting shall be conducted in accordance with procedures established by the Secretary.

(g) SPECIAL RULE FOR AREAS OF LESS THAN 50,000 POPULATION.—

(1) IN GENERAL.—Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on—

(A) roads functionally classified as rural minor collectors or local roads; or

(B) on critical rural freight corridors designated under section 167(e).

(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) with respect to a State if the Secretary determines that the authority provided under paragraph (1) is being used excessively by the State.

(h) STP SET-ASIDE.—

(1) IN GENERAL.—Of the funds apportioned to a State under section 104(b)(2) for fiscal year 2022 and each fiscal year thereafter—

(A) the Secretary shall set aside an amount equal to 10 percent to carry out this subsection; and

(B) the State's share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

(i) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP-21; bears to

(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

(2) ALLOCATION WITHIN A STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

(i) for fiscal year 2022 and each fiscal year thereafter, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 59 percent; and

(ii) paragraph (3) of subsection (d) shall not apply.

(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—

(i) the State submits to the Secretary a plan that describes—

(I) how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations as described in section 135(m), or local governments;

(II) how the entities described in subclause (I) will carry out a competitive process to select projects for funding and report selected projects to the State;

(III) the legal, financial, and technical capacity of the entities described in subclause (I);

(IV) how input was gathered from the entities described in subclause (I) to ensure those entities will be able to comply

with the requirements of this subsection; and

(V) how the State will comply with paragraph (8); and

(ii) the Secretary approves the plan submitted under clause (i).

(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for—

(A) projects or activities described in section 101(a)(29) or 213, as those provisions were in effect on the day before the date of enactment of the FAST Act (Public Law 114-94; 129 Stat. 1312);

(B) projects and activities under the safe routes to school program under section 208; and

(C) activities in furtherance of a vulnerable road user safety assessment (as defined in section 148(a)).

(4) ACCESS TO FUNDS.—

(A) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term “eligible entity” means—

(i) a local government;

(ii) a regional transportation authority;

(iii) a transit agency;

(iv) a natural resource or public land agency;

(v) a school district, local education agency, or school;

(vi) a tribal government;

(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;

(viii) a nonprofit entity;

(ix) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization that serves an urbanized area with a population of over 200,000 or a State agency) that the State determines to be eligible, consistent with the goals of this subsection; and

(x) a State, at the request of an entity described in clauses (i) through (ix).

(B) COMPETITIVE PROCESS.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

(C) SELECTION.—A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under the competitive process described in subparagraph (B) in consultation with the relevant State.

(D) PRIORITIZATION.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas.

(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

(A) obligate an amount of funds set aside under this subsection equal to the amount of

the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP-21, for projects relating to recreational trails under section 206;

(B) return 1 percent of those funds to the Secretary for the administration of that program; and

(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of that section.

(6) STATE FLEXIBILITY.—

(A) RECREATIONAL TRAILS.—A State may opt out of the recreational trails program under paragraph (5) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

(B) LARGE URBANIZED AREAS.—A metropolitan planning area may use not to exceed 50 percent of the funds set aside under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

(I) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

(II) funding for 1 or more full-time State employee positions to administer this subsection.

(ii) USE OF FUNDS.—Amounts used under clause (i) may be expended—

(I) directly by the State; or

(II) through contracts with State agencies, private entities, or nonprofit entities.

(7) FEDERAL SHARE.—

(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the average non-Federal share of the cost of the projects that would otherwise apply.

(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section 120—

(i) funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

(I) is an eligible project described in section 148(e)(1); and

(II) is consistent with the State strategic highway safety plan (as defined in section 148(a));

(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.

(C) REQUIREMENT.—Subparagraph (B) shall only apply to a State if the State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this paragraph.

