

Section 2 of Pub. L. 100-17 provided that: "As used in this Act [see Short Title of 1987 Amendment note above], the term 'Secretary' means the Secretary of Transportation."

§ 102. Program efficiencies

(a) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.

(b) ENGINEERING COST REIMBURSEMENT.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 887; Pub. L. 102-240, title I, §1016(a), Dec. 18, 1991, 105 Stat. 1945; Pub. L. 105-178, title I, §§1206, 1209, 1212(a)(2)(A)(i), 1304, June 9, 1998, 112 Stat. 185, 186, 193, 227; Pub. L. 109-59, title I, §1121(b)(1), Aug. 10, 2005, 119 Stat. 1195.)

AMENDMENTS

2005—Pub. L. 109-59 redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out heading and text of former subsec. (a). Text read as follows:

"(1) IN GENERAL.—A State transportation department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupant vehicles.

"(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312-93(c) of such title. Such permission may be revoked by the State should the State determine it necessary."

1998—Subsec. (a). Pub. L. 105-178, §1209, designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

Subsec. (a)(1). Pub. L. 105-178, §1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department".

Subsec. (b). Pub. L. 105-178, §1206, added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 105-178, §1304, which directed insertion of "(or such longer period as the State requests and the Secretary determines to be reasonable)" after "10 years" in first sentence of subsec. (b), was executed by making the insertion in first sentence of subsec. (c) to reflect the probable intent of Congress and the amendment by Pub. L. 105-178, §1206. See below.

Pub. L. 105-178, §1206, redesignated subsec. (b) as (c).

1991—Pub. L. 102-240 substituted section catchline for one which read: "Authorizations" and amended text generally. Prior to amendment, text read as follows: "The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations, heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title."

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.

§ 103. Federal-aid systems

(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

(b) NATIONAL HIGHWAY SYSTEM.—

(1) DESCRIPTION.—The National Highway System consists of the highway routes and connections to transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996. The system shall—

(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

(B) meet national defense requirements; and

(C) serve interstate and interregional travel.

(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:

(A) The Interstate System described in subsection (c).

(B) Other urban and rural principal arterial routes.

(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of

the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

(4) MODIFICATIONS TO NHS.—

(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

(i) meets the criteria established for the National Highway System under this title; and

(ii) enhances the national transportation characteristics of the National Highway System.

(B) COOPERATION.—

(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

(5) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment of such a corridor established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031 et seq.) that was not identified on the National Highway System described in paragraph (1).

(6) STATE ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

(B) Operational improvements for segments of the National Highway System.

(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

(i) the highway or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

(D) Highway safety improvements for segments of the National Highway System.

(E) Transportation planning in accordance with sections 134 and 135.

(F) Highway research and planning in accordance with chapter 5.

(G) Highway-related technology transfer activities.

(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

(I) Fringe and corridor parking facilities.

(J) Carpool and vanpool projects.

(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

(L) Development, establishment, and implementation of management systems under section 303.

(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101-640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction; except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. 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).

(N) Publicly-owned intracity or intercity bus terminals.

(O) Infrastructure-based intelligent transportation systems capital improvements.

[(P) Repealed. Pub. L. 109-59, title I, §1118(b)(1)(B), Aug. 10, 2005, 119 Stat. 1181.]

(Q) Environmental restoration and pollution abatement in accordance with section 328.

(R) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

(7) TERRITORY ELIGIBLE PROJECTS.—Subject to approval by the Secretary, funds set aside for this program under section 104(b)(1) for the National Highway System may be obligated for projects eligible for assistance under the territorial highway program under section 215.

(c) INTERSTATE SYSTEM.—

(1) DESCRIPTION.—

(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

(B) DESIGN.—

(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

(C) LOCATION.—Highways on the Interstate System shall be located so as—

(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

(ii) to serve the national defense; and

(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

(4) INTERSTATE SYSTEM DESIGNATIONS.—

(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the af-

firmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in such clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 25 years after the date of the agreement.

(iii) REMOVAL OF DESIGNATION.—

(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

(III) EXISTING AGREEMENTS.—An agreement described in clause (ii) that is entered into before the date of enactment of this subclause shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.

(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

(5) EXEMPTION OF INTERSTATE SYSTEM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), the Secretary shall determine, through the administrative process established for exempting the Interstate Sys-

tem from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature). Such elements shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall not be eligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) or 118(c).

