

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 23—Continued

<i>Title 23 Former Sections</i>	<i>Title 23 New Sections</i>
158(c) .....	104(b)(4)
158(d) .....	104(b)(5)
158(d) .....	104 note
158(e) .....	120(c)
158(f), (g) .....	118(c)
158(h) .....	115
158(i) .....	109(b)
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166 .....	113
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169 (less last proviso) .....	Rep.
169 (last proviso) .....	Elim.
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171 .....	306
172 .....	Rep.
173 .....	120 note
174 .....	307 note
175 .....	Elim.

CITATION

Section 1 of Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 885, provided in part that this title may be cited as "Title 23, United States Code, §—".

REPEALS

Section 2 of Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 919, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this title.

CONSTRUCTION

Section 3 of Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 921, provided that:

"(a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

"(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263) [set out in the Appendix to Title 5, Government Organization and Employees]."

SAVINGS PROVISION

Section 4 of Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 921, provided that: "Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act."

RECODIFICATION OF TITLE 23

Pub. L. 104-59, title III, §357(a), Nov. 28, 1995, 109 Stat. 625, provided that: "The Secretary [of Transportation] shall, by March 31, 1997, prepare and submit to Congress a draft legislative proposal of necessary technical and conforming amendments to title 23, United States Code, and related laws."

Pub. L. 102-240, title I, §1066, Dec. 18, 1991, 105 Stat. 2006, provided that the Secretary of Transportation was to have prepared, by Oct. 1, 1993, a proposed recodification of title 23, United States Code, and related laws for submission to Congress for consideration, prior to repeal by Pub. L. 104-59, title III, §357(b), Nov. 28, 1995, 109 Stat. 625.

**CHAPTER 1—FEDERAL-AID HIGHWAYS**

Sec. 101	Definitions and declaration of policy.
102.	Program efficiencies.
103.	Federal-aid systems.

Sec. 104.	Apportionment.
105.	Equity bonus program.
106.	Project approval and oversight.
107.	Acquisition of rights-of-way—Interstate System.
108.	Advance acquisition of real property.
109.	Standards.
110.	Revenue aligned budget authority.
111.	Agreements relating to use of and access to rights-of-way—Interstate System.
112.	Letting of contracts.
113.	Prevailing rate of wage.
114.	Construction.
115.	Advance construction.
116.	Maintenance.
117.	High priority projects program.
118.	Availability of funds.
119.	Interstate maintenance program.
120.	Federal share payable.
121.	Payment to States for construction.
122.	Payments to States for bond and other debt instrument financing.
123.	Relocation of utility facilities.
124.	Advances to States.
125.	Emergency relief.
126.	Uniform transferability of Federal-aid highway funds.
127.	Vehicle weight limitations—Interstate System.
128.	Public hearings.
129.	Toll roads, bridges, tunnels, and ferries.
130.	Railway-highway crossings.
131.	Control of outdoor advertising.
132.	Payments on Federal-aid projects undertaken by a Federal agency.
133.	Surface transportation program.
134.	Metropolitan transportation planning.
135.	Statewide transportation planning.
136.	Control of junkyards.
137.	Fringe and corridor parking facilities.
138.	Preservation of parklands.
139.	Efficient environmental reviews for project decisionmaking.
140.	Nondiscrimination.
141.	Enforcement of requirements.
142.	Public transportation.
143.	Highway use tax evasion projects.
144.	Highway bridge program.
145.	Federal-State relationship.
146.	Carpool and vanpool projects.
147.	Construction of ferry boats and ferry terminal facilities.
148.	Highway safety improvement program.
149.	Congestion mitigation and air quality improvement program.
[150.	Repealed.]
151.	National bridge inspection program.
152.	Hazard elimination program.
153.	Use of safety belts and motorcycle helmets.
154.	Open container requirements.
155.	Access highways to public recreation areas on certain lakes.
156.	Proceeds from the sale or lease of real property.
157.	Safety incentive grants for use of seat belts.
158.	National minimum drinking age.
159.	Revocation or suspension of drivers' licenses of individuals convicted of drug offenses.
160.	Reimbursement for segments of the Interstate System constructed without Federal assistance.
161.	Operation of motor vehicles by intoxicated minors.
162.	National scenic byways program.
163.	Safety incentives to prevent operation of motor vehicles by intoxicated persons.
164.	Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

Sec.	
165.	Puerto Rico highway program.
166.	HOV facilities.