(8) ANNUAL REPORTS.—

(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that includes—

(i) the number of project applications received for each fiscal year, including—

(I) the aggregate cost of the projects for which applications are received; and

(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

(ii) a list of each project selected for funding for each fiscal year, including, for each project—

(I) the fiscal year during which the project was selected;

(II) the fiscal year in which the project is anticipated to be funded;

(III) the recipient;

(IV) the location, including the congressional district;

(V) the type;

(VI) the cost; and

(VII) a brief description.

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the Web site of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.

(j) RURAL BARGE LANDING, DOCK, AND WATERFRONT INFRASTRUCTURE PROJECTS.—

(1) IN GENERAL.—A State may use not more than 5 percent of the funds apportioned to the State under section 104(b)(2) for eligible rural barge landing, dock, and waterfront infrastructure projects described in paragraph (2).

(2) ELIGIBLE PROJECTS.—An eligible rural barge landing, dock, or waterfront infrastructure project referred to in paragraph (1) is a project for the planning, designing, engineering, or construction of a barge landing, dock, or other waterfront infrastructure in a rural community or a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) that is off the road system.

(k) PROJECTS IN RURAL AREAS.—

(1) SET ASIDE.—Notwithstanding subsection (c), in addition to the activities described in subsections (b) and (g), of the amounts apportioned to a State for each fiscal year to carry out this section, not more than 15 percent may be—

(A) used on eligible projects under subsection (b) or maintenance activities on roads functionally classified as rural minor collectors or local roads, ice roads, or seasonal roads; or

(B) transferred to—

(i) the Appalachian Highway System Program under 14501<sup>3</sup> of title 40; or

(ii) the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277).

(2) SAVINGS CLAUSE.—Amounts allocated under subsection (d) shall not be used to carry out this subsection, except at the request of the applicable metropolitan planning organization.

(Added Pub. L. 102-240, title I, §1007(a)(1), Dec. 18, 1991, 105 Stat. 1927; amended Pub. L. 103-429, §3(4), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 104-59, title III, §§315, 316, Nov. 28, 1995, 109 Stat. 586, 587; Pub. L. 105-178, title I, §§1108(a)–(e), 1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 138–140, 193; Pub. L. 109-59, title I, §1113(a)–(b)(2), (c)–(e), title VI, §6006(a)(2), Aug. 10, 2005, 119 Stat. 1171, 1172, 1872; Pub. L. 112-141, div. A, title I, §§1108, 1519(c)(7), formerly §1519(c)(8), July 6, 2012, 126 Stat. 440, 576, renumbered §1519(c)(7), Pub. L. 114-94, div. A, title I, §1446(d)(5)(B), Dec. 4, 2015, 129 Stat. 1438; Pub. L. 114-94, div. A, title I, §§1109(b), 1407(b), 1446(d)(5)(C), Dec. 4, 2015, 129 Stat. 1338, 1410, 1438; Pub. L. 117-58, div. A, title I, §§11109(a), (b)(1), 11508(d)(2), Nov. 15, 2021, 135 Stat. 461, 465, 588.)

### Editorial Notes

#### REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(7), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The date of enactment of the FAST Act, referred to in subsections (b)(22), (c)(3), and (h)(3)(A), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

The date of enactment of MAP-21, referred to in subsec. (h)(1)(B)(i), (5)(A), 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.

#### PRIOR PROVISIONS

A prior section 133, Pub. L. 87-866, §5(a), Oct. 23, 1962, 76 Stat. 1146, provided for relocation assistance for persons displaced by Federal-aid highway construction, prior to repeal by Pub. L. 90-495, §37, Aug. 23, 1968, 82 Stat. 836, effective July 1, 1970. See section 501 et seq. of this title.

#### AMENDMENTS

2021—Subsec. (b)(1)(B). Pub. L. 117-58, §11109(a)(1)(A)(i), inserted dash after “facilities”, cl. (i)

designation and “that are” before “eligible”, and “or” at end and added cl. (ii).

Subsec. (b)(1)(G). Pub. L. 117-58, §11109(a)(1)(A)(ii)–(iv), added subpar. (G).