(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 887; Pub. L. 86-70, §21(d)(1), June 25, 1959, 73 Stat. 145; Pub. L. 86-624, §17(b), (c), July 12, 1960, 74 Stat. 415; Pub. L. 87-866, §8(a), Oct. 23, 1962, 76 Stat. 1147; Pub. L. 90-238, Jan. 2, 1968, 81 Stat. 772; Pub. L. 90-495, §§14, 21, Aug. 23, 1968, 82 Stat. 822, 826; Pub. L. 91-605, title I, §§106(b), 124, Dec. 31, 1970, 84 Stat. 1716, 1729; Pub. L. 93-87, title I, §§109(a), 110(a),

(b), 137, 148(a)–(c), (e), Aug. 13, 1973, 87 Stat. 255, 256, 268, 274; Pub. L. 93-643, §125, Jan. 4, 1975, 88 Stat. 2290; Pub. L. 94-280, title I, §§109, 110, 111(a), May 5, 1976, 90 Stat. 431, 433; Pub. L. 95-599, title I, §107(a), (b), (f)(1), Nov. 6, 1978, 92 Stat. 2694, 2695; Pub. L. 96-106, §§1, 2(a), (c), Nov. 9, 1979, 93 Stat. 796; Pub. L. 96-144, §2, Dec. 13, 1979, 93 Stat. 1084; Pub. L. 97-424, title I, §§107(a)–(c)(1), (d), (e), 108(f), Jan. 6, 1983, 96 Stat. 2101-2104; Pub. L. 100-17, title I, §103(b), (f)(1), Apr. 2, 1987, 101 Stat. 136, 141; Pub. L. 102-240, title I, §§1006(a), (b), (d), 1011, title III, §3003(b), Dec. 18, 1991, 105 Stat. 1923, 1925, 1935, 2088; Pub. L. 103-272, §5(f)(1), July 5, 1994, 108 Stat. 1374; Pub. L. 103-429, §§3(1), 7(a)(4)(B), Oct. 31, 1994, 108 Stat. 4377, 4389; Pub. L. 104-59, title I, §101, title III, §301(a), Nov. 28, 1995, 109 Stat. 569, 578; Pub. L. 104-287, §2, Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105-178, title I, §1106(b), June 9, 1998, 112 Stat. 131; Pub. L. 109-59, title I, §§1106, 1118(b)(1), title VI, §§6006(a)(1), 6007, Aug. 10, 2005, 119 Stat. 1166, 1181, 1872, 1873.)

REFERENCES IN TEXT

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b)(5), is section 1105 of Pub. L. 102-240, which amended section 105 of this title and enacted provisions establishing high priority corridors and segments, which are not classified to the Code.

The Water Resources Development Act of 1990, referred to in subsec. (b)(6)(M), is Pub. L. 101-640, Nov. 28, 1990, 104 Stat. 4604. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 2201 of Title 33, Navigation and Navigable Waters, and Tables.

The date of enactment of this subclause, referred to in subsec. (c)(4)(B)(iii)(III), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (d)(1), (2), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

CODIFICATION

Another section 1106(b) of Pub. L. 105-178 is set out as a note below.

AMENDMENTS

2005—Subsec. (b)(6). Pub. L. 109-59, §1118(b)(1)(A), substituted “STATE ELIGIBLE” for “ELIGIBLE” in heading.

Subsec. (b)(6)(P). Pub. L. 109-59, §1118(b)(1)(B), struck out subpar. (P) which read as follows: “In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for assistance under section 133, any airport, and any seaport.”

Subsec. (b)(6)(Q), (R). Pub. L. 109-59, §6006(a)(1), added subpars. (Q) and (R).

Subsec. (b)(7). Pub. L. 109-59, §1118(b)(1)(C), added par. (7).

Subsec. (c)(4)(B)(ii). Pub. L. 109-59, §1106(a), substituted “25” for “12”.

Subsec. (c)(4)(B)(iii)(I). Pub. L. 109-59, §1106(b)(1), struck out “in the agreement between the Secretary and the State or States” before “under clause (ii)”.

Subsec. (c)(4)(B)(iii)(III). Pub. L. 109-59, §1106(b)(2), added subcl. (III).

Subsec. (c)(5). Pub. L. 109-59, §6007, added par. (5).

1998—Pub. L. 105-178 reenacted section catchline without change and amended text generally. Prior to amendment, section related to Federal-aid systems and, in subsec. (a), identified such systems, in subsec. (b), described National Highway System, in subsec. (c), described Interstate Highway System, in subsec. (e), specified authority of Secretary with respect to sys-

tem, in subsec. (g), provided for removal of certain parts from system, in subsec. (h), authorized Secretary to pay all non-Federal costs of certain parts of system, and in subsec. (i), described eligible projects for National Highway System.

1996—Subsec. (e)(4)(L). Pub. L. 104-287 substituted “CHAPTER 53 OF TITLE 49” for “FTA” in heading.

1995—Subsec. (b)(3)(C). Pub. L. 104-59, §101(b)(1), substituted “The” for “For purposes of proposing highways for designation to the National Highway System, the”.

Subsec. (b)(3)(D). Pub. L. 104-59, §101(b)(2), substituted “The” for “In proposing highways for designation to the National Highway System, the” and inserted “on the National Highway System” after “highway mileage”.

Subsec. (b)(5) to (8). Pub. L. 104-59, §101(a), added pars. (5) to (8).

