

title I, §126, May 5, 1976, 90 Stat. 440; Pub. L. 97-424, title I, §119, Jan. 6, 1983, 96 Stat. 2110; Pub. L. 100-17, title I, §122, Apr. 2, 1987, 101 Stat. 160; Pub. L. 102-240, title I, §1026, Dec. 18, 1991, 105 Stat. 1965; Pub. L. 102-388, title IV, §412, Oct. 6, 1992, 106 Stat. 1565; Pub. L. 105-178, title I, §§1208, 1212(a)(2)(A), June 9, 1998, 112 Stat. 186, 193; Pub. L. 109-59, title I, §1922, Aug. 10, 2005, 119 Stat. 1481; Pub. L. 111-350, §5(e)(1), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 112-141, div. A, title I, §1109, July 6, 2012, 126 Stat. 444.)

#### AMENDMENTS

2012—Subsec. (b). Pub. L. 112-141, §1109(a), substituted “From administrative funds made available under section 104(a),” for “Whenever apportionments are made under section 104(b)(3) of this title,” and struck out “and the bridge program under section 144” after “section 104(b)”.

Subsec. (c). Pub. L. 112-141, §1109(b), substituted “From administrative funds made available under section 104(a),” for “Whenever apportionments are made under section 104(b)(3),”.

2011—Subsec. (b). Pub. L. 111-350, §5(e)(1)(A), substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes, as amended (41 U.S.C. 5),”.

Subsec. (c). Pub. L. 111-350, §5(e)(1)(B), substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes, as amended (41 U.S.C. 5),” and “section 3106 of title 41” for “section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e))”.

2005—Subsec. (a). Pub. L. 109-59, §1922(a), in first sentence, substituted “section 135” for “subsection (a) of section 105 of this title”, in second sentence, substituted “The Secretary” for “He”, in third sentence, substituted “if necessary to ensure” for “shall, where he considers it necessary to assure” and inserted “shall” before “require”, and, in last sentence, substituted “the Secretary to” for “him to” and “the Secretary of Transportation” for “he”.

Subsec. (b). Pub. L. 109-59, §1922(b), in first sentence, substituted “surface transportation” for “highway construction” and, in second sentence, struck out “he may deem” before “necessary” and “not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and” before “not to exceed \$10,000,000”.

Subsec. (c). Pub. L. 109-59, §1922(c), substituted “section 104(b)(3)” for “subsection 104(b)(3) of this title” and struck out “he may deem” before “necessary”.

Subsec. (d). Pub. L. 109-59, §1922(d), struck out “AND CONTRACTING” after “EMPLOYMENT” in heading.

1998—Subsec. (a). Pub. L. 105-178, §§1208(a), 1212(a)(2)(A)(ii), inserted “In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program.” after third sentence and substituted “State transportation departments” for “State highway departments”.

Subsec. (b). Pub. L. 105-178, §§1208(b), 1212(a)(2)(A)(i), inserted “and technology” after “highway construction” and “, and to develop and fund summer transportation institutes” after “skill improvement programs” and substituted “section 104(b)(3)” for “section 104(b)” and “State transportation department” for “State highway department”.

Subsec. (c). Pub. L. 105-178, §1208(c), substituted “104(b)(3)” for “104(a)”.

1992—Subsec. (b). Pub. L. 102-388 substituted “½ of 1 percent” for “¼ of 1 percent” in last sentence.

1991—Subsec. (b). Pub. L. 102-240, §1026(a), (b), inserted “Indian tribal government,” after “institution,” and inserted at end “Notwithstanding any other provision of law, not to exceed ¼ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary.”

Subsec. (c). Pub. L. 102-240, §1026(b), inserted “Indian tribal government,” after “institution,”.

Subsec. (d). Pub. L. 102-240, §1026(c), inserted after first sentence “States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.”

1987—Subsec. (d). Pub. L. 100-17 added subsec. (d).  
1983—Pub. L. 97-424, §119(c), substituted “Non-discrimination” for “Equal employment opportunity” in section catchline.

Subsec. (a). Pub. L. 97-424, §119(a), substituted “, national origin, or sex” for “or national origin” after “color, creed”, in two places.