Subsec. (b)(3). Pub. L. 117-58, §11109(a)(1)(B), inserted “148(a)(4)(B)(xvii),” after “119(g),”.

Subsec. (b)(4), (5). Pub. L. 117-58, §11109(a)(1)(C), (D), redesignated par. (4) as (5) and substituted “projects eligible under section 130 and installation of safety barriers and nets on bridges” for “railway-highway grade crossings”. Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 117-58, §11109(a)(1)(C), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (b)(7). Pub. L. 117-58, §11109(a)(1)(C), (E), redesignated par. (6) as (7), inserted “including the maintenance and restoration of existing recreational trails,” after “section 206”, and substituted “the safe routes to school program under section 208” for “the safe routes to school program under section 1404 of SAFETEA-LU (23 U.S.C. 402 note)”. Former par. (7) redesignated (8).

Subsec. (b)(8) to (13). Pub. L. 117-58, §11109(a)(1)(C), redesignated pars. (7) to (12) as (8) to (13), respectively. Former par. (13) redesignated (20).

Subsec. (b)(14) to (19). Pub. L. 117-58, §11109(a)(1)(F), added pars. (14) to (19). Former pars. (14) and (15) redesignated (21) and (22), respectively.

Subsec. (b)(20). Pub. L. 117-58, §11109(a)(1)(C), redesignated par. (13) as (20).

Subsec. (b)(21). Pub. L. 117-58, §11508(d)(2), inserted “, including conducting value for money analyses or similar comparative analyses,” after “oversight”.

Pub. L. 117-58, §11109(a)(1)(C), redesignated par. (14) as (21).

Subsec. (b)(22). Pub. L. 117-58, §11109(a)(1)(C), redesignated par. (15) as (22).

Subsec. (b)(23), (24). Pub. L. 117-58, §11109(a)(1)(G), added pars. (23) and (24).

Subsec. (c)(2). Pub. L. 117-58, §11109(a)(2)(A), substituted “paragraphs (5) through (15) and paragraph (23)” for “paragraphs (4) through (11)”.

Subsec. (c)(4), (5). Pub. L. 117-58, §11109(a)(2)(B)–(D), added par. (4) and redesignated former par. (4) as (5).

Subsec. (d)(1). Pub. L. 117-58, §11109(a)(3)(A)(i), substituted “set aside” for “reservation” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 117-58, §11109(a)(3)(A)(ii)(I), substituted “55 percent for each of fiscal years 2022 through 2026” for “the percentage specified in paragraph (6) for a fiscal year” in introductory provisions.

Subsec. (d)(1)(A)(ii) to (iv). Pub. L. 117-58, §11109(a)(3)(A)(ii)(II), added cls. (ii) to (iv) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) in areas of the State other than urban areas with a population greater than 5,000; and

“(iii) in other areas of the State; and”.

Subsec. (d)(3). Pub. L. 117-58, §11109(a)(3)(B), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.”

Subsec. (d)(6). Pub. L. 117-58, §11109(a)(3)(C), struck out par. (6) which specified percentages from 51 to 55 percent for fiscal years 2016 to 2020 to be obligated pursuant to subsec. (d)(1)(A) of this section.

Subsec. (e)(1). Pub. L. 117-58, §11109(a)(4), substituted “fiscal years 2022 through 2026” for “fiscal years 2016 through 2020”.

Subsec. (f)(1). Pub. L. 117-58, §11109(a)(5)(A), inserted “or low water crossing (as defined by the Secretary)” after “a highway bridge” and after “other than a bridge”.

Subsec. (f)(2)(A). Pub. L. 117-58, §11109(a)(5)(B), substituted “activities described in paragraphs (1)(A) and (10) of subsection (b) for off-system bridges, projects and activities described in subsection (b)(1)(A) for the replacement of low water crossings with bridges, and

<sup>3</sup> So in original. Probably should be preceded by “section”.

projects and activities described in subsection (b)(10) for low water crossings (as defined by the Secretary).” for “activities described in subsection (b)(2) for off-system bridges” and “20 percent” for “15 percent”.

