

(3) ENVIRONMENTAL REVIEW PROCESS.—The term “environmental review process” has the meaning given the term in section 139(a)(5).

(4) PROPOSED PROJECT.—The term “proposed project” means a surface transportation project for which an environmental review process is required.

(Added Pub. L. 117-169, title VI, §60505(a), Aug. 16, 2022, 136 Stat. 2083.)

§ 179. Low-carbon transportation materials grants

(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-emodied carbon construction materials and products on a project funded under this title.

(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-emodied carbon construction materials and products on a project funded under this title.

(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

(4) LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

- (i) Federal-aid highway;
- (ii) tribal transportation facility;
- (iii) Federal lands transportation facility; or
- (iv) Federal lands access transportation facility.

(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be sub-

ject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

(A) appropriate for use in projects eligible under this title; and

(B) eligible for reimbursement or incentives under this section.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

(A) a State;

(B) a unit of local government;

(C) a political subdivision of a State;

(D) a territory of the United States;

(E) an entity described in section 207(m)(1)(E);

(F) a recipient of funds under section 203;

(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

(H) a special purpose district or public authority with a transportation function.

(3) GREENHOUSE GAS.—The term “greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(Added Pub. L. 117-169, title VI, §60506(a), Aug. 16, 2022, 136 Stat. 2085.)

[§§ 181 to 190. Renumbered §§ 601 to 610]

Editorial Notes

CODIFICATION

Subchapter II heading “INFRASTRUCTURE FINANCE” was struck out and sections 181 to 190, which comprised subchapter II of this chapter, were renumbered sections 601 to 610, respectively, and transferred to follow the analysis of chapter 6 of this title, by Pub. L. 109-59, title I, §1602(b)(6)(B), (d), Aug. 10, 2005, 119 Stat. 1247, as amended by Pub. L. 110-244, title I, §101(f), June 6, 2008, 122 Stat. 1574.

CHAPTER 2—OTHER HIGHWAYS

Sec.

201.	Federal lands and tribal transportation programs.
202.	Tribal transportation program.
203.	Federal lands transportation program.
204.	Federal lands access program.
205.	Forest development roads and trails.
206.	Recreational trails program.
207.	Tribal transportation self-governance program.
208.	Safe routes to school.
[209.]	Repealed.]