Subsec. (i)(8). Pub. L. 104-59, §301(a), added par. (8) and struck out former par. (8) which read as follows: “Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds.”

1994—Subsec. (e)(4)(L)(i). Pub. L. 103-272, §5(f)(1)(A), as amended by Pub. L. 103-429, §7(a)(4)(B), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Subsec. (e)(4)(L)(ii). Pub. L. 103-272, §5(f)(1)(B), as amended by Pub. L. 103-429, §7(a)(4)(B), substituted “section 5323(a)(1)(D) of title 49” for “section 3(e)(4) of the Federal Transit Act”.

Subsec. (i)(3). Pub. L. 103-429, §3(1), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

1991—Subsec. (a). Pub. L. 102-240, §1006(a), added subsec. (a) and struck out former subsec. (a) which established and continued four Federal-aid systems: primary, urban, secondary and Interstate.

Subsec. (b). Pub. L. 102-240, §1006(a), added subsec. (b) and struck out former subsec. (b) which related to Federal-aid primary system.

Subsecs. (c), (d). Pub. L. 102-240, §1006(b)(1), struck out subsecs. (c) and (d) which related to Federal-aid secondary system and Federal-aid urban system, respectively.

Subsec. (e)(4)(E)(i). Pub. L. 102-240, §1011(c), inserted provisions at end specifying that funds authorized to be appropriated for substitute transit projects for fiscal year 1993 and for substitute highway projects for fiscal year 1995 are to remain available until expended.

Subsec. (e)(4)(G). Pub. L. 102-240, §1011(a)(1), struck out “and” before “\$740,000,000”, inserted provisions relating to fiscal years 1992 through 1995 and inserted provisions authorizing obligation of sums for transit substitute projects.

Subsec. (e)(4)(H)(i). Pub. L. 102-240, §1011(a)(2)(A), inserted provisions at end relating to apportionment of funds for fiscal years 1992 through 1995.

Subsec. (e)(4)(H)(iii). Pub. L. 102-240, §1011(a)(2)(B), (C), substituted “1988-1995” for “1988, 1989, 1990, and 1991” in heading and “1991, 1992, 1993, 1994, and 1995” for “and 1991” in text.

Subsec. (e)(4)(I). Pub. L. 102-240, §3003(b), substituted “Federal Transit Act” for “Urban Mass Transportation Act of 1964”.

Subsec. (e)(4)(J)(i). Pub. L. 102-240, §1011(b)(1), (2), inserted “and ending before October 1, 1991” after “1983,” and provisions at end relating to apportionment of 100 percent of funds appropriated for fiscal years 1992 and 1993.

Subsec. (e)(4)(J)(iii). Pub. L. 102-240, §1011(b)(3), (4), substituted “1988-1993” for “1988, 1989, 1990, and 1991” in heading and substituted “1991, 1992, and 1993” for “and 1991” in text.

Subsec. (e)(4)(L). Pub. L. 102-240, §3003(b), substituted “FTA” for “UMTA” in heading and “Federal Transit Act” for “Urban Mass Transportation Act of 1964” in cls. (i) and (ii).

Subsec. (f). Pub. L. 102-240, §1006(b)(2), struck out “the Federal-aid primary system, the Federal-aid sec-

ondary system, the Federal-aid urban system, and” before “the Interstate System” and struck out at end “No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.”

Subsec. (i). Pub. L. 102-240, §1006(d), added subsec. (i). 1987—Subsec. (e). Pub. L. 100-17, §103(f)(1)(A)-(D), (H)-(J), inserted heading, indented par. (1) and aligned such par. and pars. (2), (3), and (5) to (9) with par. (4), as amended, and inserted headings for pars. (1) to (3), (8), and (9).

Subsec. (e)(4). Pub. L. 100-17, §103(b), amended par. (4) generally, revising and restating as subpars. (A) to (P) provisions formerly contained in a single paragraph.

Subsec. (e)(5). Pub. L. 100-17, §103(f)(1)(E), (K), inserted heading, aligned subpars. (A) and (B) with subpar. (A) of par. (4), and substituted “withdrawal of approval.” for “withdrawal of approval; and” in subpar. (B).

Subsec. (e)(6). Pub. L. 100-17, §103(f)(1)(F), (K), inserted heading, aligned subpars. (A) and (B) with subpar. (A) of par. (4), and substituted “withdrawal of approval.” for “withdrawal of approval;” in subpar. (B).

Subsec. (e)(7). Pub. L. 100-17, §103(f)(1)(G), inserted heading and substituted “are to be applied.” for “are to be applied; and”.

1983—Subsec. (b)(1). Pub. L. 97-424, §108(f), substituted “Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands” for “or Puerto Rico” after “Hawaii, Alaska.”

Subsec. (e)(4). Pub. L. 97-424, §107(a)(1), struck out eighth sentence and substituted provision relating to authorizations and apportionment of funds for fiscal years ending Sept. 30, 1983, through Sept. 30, 1986, and relating to substitute highway projects and substitute transit projects for provision that there were authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as might be necessary out of the general fund of the Treasury.