Subsec. (f)(3). Pub. L. 117–58, §11109(a)(5)(C), in introductory provisions, substituted “bridge, rehabilitation of a bridge, or replacement of a low water crossing (as defined by the Secretary) with a bridge” for “bridge or rehabilitation of a bridge” and inserted “or, in the case of a replacement of a low water crossing with a bridge, is determined by the Secretary on completion to have improved the safety of the location” after “no longer a deficient bridge”.

Subsec. (g). Pub. L. 117–58, §11109(a)(6)(A), substituted “Less Than 50,000” for “Less Than 5,000” in heading.

Subsec. (g)(1). Pub. L. 117–58, §11109(a)(6)(B), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020 may be obligated on roads functionally classified as minor collectors.”

Subsec. (h)(1). Pub. L. 117–58, §11109(b)(1)(A), substituted “In general” for “Reservation of funds” in heading and “for fiscal year 2022 and each fiscal year thereafter—” for “for each fiscal year, the Secretary shall reserve an amount such that—” in introductory provisions.

Subsec. (h)(1)(A). Pub. L. 117–58, §11109(b)(1)(A)(ii), substituted “the Secretary shall set aside an amount equal to 10 percent to carry out this subsection; and” for “the Secretary reserves a total under this subsection of—

“(i) \$835,000,000 for each of fiscal years 2016 and 2017; and

“(ii) \$850,000,000 for each of fiscal years 2018 through 2020; and”.

Subsec. (h)(2). Pub. L. 117–58, §11109(b)(1)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

“(B) the following provisions shall not apply:

“(i) Paragraph (3) of subsection (d).

“(ii) Subsection (e).”

Subsec. (h)(3). Pub. L. 117–58, §11109(b)(1)(C), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Funds reserved under this subsection may be obligated for projects or activities described in section 101(a)(29) or 213, as such provisions were in effect on the day before the date of enactment of the FAST Act.”

Subsec. (h)(4)(A). Pub. L. 117–58, §11109(b)(1)(D)(i), (ii), redesignated subpar. (B) as (A) and struck out former subpar. (A). Prior to amendment, text of subpar. (A) read as follows: “A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.”

Subsec. (h)(4)(A)(vii). Pub. L. 117–58, §11109(b)(1)(D)(iii)(II), added cl. (vii). Former cl. (vii) redesignated (viii).

Subsec. (h)(4)(A)(viii). Pub. L. 117–58, §11109(b)(1)(D)(iii)(I), (II), redesignated cl. (vii) as (viii) and substituted “entity;” for “entity responsible for the administration of local transportation safety programs; and”. Former cl. (viii) redesignated (ix).

Subsec. (h)(4)(A)(ix). Pub. L. 117–58, §11109(b)(1)(D)(iii)(I), (IV), redesignated cl. (viii) as (ix), inserted “that serves an urbanized area with a popu-

lation of over 200,000” after “metropolitan planning organization” and substituted “; and” for period at end.

Subsec. (h)(4)(A)(x). Pub. L. 117–58, §11109(b)(1)(D)(iii)(V), added cl. (x).

Subsec. (h)(4)(B) to (D). Pub. L. 117–58, §11109(b)(1)(D)(iv), added subpars. (B) to (D). Former subpar. (B) redesignated (A).

Subsec. (h)(5)(A). Pub. L. 117–58, §11109(b)(1)(E), substituted “set aside under this subsection” for “reserved under this section”.

Subsec. (h)(6)(B). Pub. L. 117–58, §11109(b)(1)(F)(i), substituted “set aside” for “reserved”.

Subsec. (h)(6)(C). Pub. L. 117–58, §11109(b)(1)(F)(ii), added subpar. (C).

