

112 Stat. 843; amended Pub. L. 109-59, title I, § 1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225; Pub. L. 112-141, div. A, title I, § 1402, July 6, 2012, 126 Stat. 556; Pub. L. 114-94, div. A, title I, § 1446(a)(8), Dec. 4, 2015, 129 Stat. 1437; Pub. L. 117-58, div. A, title I, § 11131(a), div. B, title IV, § 24106(a), Nov. 15, 2021, 135 Stat. 509, 806.)

Editorial Notes

PRIOR PROVISIONS

A prior section 154, added Pub. L. 93-643, § 114(a), Jan. 4, 1975, 88 Stat. 2286; amended Pub. L. 95-599, title II, § 205, Nov. 6, 1978, 92 Stat. 2729; Pub. L. 97-35, title XI, § 1108, Aug. 13, 1981, 95 Stat. 626; Pub. L. 100-17, title I, § 174, Apr. 2, 1987, 101 Stat. 218; Pub. L. 102-240, title I, § 1029(a), (b), (e), (g), Dec. 18, 1991, 105 Stat. 1968-1970, established the national maximum speed limit, prior to repeal by Pub. L. 104-59, title II, § 205(d)(1)(B), (3), Nov. 28, 1995, 109 Stat. 577, applicable to State on 10th day following Nov. 28, 1995, except that if legislature was not in session on such date and chief executive officer declared before such date that legislature was not in session and that State preferred applicability date that was after date on which legislature would convene, applicable to State on 60th day following date on which legislature would next convene.

AMENDMENTS

2021—Subsec. (c)(1). Pub. L. 117-58, § 24106(a), substituted “impaired” for “alcohol-impaired” in subpars. (A) and (B).

Subsec. (c)(2). Pub. L. 117-58, § 11131(a)(1), substituted “2022” for “2012” in heading.

Subsec. (c)(2)(A). Pub. L. 117-58, § 11131(a)(2), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3).”

Subsec. (c)(2)(B). Pub. L. 117-58, § 11131(a)(3), substituted “subparagraph (A)(i)” for “subparagraph (A)” in introductory provisions.

2015—Subsec. (c)(1). Pub. L. 114-94, § 1446(a)(8)(A), substituted “paragraphs (1), (2), and (4)” for “paragraphs (1), (3), and (4)”.

Subsec. (c)(3)(A). Pub. L. 114-94, § 1446(a)(8)(B), substituted “reserved” for “transferred”.

Subsec. (c)(5). Pub. L. 114-94, § 1446(a)(8)(C)(i), inserted “or released” after “transferred” in introductory provisions.

Subsec. (c)(5)(A). Pub. L. 114-94, § 1446(a)(8)(C)(ii), substituted “under section 104(b)(1)” for “under section 104(b)(1)”.

2012—Subsec. (c)(2). Pub. L. 112-141, § 1402(1), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).”

Subsec. (c)(3). Pub. L. 112-141, § 1402(2), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 148.”

Subsec. (c)(5). Pub. L. 112-141, § 1402(3), added par. (5) and struck out former par. (5). Prior to amendment,

text read as follows: “The amount to be transferred under paragraph (1) or (2) may be derived from one or more of the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(3).

“(C) The apportionment of the State under section 104(b)(4).”

2005—Subsec. (c)(3). Pub. L. 109-59 substituted “148” for “152”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 11131(a) of 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.

EFFECTIVE DATE

Section effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as an Effective Date of 1998 Amendment note under section 101 of this title.

[§ 155. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 93-643, § 115(a), Jan. 4, 1975, 88 Stat. 2287; amended Pub. L. 95-599, title I, § 129(e), Nov. 6, 1978, 92 Stat. 2708, related to access highways to public recreation areas on certain lakes.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 156. Proceeds from the sale or lease of real property

(a) MINIMUM CHARGE.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.

(Added Pub. L. 100-17, title I, § 126(a), Apr. 2, 1987, 101 Stat. 167; amended Pub. L. 102-240, title

I, §1027(f), Dec. 18, 1991, 105 Stat. 1967; Pub. L. 105-178, title I, §1303(a), June 9, 1998, 112 Stat. 227.)

Editorial Notes

PRIOR PROVISIONS

A prior section 156, added Pub. L. 94-280, title I, §132(a), May 5, 1976, 90 Stat. 441, authorized the Secretary to construct or reconstruct any public highway or highway bridge across any Federal public works project, specified conditions under which such work may be done, and authorized appropriations for such work of \$100,000,000 to be available in the fiscal year in which appropriated and for the two succeeding fiscal years, prior to repeal by Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167.

AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as follows: "Subject to section 142(f), States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title."

1991—Pub. L. 102-240 substituted "Subject to section 142(f), States shall" for "States shall".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

§ 157. National Environmental Policy Act of 1969 reporting program

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term "categorical exclusion" has the meaning given the term in section 771.117(c) of title 23, Code of Federal Regulations (or a successor regulation).

(2) DOCUMENTED CATEGORICAL EXCLUSION.—The term "documented categorical exclusion" has the meaning given the term in section 771.117(d) of title 23, Code of Federal Regulations (or a successor regulation).

(3) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(4) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(5) FEDERAL AGENCY.—The term "Federal agency" includes a State that has assumed responsibility under section 327.

(6) NEPA PROCESS.—The term "NEPA process" means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Secretary undertakes a proposed action.

(7) PROPOSED ACTION.—The term "proposed action" means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Secretary proposes to carry out.

(8) REPORTING PERIOD.—The term "reporting period" means the fiscal year prior to the fiscal year in which a report is issued under subsection (b).

(9) SECRETARY.—The term "Secretary" includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327.

(b) REPORT ON NEPA DATA.—

(1) IN GENERAL.—The Secretary shall carry out a process to track, and annually 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 containing, the information described in paragraph (3).

(2) TIME TO COMPLETE.—For purposes of paragraph (3), the NEPA process—

(A) for an environmental impact statement—

(i) begins on the date on which the Notice of Intent is published in the Federal Register; and

(ii) ends on the date on which the Secretary issues a record of decision, including, if necessary, a revised record of decision; and

(B) for an environmental assessment—

(i) begins on the date on which the Secretary makes a determination to prepare an environmental assessment; and

(ii) ends on the date on which the Secretary issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.

(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with respect to the Department of Transportation—

(A) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

(B) the number of proposed actions for which a documented categorical exclusion was issued by the Department of Transportation during the reporting period;

(C) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Department of Transportation is pending;

(D) the number of proposed actions for which an environmental assessment was