Pub. L. 97-424, §107(a)(2), struck out sixth sentence and substituted provisions relating to the period of availability of sums apportioned under this paragraph and of sums available for obligation and the disposition of funds apportioned to a State and unobligated for provision that the sums available for obligation would remain available until obligated.

Pub. L. 97-424, §107(b), inserted at end provision that any route or segment thereof which was statutorily designed after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.

Pub. L. 97-424, §107(c)(1)(A), inserted “or up to and including the 1983 interstate cost estimate, whichever is earlier,” after “approved by Congress,” and before “subject to increase or decrease” in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(c)(1)(B), struck out “the date of enactment of the Federal-Aid Highway Act of 1976 or” after “portion thereof as of”, and “whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate” after “substitute project under this paragraph,” in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(c)(1)(C), inserted “or the date of approval of the 1983 interstate cost estimate, whichever is earlier,” after “approval of each substitute project under this paragraph” in provision in second sentence relating to the action of the Secretary in withdrawing his approval under this paragraph.

Pub. L. 97-424, §107(d), inserted provision in third sentence that except with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route until Sept. 30, 1985.

Pub. L. 97-424, §107(e)(1), struck out “which is within an urbanized area or which passes through and con-

nects urbanized areas within a State and" after "portion thereof on the Interstate System" in first sentence.

Pub. L. 97-424, §107(e)(2), substituted "which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located", for "which will serve the urbanized area and the connecting nonurbanized area corridor from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located", after "section 103 of this title; or both," in second sentence.

1979—Subsec. (e)(4). Pub. L. 96-144 provided that after Sept. 30, 1979, the Secretary shall not withdraw his approval under par. (4) of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal, and that any withdrawal of approval of any such route or portion thereof before Sept. 30, 1979, is determined to be authorized by par. (4).

Pub. L. 96-106, §1, inserted provision that the preceding sentence not apply to a designation made under section 139 of this title.

Subsec. (e)(5). Pub. L. 96-106, §2(a), inserted " , in the case of any withdrawal of approval before November 6, 1978" after "any other provision of law".

Subsec. (e)(6) to (9). Pub. L. 96-106, §2(c), added pars. (6) and (7) and redesignated former pars. (6) and (7) as (8) and (9), respectively.

1978—Subsec. (e)(2). Pub. L. 95-599, §107(a)(1), substituted provisions relating to the deadline for designation of Interstate routes for provisions relating to maximum costs of all mileage and granting of preferences.

Subsec. (e)(4). Pub. L. 95-599, §107(a)(2), (b), (f)(1)(A), substituted provision setting the maximum Federal share at 85 per cent of the cost of the substitute project for provision stating that the share would be determined in accordance with section 120 of this title, inserted provisions relating to deadline for approval by Secretary and designation of mileage, and struck out provision relating to withdrawal of approval.

Subsec. (e)(5) to (7). Pub. L. 95-599, §107(f)(1)(B), (C), redesignated par. (5) as (7) and added pars. (5) and (6).

1976—Subsec. (e)(2). Pub. L. 94-280, §§109(a), 111(a), struck out from second sentence "prior to the enactment of this paragraph" after "with this title," and in fourth sentence, substituted provision respecting limitation of cost to United States for aggregate of mileage for route withdrawals which read as follows: "or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate" for "increased or decreased, as the case may be, as determined

by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

Subsec. (e)(4). Pub. L. 94-280, §110(a), in revising par. (4), substituting provisions set out in text for prior provisions set out in note hereunder, among other changes: authorized the Secretary to withdraw approval of route or portion thereof on Interstate System which passes through and connects urbanized areas within a State and to incur obligations for Federal share of projects authorized under any highway assistance program under section 103 of this title; provided for determination of Federal share of substitute projects as provided in section 120 of this title applicable to the highway program of which the substitute project is a part; made specific reference to section 4 of, for prior general reference to, Urban Mass Transportation Act of 1964, as source of Federal share for mass transit projects; authorized sums available for obligation to remain available until obligated; made sums obligated for mass transit projects part of, to be administered through, Urban Mass Transportation Fund; authorized appropriations out of general fund of the Treasury for liquidation of obligations incurred under this paragraph; made amended par. (4) effective Aug. 13, 1973; and deleted provisions making route withdrawn mileage available for designation on Interstate System in any other State, prohibition against obligation under this paragraph of general funds after June 30, 1981, and requirement that for nonhighway public mass transit project, the Secretary receive State assurance that public mass transportation system will fully utilize the proposed project.

Pub. L. 94-280, §110(b), inserted provision for application of sums to a permissible transportation project when paid to a State for a route or portion of the Interstate System in event of withdrawal of approval for the route or portion instead of making of refund to Highway Trust Fund.

Subsec. (e)(5). Pub. L. 94-280, §109(b), added par. (5).