Subsec. (h)(7), (8). Pub. L. 117–58, §11109(b)(1)(G), (H), added par. (7) and redesignated former par. (7) as (8).

Subsec. (h)(8)(A). Pub. L. 117–58, §11109(b)(1)(I)(i), substituted “includes” for “describes” in introductory provisions.

Subsec. (h)(8)(A)(ii). Pub. L. 117–58, §11109(b)(1)(I)(ii), added cl. (ii) and struck out former cl. (ii) which read as follows: “the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.”

Subsecs. (j), (k). Pub. L. 117–58, §11109(a)(7), added subsecs. (j) and (k).

2015—Pub. L. 114–94, §1109(b)(2), substituted “Surface transportation block grant program” for “Surface transportation program” in section catchline.

Subsecs. (a), (b). Pub. L. 114–94, §1109(b)(1), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (b) related to establishment of surface transportation program and eligible projects, respectively.

Subsec. (b)(1)(D). Pub. L. 114–94, §1407(b), inserted “, including the installation of vehicle-to-infrastructure communication equipment” after “capital improvements”.

Subsec. (b)(13). Pub. L. 114–94, §1446(d)(5)(B), (C), amended Pub. L. 112–141, §1519(c). See 2012 Amendment note below.

Subsecs. (c), (d). Pub. L. 114–94, §1109(b)(1), amended subsecs. (c) and (d) generally. Prior to amendment, subsecs. (c) and (d) related to location of projects and allocations of apportioned funds to areas based on population, respectively.

Subsec. (e). Pub. L. 114–94, §1109(b)(3)–(5), redesignated subsec. (f) as (e), substituted “104(b)(2)” for “104(b)(3)” and “fiscal years 2016 through 2020” for fiscal years 2011 through 2014” in (e)(1), and struck out former subsec. (e). Text of former subsec. (e) read as follows:

“(1) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

“(A) certifies that the State will meet all the requirements of this section; and

“(B) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

“(2) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in paragraph (1)(B) as the State determines to be necessary.

“(3) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under paragraph (1) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.”

Subsec. (f). Pub. L. 114–94, §1109(b)(4), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (g). Pub. L. 114–94, §1109(b)(4), (6), redesignated subsec. (h) as (g) and substituted “under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020” for “under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014”. Former subsec. (g) redesignated (f).

Subsecs. (h), (i). Pub. L. 114–94, §1109(b)(7), added subsecs. (h) and (i).

2012—Subsec. (b). Pub. L. 112–141, §1108(a)(1), substituted “section 104(b)(2)” for “section 104(b)(3)” in introductory provisions.

Subsec. (b)(1). Pub. L. 112-141, §1108(a)(2), (4), added par. (1) and struck out former par. (1) which read as follows: “Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.”

Subsec. (b)(2) to (4). Pub. L. 112-141, §1108(a)(4), added pars. (2) to (4). Former pars. (2) to (4) redesignated (5) to (7), respectively.

Subsec. (b)(5). Pub. L. 112-141, §1108(a)(3), redesignated par. (2) as (5). Former par. (5) redesignated (8).

Subsec. (b)(6). Pub. L. 112-141, §1108(a)(5), added par. (6) and struck out former par. (6) which read as follows: “Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).”

Pub. L. 112-141, §1108(a)(3), redesignated par. (3) as (6). Former par. (6) redesignated (9).

Subsec. (b)(7). Pub. L. 112-141, §1108(a)(6), added par. (7) and struck out former par. (7) which read as follows: “Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.”

Pub. L. 112-141, §1108(a)(3), redesignated par. (4) as (7). Former par. (7) redesignated (10).

Subsec. (b)(8) to (10). Pub. L. 112-141, §1108(a)(3), redesignated pars. (5) to (7) as (8) to (10), respectively. Former pars. (8) to (10) redesignated (11) to (13), respectively.

Subsec. (b)(11). Pub. L. 112-141, §1108(a)(3), (7), redesignated par. (8) as (11) and substituted “alternatives” for “enhancement activities”. Former par. (11) redesignated (14).