## AMENDMENTS

2008—Pub. L. 110-244, title I, §101(m)(3)(C), June 6, 2008, 122 Stat. 1576, struck out “replacement and rehabilitation” after “Highway bridge” in item 144.

2005—Pub. L. 109-59, title I, §1801(b), title VI, §6002(c), Aug. 10, 2005, 119 Stat. 1456, 1865, which directed amendment of the analysis for “such subchapter” by adding items 139 and 147 and by striking out former item 147 “Priority primary routes”, was executed by making the amendment to the analysis for this chapter which did not contain subchapters to reflect the probable intent of Congress and the amendment by Pub. L. 109-59, §1602(e)(1). See below.

Pub. L. 109-59, title I, §1602(b)(6)(A), (e)(1), Aug. 10, 2005, 119 Stat. 1247, before item 101, struck out item for subchapter I “GENERAL PROVISIONS”, and at end, struck out item for subchapter II “INFRASTRUCTURE FINANCE”, items 181 “Definitions”, 182 “Determination of eligibility and project selection”, 183 “Secured loans”, 184 “Lines of credit”, 185 “Program administration”, 186 “State and local permits”, 187 “Regulations”, 188 “Funding”, and 189 “Report to Congress”, and subchapter I heading “GENERAL PROVISIONS”.

Pub. L. 109-59, title I, §§1104(b), 1120(b), 1121(b)(2), 1401(a)(2), 1601(i), title VI, §6001(c), Aug. 10, 2005, 119 Stat. 1165, 1192, 1196, 1225, 1243, 1857, added items 105, 134, 135, 148, 165, 166, and 185 and struck out former items 105 “Minimum guarantee”, 134 “Metropolitan planning”, 135 “Statewide planning”, 148 “Development of a national scenic and recreational highway”, and 185 “Project servicing”.

1999—Pub. L. 106-159, title I, §102(b), Dec. 9, 1999, 113 Stat. 1753, struck out item 110 “Uniform transferability of Federal-aid highway funds”, added item 126, and made technical amendment to item 163.

1998—Pub. L. 105-178, title I, §§1103(l)(5), 1226(d), 1405(b), 1406(b), as added by Pub. L. 105-206, title IX, §§9002(c)(1), 9003(a), 9005(a), July 22, 1998, 112 Stat. 834, 837, 843, struck out item 126 “Diversion” and item 150 “Allocation of urban system funds”, and added items 154 and 164.

Pub. L. 105-178, title I, §§1104(b), 1105(b), 1106(c)(2)(A), 1114(b)(1), 1203(n), 1219(b), 1301(d)(2), 1303(b), 1305(d), 1310(b), 1403(b), 1404(b), 1503(b), 1601(c), June 9, 1998, 112 Stat. 129, 131, 136, 154, 179, 221, 226, 227, 229, 235, 240, 241, 250, 256, added item for subchapter I, substituted “Minimum guarantee” for “Programs” in item 105, “Project approval and oversight” for “Plans, specifications, and estimates” in item 106, “Advance acquisition of real property” for “Advance acquisition of rights-of-way” in item 108, and “Revenue aligned budget authority” for “Project agreements” in item 110, added item 110 relating to uniform transferability of Federal-aid highway funds, substituted “High priority projects program” for “Certification acceptance” in item 117, made technical amendment to item 134, struck out item 139 “Additions to Interstate System”, substituted “Highway use tax evasion projects” for “Economic growth center development highways” in item 143, “Proceeds from the sale or lease of real property” for “Income from airspace rights-of-way” in item 156, and “Safety incentive grants for use of seat belts” for “Minimum allocation” in item 157, added items 162 and 163, item for subchapter II, and items 181 to 189, and added subchapter I heading before section 101.

1995—Pub. L. 104-59, title II, §205(d)(2), title III, §§311(c), 320(b), Nov. 28, 1995, 109 Stat. 577, 584, 590, substituted “Payments” for “Payment” and “and other debt instrument financing” for “retirement” in item 122, struck out item 154 “National maximum speed limit”, and added item 161.

1991—Pub. L. 102-240, title I, §§1007(a)(2), 1008(c), 1009(e)(2), 1014(b), 1016(f)(3), 1024(c)(1), 1025(b), 1031(a)(2), Dec. 18, 1991, 105 Stat. 1930, 1933, 1934, 1942, 1946, 1962, 1965, 1973, substituted “Program efficiencies” for “Authorizations” in item 102, substituted “maintenance

program” for “System resurfacing” in item 119, added item 133, substituted “Metropolitan planning” for “Transportation planning in certain urban areas” in item 134, substituted “Statewide planning” for “Traffic operations improvement programs” in item 135, substituted “Congestion mitigation and air quality improvement program” for “Truck lanes” in item 149, and added items 153 and 160.