1975—Subsec. (e)(2), (4). Pub. L. 93-643 inserted " , increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate" after "House Report Numbered 92-1443".

1973—Subsec. (b). Pub. L. 93-87, §148(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 93-87, §148(b), (e), designated existing provisions as par. (1), inserted "access roads to airports," after "local rural roads", and added par. (2).

Subsec. (d)(1). Pub. L. 93-87, §§109(a), 148(c), authorized establishment of Federal-aid urban system in such other urban areas as the State highway department may designate, substituted "shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals" for "designed taking into consideration the highest traffic volume corridors, and the longest trips within such area and shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area based upon the planning process required pursuant to the provisions of section 134 of this title", reenacted third sentence without change, inserted "to the extent feasible" in the text reading "Each route of the system to the extent feasible shall connect with another route", substituted "Routes . . . shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title" for "Routes . . . shall be selected by the appropriate local officials and the State highway departments in cooperation with each other subject to the approval of the Secretary as provided in

subsection (f) of this section”, and inserted preceding last sentence “Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section”, and designated provisions, as amended, as par. (1), respectively.

Subsec. (d)(2). Pub. L. 93-87, § 148(c), added par. (2).

Subsec. (e)(2). Pub. L. 93-87, § 137(a), substituted in first sentence “additional mileage for the Interstate System of five hundred miles” for “additional mileage for the Interstate System of two hundred miles”; in fourth sentence “1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443” for “1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised”; and in fifth sentence “preference, along with due regard for interstate highway type needs on a nationwide basis,” for “due regard”, respectively.

Subsec. (e)(4). Pub. L. 93-87, § 137(b), added par. (4).

Subsec. (g). Pub. L. 93-87, § 110(a), substituted first sentence reading “the Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System.” for “The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met.”; deleted former second sentence reading “Nothing in the preceding sentence shall be construed to prohibit the substitution prior to July 1, 1973, of alternative segments of the Interstate System which will meet the requirements of this title.”; substituted “Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him such schedule will be met,” for “Any segment of the Interstate System with respect to which a State has not submitted plans, specifications, and estimates for approval by the Secretary by July 1, 1975,” before “shall be removed from designation as a part of the Interstate System”; authorized the Secretary to designate as a part of the Interstate System any segment previously removed from the System when necessary in the interest of national defense or for other reasons of national interest; and made subsec. (g) inapplicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.

Subsec. (h). Pub. L. 93-87, § 110(b), added subsec. (h).

1970—Subsec. (a). Pub. L. 91-605, § 106(b)(3), substituted “four” for “three” and added the urban system to the list of Federal-aid systems.

Subsecs. (b), (c). Pub. L. 91-605, § 106(b)(1), substituted “subsection (f)” for “subsection (e)”.

Subsecs. (d), (e). Pub. L. 91-605, § 106(b)(1), added subsec. (d), redesignated former subsec. (d) as (e) and substituted “subsection (f)” for “subsection (e)”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 91-605, § 106(b)(1), (2), redesignated former subsec. (e) as (f) and inserted reference to Federal-aid urban system.

Subsec. (g). Pub. L. 91-605, § 124, added subsec. (g).

1968—Subsec. (d)(1). Pub. L. 90-495, § 14(a), inserted provision making allowance for an exception in pars. (2) and (3) to the forty-one thousand mile total extent of the Interstate system.

Subsec. (d)(2). Pub. L. 90-495, § 21, substituted “1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised” for “1965 Interstate System cost estimate set forth in House Document Numbered 42, Eighty-ninth Congress”.

Subsec. (d)(3). Pub. L. 90-495, § 14(b), added par. (3).

Subsec. (d). Pub. L. 90-238 redesignated existing provision as par. (1) and added par. (2).

1962—Subsec. (c). Pub. L. 87-866 substituted “This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area” for “This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds”.

1960—Subsec. (d). Pub. L. 86-624, § 17(c), substituted “within the United States, including the District of Columbia, and” for “within the continental United States and”, and inserted “to the greatest extent possible” in two places.

1959—Subsec. (f). Pub. L. 86-70 repealed subsec. (f) which related to determination of roads in the Territory of Alaska on which Federal-aid funds could be expended.

Subsec. (g). Pub. L. 86-624, § 17(b), repealed subsec. (g) which provided that the systems of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 7(a) of Pub. L. 103-429 provided in part that the amendment made by that section is effective July 5, 1994.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by sections 1006 and 1011 of 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.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 107(c) of Pub. L. 95-599 provided that: “The amendment made by subsection (a) of this section [amending this section] shall apply to each route or portion thereof designated under section 103(e)(2) of title 23, United States Code, before January 1, 1978, the construction of which was not complete on such date, and the Secretary of Transportation shall make such revisions in existing contracts and agreements as may be necessary to carry out this section and the amendment made by subsection (a) of this section.”