Subsec. (b)(12). Pub. L. 112-141, §1108(a)(3), redesignated par. (9) as (12). Former par. (12) redesignated (15).

Subsec. (b)(13). Pub. L. 112-141, §§1108(a)(3), 1519(c)(7), formerly §1519(c)(8), as renumbered and amended by Pub. L. 114-94, §1446(d)(5)(B), (C), redesignated par. (10) as (13) and struck out “under section 303” before period at end. Former par. (13) redesignated (16).

Subsec. (b)(14). Pub. L. 112-141, §1108(a)(8), added par. (14) and struck out former par. (14) which related to obligating funds for the surface transportation program for projects related to participation in natural habitat and wetlands mitigation efforts.

Pub. L. 112-141, §1108(a)(3), redesignated par. (11) as (14). Former par. (14) redesignated (17).

Subsec. (b)(15) to (18). Pub. L. 112-141, §1108(a)(3), redesignated pars. (12) to (15) as (15) to (18), respectively.

Subsec. (b)(19) to (26). Pub. L. 112-141, §1108(a)(9), added pars. (19) to (26).

Subsec. (c). Pub. L. 112-141, §1108(b), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Except as provided in subsection (b)(1), surface transportation program projects (other than those described in subsections (b)(3) and (4)) may not be undertaken on roads functionally classified as local or rural minor collectors, unless such roads are on a Federal-aid highway system on January 1, 1991, and except as approved by the Secretary.”

Subsec. (d). Pub. L. 112-141, §1108(c), added subsec. (d) and struck out former subsec. (d) which related to allocations of apportioned funds.

Subsec. (e). Pub. L. 112-141, §1108(d), added subsec. (e) and struck out former subsec. (e) which related to administration and consisted of pars. (1) to (5).

Subsec. (f)(1). Pub. L. 112-141, §1108(e), substituted “2011 through 2014” for “2004 through 2006 and the period of fiscal years 2007 through 2009” in introductory provisions.

Subsecs. (g), (h). Pub. L. 112-141, §1108(f), added subsecs. (g) and (h).

2005—Subsec. (b)(6). Pub. L. 109-59, §1113(a)(1), inserted “, including advanced truck stop electrification systems” before period at end.

Subsec. (b)(12). Pub. L. 109-59, §1113(a)(2), added par. (12).

Subsec. (b)(14), (15). Pub. L. 109-59, §6006(a)(2), added pars. (14) and (15) and struck out former par. (14) which read as follows: “Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.”

Subsec. (d)(1). Pub. L. 109-59, §1113(b)(1), struck out heading and text of par. (1). Text read as follows: “10 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program for a fiscal year shall only be available for carrying out sections 130 and 152 of this title. Of the funds set aside under the preceding sentence, the State shall reserve in such fiscal year an amount of such funds for carrying out each such section which is not less than the amount of funds apportioned to the State in fiscal year 1991 under such section.”

Subsec. (d)(2). Pub. L. 109-59, §1113(c), substituted “In a fiscal year, the greater of 10 percent of the funds apportioned to a State under section 104(b)(3) for such fiscal year, or the amount set aside under this paragraph with respect to the State for fiscal year 2005,” for “10 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year”.

Subsec. (d)(3)(A). Pub. L. 109-59, §1113(b)(2)(A)(ii), substituted “90 percent” for “80 percent” in introductory provisions.

Pub. L. 109-59, §1113(b)(2)(A)(i), substituted “subparagraph (C)” for “subparagraphs (C) and (D)” in introductory provisions.

Subsec. (d)(3)(B). Pub. L. 109-59, §1113(b)(2)(B), substituted “to be” for “tobe”.