Pub. L. 102-143, title III, §333(b), (c), Oct. 28, 1991, 105 Stat. 947, added item 159 and repealed Pub. L. 101-516, §333(b), which added former item 159. See 1990 Amendment note below.

1990—Pub. L. 101-516, title III, §333(b), Nov. 5, 1990, 104 Stat. 2186, which added item 159, was repealed by Pub. L. 102-143, title III, §333(c), Oct. 28, 1991, 105 Stat. 947. Section 333(d) of Pub. L. 102-143 provided that the amendments made by section 333 of Pub. L. 101-516 shall be treated as having not been enacted into law.

1987—Pub. L. 100-17, title I, §§113(d)(2), 114(e)(5), 125(b)(1), 126(b), 133(b)(1), Apr. 2, 1987, 101 Stat. 150, 153, 167, 171, substituted “Advance construction” for “Construction by States in advance of apportionment” in item 115, and “Availability of funds” for “Availability of sums apportioned” in item 118, struck out “and width” after “Vehicle weight” in item 127, substituted “Carpool and vanpool projects” for identical words in item 146, “National bridge inspection program” for “Pavement marking demonstration program” in item 151, and “Income from airspace rights-of-way” for “Highways crossing Federal projects” in item 156.

1984—Pub. L. 98-363, §6(b), July 17, 1984, 98 Stat. 437, added item 158.

1983—Pub. L. 97-424, title I, §119(c), Jan. 6, 1983, 96 Stat. 2111, substituted “Nondiscrimination” for “Equal employment opportunity” in item 140.

Pub. L. 97-424, title I, §150(b), Jan. 6, 1983, 96 Stat. 2132, added item 157.

1978—Pub. L. 95-599, §§116(c), 124(b), 168(c), Nov. 6, 1978, 92 Stat. 2699, 2705, 2723, substituted “Interstate System resurfacing” for “Repealed” in item 119, “Highway bridge replacement and rehabilitation program” for “Special bridge replacement program” in item 144, “Hazard elimination program” for “Projects for high-hazard locations” in item 152, and “Repealed” for “Program for the elimination of roadside obstacles” in item 153.

1976—Pub. L. 94-280, title I, §§123(b), 128(b), 132(b), 139, May 5, 1976, 90 Stat. 439-441, 443, substituted item 135 “Traffic operations improvement programs” for “Urban area traffic operations improvement programs”; substituted item 146 “Repealed” for “Special urban high density traffic programs”; added item 156 “Highways crossing Federal projects”; and substituted item III “Agreements relating to use of and access to rights-of-way—Interstate System” for “Use of and access to rights-of-way—Interstate System” and substituted items 119 and 133 “Repealed” for “Administration of Federal-aid for highways in Alaska” and “Relocation assistance”, respectively.

1975—Pub. L. 93-643, §§107(b), 114(b), 115(b), Jan. 4, 1975, 88 Stat. 2284, 2286, 2287, substituted item 141 reading “Enforcement of requirements” for prior text reading “Real property acquisition policies”, and added items 154 and 155.

1973—Pub. L. 93-87, title I, §§116(b), 121(b), 123(b), 125(b), 126(b), 129(c), 142(b), 157(b), title II, §§205(b), 209(b), 210(b), Aug. 13, 1973, 87 Stat. 258, 261, 263, 264, 266, 272, 278, 285, 287, 288, substituted “Certification acceptance” for “Secondary road responsibilities” in item 117, “Public transportation” for “Urban highway public transportation” in item 142, and added items 145 to 153.

1970—Pub. L. 91-605, title I, §§111(b), 127(b), 134(b), title II, §204(b), Dec. 31, 1970, 84 Stat. 1720, 1731, 1734, 1742, added items 142, 143, 144, and substituted “Fringe and corridor parking facilities” for “Limitation on authorization of appropriations for certain purposes” in item 137.

1968—Pub. L. 90-495, §§10(b), 12(b), 16(b), 22(b), 25(c), 35(b), Aug. 23, 1968, 82 Stat. 820, 822, 823, 827, 829, 836, added items 135, 139, 140, and 141 and substituted “Pre-