Section 107(f)(2) of Pub. L. 95-599, which provided that the amendments made by section 107(f)(1) of Pub. L. 95-599 to this section apply to any withdrawal of approval before Nov. 6, 1978, was repealed by Pub. L. 96-106, § 2(b), Nov. 9, 1979, 93 Stat. 796.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 110(c) of Pub. L. 93-87 provided that: “The amendments made by subsections (a) and (b) of this section [amending this section] shall take effect June 30, 1973.”

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 1962 AMENDMENT

Section 8(b) of Pub. L. 87-866 provided that: "The amendment made by subsection (a) of this section [amending this section] shall apply to apportionments made before as well as after the date of enactment of this Act [Oct. 23, 1962]."

EFFECTIVE DATE OF 1959 AMENDMENT

Section 21(d) of Pub. L. 86-70 provided that the repeal of subsec. (f) of this section, sections 116(d), 119, and 120(h) of this title, and sections 321a to 321d and 322 to 325 of Title 48, Territories and Insular Possessions, is effective July 1, 1959.

FREIGHT INTERMODAL DISTRIBUTION PILOT GRANT PROGRAM

Pub. L. 109-59, title I, §1306, Aug. 10, 2005, 119 Stat. 1215, provided that:

"(a) IN GENERAL.—The Secretary [of Transportation] shall establish and implement a freight intermodal distribution pilot grant program.

"(b) PURPOSES.—The purposes of the program established under subsection (a) shall be for the Secretary [of Transportation] to make grants to States—

"(1) to facilitate and support intermodal freight transportation initiatives at the State and local levels to relieve congestion and improve safety; and

"(2) to provide capital funding to address infrastructure and freight distribution needs at inland ports and intermodal freight facilities.

"(c) ELIGIBLE PROJECTS.—Projects for which grants may be made under this section shall help relieve congestion, improve transportation safety, facilitate international trade, and encourage public-private partnership and may include projects for the development and construction of intermodal freight distribution and transfer facilities at inland ports.

"(d) SELECTION PROCESS.—

"(1) APPLICATIONS.—A State (as defined in section 101(a) of title 23, United States Code) shall submit for approval by the Secretary [of Transportation] an application for a grant under this section containing such information as the Secretary may require to receive such a grant.

"(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to projects that will—

"(A) reduce congestion into and out of international ports located in the United States;

"(B) demonstrate ways to increase the likelihood that freight container movements involve freight containers carrying goods; and

"(C) establish or expand intermodal facilities that encourage the development of inland freight distribution centers.

"(3) DESIGNATED PROJECTS.—Subject to the provisions of this section, the Secretary shall allocate for each of fiscal years 2005 through 2009, from funds made available to carry out this section, 20 percent of the following amounts for grants to carry out the following projects under this section:

"(A) Short-haul intermodal projects, Oregon, \$5,000,000.

"(B) The Georgia Port Authority, \$5,000,000.

"(C) The ports of Los Angeles and Long Beach, California, \$5,000,000.

"(D) Fairbanks, Alaska, \$5,000,000.

"(E) Charlotte Douglas International Airport Freight Intermodal Facility, North Carolina, \$5,000,000.

"(F) South Piedmont Freight Intermodal Center, North Carolina, \$5,000,000.

"(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the appli-

cation of the recipient approved by the Secretary [of Transportation].

"(f) REPORT.—Not later than 3 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall submit to Congress a report on the results of the pilot program carried out under this section.

"(g) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$6,000,000 for each of fiscal years 2005 through 2009.

"(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title.

"(h) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects for which grants are made under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code."

ADMINISTRATION OF NATIONAL HIGHWAY SYSTEM AND INTERSTATE MAINTENANCE PROGRAM

Pub. L. 105-178, title I, §1106(a), June 9, 1998, 112 Stat. 131, provided that: "The Secretary shall administer the National Highway System program and the Interstate Maintenance program as a combined program for purposes of allowing States maximum flexibility. References in this Act [see Tables for classification] and title 23, United States Code, shall not be affected by such consolidation."

UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS

Pub. L. 105-178, title I, §1106(b), June 9, 1998, 112 Stat. 136, provided that: "Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) of title 23, United States Code (as in effect on the day before the date of enactment of this Act [June 9, 1998]), shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date."

INTERMODAL FREIGHT CONNECTORS STUDY

Pub. L. 105-178, title I, §1106(d), June 9, 1998, 112 Stat. 136, provided that:

"(1) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall—

"(A) review the condition of and improvements made, since the designation of the National Highway System, to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities; and

"(B) report to Congress on the results of such review.

"(2) REVIEW.—In preparing the report, the Secretary shall review the connectors and identify projects carried out on those connectors that were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

"(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments and make any appropriate recommendations as part of the Secretary's report to Congress under this subsection."

FUNCTIONAL RECLASSIFICATION OF HIGHWAYS

Section 1006(c) of Pub. L. 102-240 provided that:

“(1) STATE ACTION.—Each State shall functionally reclassify the roads and streets in such State in accordance with such guidelines and time schedule as the Secretary may establish in order to carry out the objectives of this section [amending this section and sections 101, 104 and 113 of this title and enacting provisions set out as a note under section 311 of this title], including the amendments made by this section.