Subsec. (d)(3)(C) to (E). Pub. L. 109-59, §1113(b)(2)(C), redesignated subpar. (D) as (C), inserted period at end, redesignated par. (E) as (D), and struck out former subpar. (C) which related to special rule in the case of a State in which greater than 80 percent of the population of the State was located in 1 or more metropolitan statistical areas, and greater than 80 percent of the land area of such State was owned by the United States.

Subsec. (f). Pub. L. 109-59, §1113(e), amended directory language of Pub. L. 105-178, §1108(e). See 1998 Amendment note below.

Subsec. (f)(1). Pub. L. 109-59, §1113(d), substituted “2004 through 2006” for “1998 through 2000” and “2007 through 2009” for “2001 through 2003” in introductory provisions.

1998—Subsec. (b)(1). Pub. L. 105-178, §1108(a)(1), inserted “, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions” after “calcium magnesium acetate”.

Subsec. (b)(2). Pub. L. 105-178, §1108(a)(2), substituted “, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus” for “and publicly owned intracity or intercity bus terminals and facilities”.

Subsec. (b)(3). Pub. L. 105-178, §1108(a)(3), substituted “bicycle” for “and bicycle” and inserted before period at end “, and the modification of public sidewalks to



comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)”.

Subsec. (b)(4). Pub. L. 105-178, §1108(a)(4), substituted “Highway and transit safety infrastructure” for “Highway and transit safety”.

Subsec. (b)(9). Pub. L. 105-178, §1108(a)(5), substituted “section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))” for “section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act”.

Subsec. (b)(11). Pub. L. 105-178, §1108(a)(6), in first sentence, inserted “natural habitat and” after “participation in” in two places and also before “wetlands conservation and mitigation plans” and substituted “enhance, and create natural habitats and wetlands” for “enhance and create wetlands” and inserted at end “With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).”

Subsec. (b)(13), (14). Pub. L. 105-178, §1108(a)(7), added pars. (13) and (14).

Subsec. (d)(3)(D). Pub. L. 105-178, §1108(b)(1), substituted “Hawaii and Alaska” for “any State which is noncontiguous with the continental United States.”

Subsec. (d)(5)(C). Pub. L. 105-178, §1212(a)(2)(A)(i), substituted “State transportation department” for “State highway department”.

Subsec. (e)(2). Pub. L. 105-178, §1108(c), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “The Governor of each State shall certify before the beginning of each quarter of a fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for surface transportation program projects during such quarter. A State may request adjustment to the obligation amounts later in each of such quarters. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the surface transportation program funds expected to be obligated by the State in such quarter for projects not subject to review by the Secretary under this chapter.”

Subsec. (e)(3)(A). Pub. L. 105-178, §1108(d), struck out at end “Payments shall not exceed the Federal share of costs incurred as of the date the State requests payments.”

Subsec. (e)(3)(B)(i). Pub. L. 105-178, §1108(b)(2)(A), struck out before period at end “if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities”.

Subsec. (e)(5)(C). Pub. L. 105-178, §1108(b)(2)(B), added subpar. (C).

Subsec. (f). Pub. L. 105-178, §1108(e), as amended by Pub. L. 109-59, §1113(e), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “A State which is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) funds apportioned to it under section 104(b)(3) shall allocate during the 6-fiscal year period 1992 through 1997 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction for use in such area determined by multiplying—

“(1) the aggregate amount of funds which the State is required to obligate in such area under subsection (d) during such period; by

“(2) the ratio of the aggregate amount of obligation authority distributed to the State for Federal-aid

highways and highway safety construction during such period to the total sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to an obligation limitation) during such period.”

1995—Subsec. (d)(5). Pub. L. 104-59, §315, added par. (5).

Subsec. (e)(3). Pub. L. 104-59, §316(1), designated existing provisions as subpar. (A), inserted subpar. (A) heading, realigned margins, substituted “Except as provided in subparagraph (B), the” for “The”, and added subpar. (B).

Subsec. (e)(5). Pub. L. 104-59, §316(2), added par. (5).