“(2) APPROVAL AND SUBMISSION TO CONGRESS.—Not later than September 30, 1993, the Secretary shall approve the functional reclassification of roads and streets made by the States pursuant to this subsection and shall submit a report to Congress containing such reclassification.

“(3) STATE DEFINED.—In this subsection, the term ‘State’ has the meaning such term has under section 101 of title 23, United States Code, and shall include the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas.”

APPORTIONMENT FACTORS FOR EXPENDITURES ON
SUBSTITUTE HIGHWAY AND TRANSIT PROJECTS

Section 103(a) of Pub. L. 100-17 directed Secretary to apportion for fiscal year 1987 the sums to be apportioned for such year under 22 U.S.C. 103(e)(4) for expenditure on substitute highway and transit projects, using the apportionment factors contained in the Committee Print Numbered 100-6 of the Committee on Public Works and Transportation of the House of Representatives.

SUBSTITUTE TRANSIT PROJECTS; INCREASE IN COST TO
COMPLETE; APPORTIONMENT FACTORS

Section 103(c) of Pub. L. 100-17 provided that:

“(1) INCREASE IN COST TO COMPLETE.—The cost of completing substitute transit projects under section 103(e)(4)(B) of title 23, United States Code, is increased by \$100,000,000.

“(2) APPORTIONMENT FACTORS.—Notwithstanding section 103(e)(4) of such title, funds appropriated to carry out projects as a result of enactment of paragraph (1) shall be made available in accordance with the apportionment factors contained in the Committee Print Numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.”

COMBINED ROAD PLAN DEMONSTRATION PROGRAM;
REPORT TO CONGRESSIONAL COMMITTEES

Section 137 of Pub. L. 100-17 directed Secretary, in cooperation with up to 5 States, to conduct a combined road plan demonstration to test feasibility of approaches for combining, streamlining, and increasing flexibility in administration of Federal-aid secondary program, Federal-aid urban program, and the off-system bridge, urban bridge, and secondary bridge programs and to submit to Congress an interim report on the program being carried out within 3 years after Apr. 2, 1987, and a final report evaluating the effectiveness of the demonstration program and making needed recommendations as soon as practicable after completion of the demonstration.

ROUTES WITHDRAWN; AVAILABILITY TO SECRETARY OF
SUMS WHERE SUMS DETERMINED ARE LESS THAN
COST OF COMPLETING WITHDRAWN ROUTES

Section 107(c)(2) of Pub. L. 97-424, as amended by Pub. L. 100-17, title I, §103(f)(2), Apr. 2, 1987, 101 Stat. 142, provided that: “Notwithstanding any other provision of law, with respect to any route or portion thereof on the Interstate System approval of which is or has been withdrawn under section 103(e)(4) of title 23, United States Code, in any case where the sum determined under subparagraph (B) of such section is less than the cost to complete the withdrawn route or portion (in accordance with the design of such route or portion on the date of such withdrawal) as of June 30, 1980, as a result of decreases in construction costs, the sum which shall be available to the Secretary under such subpara-

graph shall be an amount equal to such cost of completion as of June 30, 1980.”

WITHDRAWAL OF SECRETARY'S APPROVAL OF ROUTE OR
PORTION OF ROUTE ON INTERSTATE SYSTEM BETWEEN
JUNE 20, 1979, AND JUNE 30, 1979, INCLUSIVE; SUBSTITUTION OF PROJECTS

Section 3 of Pub. L. 96-144 provided that: “Notwithstanding the amendment made to section 103(e)(4) of title 23, United States Code, by the preceding section, in the case where the Secretary has withdrawn his approval of a route or portion thereof on the Interstate System under such section between June 20, 1979, and June 30, 1979, both dates inclusive, the sum available to the Secretary of Transportation to incur obligations for projects substituted for such withdrawn route or portion thereof shall be a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the 1975 Interstate System cost estimate, as approved by Congress, subject to increase or decrease as determined by the Secretary based on changes in the construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under section 103(e)(4) of title 23, United States Code.”

NECESSITY OF ENVIRONMENTAL IMPACT STATEMENT
PRIOR TO ROUTE CONSTRUCTION ON THE DWIGHT D.
EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE
HIGHWAYS

Section 107(d) of Pub. L. 95-599, as amended by Pub. L. 101-427, Oct. 15, 1990, 104 Stat. 927, provided that: “Notwithstanding any other provision of law, including but not limited to section 103 of title 23, United States Code and this section, no route or portion thereof shall be constructed on The Dwight D. Eisenhower System of Interstate and Defense Highways with respect to which an environmental impact statement has not been submitted to the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 [section 4321 et seq. of Title 42, The Public Health and Welfare] by September 30, 1983. Any such route or portion thereof shall thereupon be removed from designation as part of such Interstate System.”