1994—Subsec. (b)(2). Pub. L. 103-429 substituted “chapter 53 of title 49” for “the Federal Transit Act”.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2021 AMENDMENT

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

Amendment by section 11508(d)(2) of Pub. L. 117-58 only applicable to a public-private partnership agreement entered into on or after Nov. 15, 2021, see section 11508(e) of Pub. L. 117-58, set out in a Requirements for Transportation Projects Carried Out Through Public-Private Partnerships note under section 106 of this title.

### EFFECTIVE DATE OF 2015 AMENDMENT

Except as otherwise provided, 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.

Pub. L. 114-94, div. A, title I, §1446(d), Dec. 4, 2015, 129 Stat. 1438, provided that the amendment made by section 1446(d)(5)(B), (C) is effective as of July 6, 2012, and as if included in Pub. L. 112-141 as enacted.

### 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 2005 AMENDMENT

Pub. L. 109-59, title I, §1113(b)(3), Aug. 10, 2005, 119 Stat. 1172, provided that: “Paragraph (1) and paragraph (2)(A)(ii) of this subsection [amending this section] shall take effect October 1, 2005.”

Pub. L. 109-59, title I, §1113(c), Aug. 10, 2005, 119 Stat. 1172, provided that the amendment made by section 1113(c) is effective Oct. 1, 2005.

Pub. L. 109-59, title I, §1113(e), Aug. 10, 2005, 119 Stat. 1172, provided that the amendment made by section 1113(e) is effective June 9, 1998.

### EFFECTIVE DATE

Section 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 an Effective Date of 1991 Amendment note under section 104 of this title.

### CONGRESSIONAL FINDINGS REGARDING SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

Pub. L. 114-94, div. A, title I, §1109(a), Dec. 4, 2015, 129 Stat. 1338, provided that: “Congress finds that—

“(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

“(2) decisions about how funds should be obligated are best determined by the States and municipalities

to respond to unique local circumstances and implement the most efficient solutions; and

“(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.”

#### REFERENCES TO SURFACE TRANSPORTATION PROGRAM

Pub. L. 114-94, div. A, title I, §1109(c)(7), Dec. 4, 2015, 129 Stat. 1344, provided that: “Any reference in any other law, regulation, document, paper, or other record of the United States to the surface transportation program under section 133 of title 23, United States Code, shall be deemed to be a reference to the surface transportation block grant program under such section.”

#### DIVISION OF STP FUNDS FOR AREAS OF LESS THAN 5,000 POPULATION

Pub. L. 105-178, title I, §1108(f), June 9, 1998, 112 Stat. 141, as amended by Pub. L. 110-244, title I, §113(a), June 6, 2008, 122 Stat. 1606, provided that:

“(1) SPECIAL RULE.—Notwithstanding section 133(c) of title 23, United States Code, and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated under [former] section 133(d)(3)(B) of such title for each of fiscal years 1998 through 2009 may be obligated on roads functionally classified as minor collectors.

“(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) if the Secretary determines that paragraph (1) is being used excessively.”

#### ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS

Pub. L. 105-178, title I, §1108(g), June 9, 1998, 112 Stat. 141, provided that: “The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities under chapter 1 of title 23, United States Code.”

### § 134. Metropolitan transportation planning

(a) POLICY.—It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas better connect housing and employment,<sup>1</sup> and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

(b) DEFINITIONS.—In this section and section 135, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term “metropolitan planning area” means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

<sup>1</sup> So in original. Probably should be “urbanized areas, better connect housing and employment.”.

(2) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” means the policy board of an organization established as a result of the designation process under subsection (d).

(3) NONMETROPOLITAN AREA.—The term “nonmetropolitan area” means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term “nonmetropolitan local official” means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term “regional transportation planning organization” means a policy board of an organization established as the result of a designation under section 135(m).

(6) TIP.—The term “TIP” means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

(7) URBANIZED AREA.—The term “urbanized area” means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

#### (c) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

#### (d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 per-