TIME LIMIT FOR COMMENCEMENT OF, OR CONTRACT FOR,
CONSTRUCTION; REMOVAL FROM DESIGNATION AS
PART OF INTERSTATE SYSTEM

Section 107(e) of Pub. L. 95-599, as amended by Pub. L. 97-424, title I, §107(g), Jan. 6, 1983, 96 Stat. 2103; Pub. L. 100-17, title I, §103(d)(1), Apr. 2, 1987, 101 Stat. 141, provided that: “By September 30, 1986, all routes or portions thereof on the Interstate System (for which the Secretary of Transportation finds that sufficient Interstate authorizations are available) must be under contract for construction or construction must have commenced. Immediately after such date, the Secretary shall remove from designation as part of the Interstate System each route or portion thereof not complying with this subsection.”

[Section 103(d)(2) of Pub. L. 100-17 provided that: “The amendments made by paragraph (1) [amending section 107(e) of Pub. L. 95-599 set out above] shall take effect September 29, 1986.”]

INTERSTATE SYSTEM ROUTES WITHDRAWN FOR PURPOSE
OF DESIGNATING ALTERNATIVE ROUTES AS SUBJECT
TO ROUTE WITHDRAWAL PROVISIONS

Section 111(b) of Pub. L. 94-280 provided that: “The amendment made by subsection (a) of this section [to fourth sentence of subsec. (e)(2) of this section] shall be applicable to each route on the Interstate System approval of which was withdrawn or is hereafter withdrawn by the Secretary of Transportation in accordance with the provisions of section 103(e)(2) of title 23, United States Code, including any route on the Interstate System approval of which was withdrawn by the Secretary of Transportation in accordance with the provisions of title 23, United States Code, on August 30,

1965, for the purpose of designating an alternative route.”

INTERSTATE SYSTEM SUBSECTION (e)(4) PROVISIONS IN EFFECT PRIOR TO AMENDMENT BY PUB. L. 94-280, §110; ROUTE WITHDRAWALS WITHIN URBANIZED AREAS; AVAILABILITY OF MILEAGE IN OTHER STATES; PUBLIC MASS TRANSIT NONHIGHWAY PROJECTS; GENERAL FUNDS UNAVAILABLE FOR OBLIGATION AFTER JUNE 30, 1981; SUPPLEMENTARY FUNDS; URBAN MASS TRANSPORTATION PROVISIONS APPLICABLE

Section 103(e)(4) of this title, as added Pub. L. 93-87, title I, §137(b), Aug. 13, 1973, 87 Stat. 269, and amended Pub. L. 93-643, §125(b), Jan. 4, 1975, 88 Stat. 2290, read prior to amendment by section 110 of Pub. L. 94-280 [set out in the text] as follows: “Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within any urbanized area in that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof of approval of which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of such urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds in the Treasury of its proportional share of the cost of such project in an amount equal to the Federal share which would be paid for such a project under the Urban Mass Transportation Act of 1964 [section 1601 et seq. of Title 49, Transportation], except that the total Federal cost of all such projects under this paragraph with respect to such route or portion thereof approval of which is withdrawn under this paragraph, shall not exceed the Federal share of the cost which would have been paid for such route or portion thereof, as such cost is included in the 1972 Interstate System cost estimate set forth in table 5 of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate. Funds apportioned to such State for the Interstate System, which apportionment is based upon an Interstate System cost estimate that includes a route or portion thereof approval of which is withdrawn under this paragraph, shall be reduced by an amount equal to the Federal share of such project as such share becomes a contractual obligation of the United States. No general funds shall be obligated under authority of this paragraph after June 30, 1981. No nonhighway public mass

transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code [section 1501 et seq. of Title 5, Government Organization and Employees], any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended [section 1601 et seq. of Title 49, Transportation]. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, [section 1602 (e)(4) of Title 49], shall apply in carrying out this paragraph.”

BASIS OF FEDERAL-AID SYSTEMS REALIGNMENT

Section 148(d) of Pub. L. 93-87 provided that: “Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.”

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

- (A) \$353,024,000 for fiscal year 2005;
- (B) \$370,613,540 for fiscal year 2006;
- (C) \$389,079,500 for fiscal year 2007;
- (D) \$408,465,500 for fiscal year 2008; and
- (E) \$423,717,460 for fiscal year 2009.

(2) PURPOSES.—The funds authorized by this subsection shall be used—

(A) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

(3) AVAILABILITY.—The funds made available under paragraph (1) shall remain available until expended.

(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the set-asides authorized by subsections (d) and (f) and section 130(e), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, the highway safety improvement program, and the Surface Transportation program for that fiscal year, among the several States in the following manner:

(1) NATIONAL HIGHWAY SYSTEM COMPONENT.—

(A) IN GENERAL.—For the National Highway System (excluding funds apportioned under paragraph (4)), \$40,000,000 for each of fiscal years 2005 and 2006 and \$50,000,000 for