Subsec. (c). Pub. L. 97-424, §119(b), added subsec. (c).

1976—Subsec. (b). Pub. L. 94-280 substituted second sentence “Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection.” for “Whenever an apportionment is made under subsections 104(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972, 1973, 1974, 1975, and 1976, the Secretary shall deduct such sums as he may deem necessary not to exceed \$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and \$10,000,000 per fiscal year for the fiscal years 1974, 1975 and 1976, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems.”

1973—Subsec. (b). Pub. L. 93-87 included apportionment of appropriated moneys for administration of subsec. (b) provisions for fiscal years 1974, 1975, and 1976, and substituted provisions which made available for such administration \$5,000,000 per fiscal year for fiscal years 1972, and 1973, and \$10,000,000 per fiscal year for fiscal years 1974, 1975, and 1976, for prior provision making available \$5,000,000 per fiscal year for such administration.

1970—Pub. L. 91-605 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

#### EFFECTIVE DATE OF 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.

#### EFFECTIVE DATE

Section effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as an Effective Date of 1968 Amendment note under section 101 of this title.

### § 141. Enforcement of requirements

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforc-

ing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title. Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 31112 of title 49.

(b)(1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 7 percent of the amount which would otherwise be apportioned to such State under paragraphs (1) through (5) of section 104(b).

(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.

(c) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b)(1) in an amount up to 8 percent of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1986, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b)(1) and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.

(Added Pub. L. 93-643, §107(a), Jan. 4, 1975, 88 Stat. 2284; amended Pub. L. 95-599, title I, §123(d), Nov. 6, 1978, 92 Stat. 2702; Pub. L. 97-424, title I, §143, Jan. 6, 1983, 96 Stat. 2129; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-240, title I, §1023(c), Dec. 18, 1991, 105 Stat. 1954; Pub. L. 103-429, §3(7), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-59, title II, §205(d)(1)(A), Nov. 28, 1995, 109 Stat. 577; Pub. L. 105-178, title I, §1103(l)(3)(C), June 9, 1998, 112 Stat. 126; Pub. L. 112-141, div. A, title I, §1404(c), (d), July 6, 2012, 126 Stat. 558.)

#### REFERENCES IN TEXT

Section 4481 of the Internal Revenue Code of 1986, referred to in subsec. (c), is classified to section 4481 of Title 26, Internal Revenue Code.

#### PRIOR PROVISIONS

A prior section 141, Pub. L. 90-495, §35(a), Aug. 23, 1968, 82 Stat. 836, related to real property acquisition policies, prior to repeal by Pub. L. 91-646, title III, §306, Jan. 2, 1971, 84 Stat. 1907, such repeal becoming effective as to all States after July 1, 1972, the date on which sections 4630 and 4655 of Title 42, The Public Health and Welfare, covering similar subject matter, became applicable to all States.

#### AMENDMENTS

2012—Subsec. (b)(2). Pub. L. 112-141, §1404(c), substituted “7 percent” for “10 per centum” and “paragraphs (1) through (5) of section 104(b)” for “section 104 of this title”.

Subsec. (c). Pub. L. 112-141, §1404(d), substituted “section 104(b)(1)” for “section 104(b)(4)” in two places and substituted “8 percent” for “25 per centum”.

1998—Subsec. (c). Pub. L. 105-178 substituted “section 104(b)(4)” for “section 104(b)(5) of this title” in two places.

1995—Pub. L. 104-59 redesignated subsecs. (b) to (d) as (a) to (c), respectively, and struck out former subsec. (a) which read as follows: “Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.”

1994—Subsec. (b). Pub. L. 103-429 substituted “section 31112 of title 49” for “section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j))”.

1991—Subsec. (b). Pub. L. 102-240 inserted at end “Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).”

1986—Subsec. (d). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983—Subsec. (d). Pub. L. 97-424 added subsec. (d).

1978—Pub. L. 95-599 designated existing provisions as subsecs. (a) and (b) and added subsec. (c).

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

#### EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-59, title II, §205(d)(3), Nov. 28, 1995, 109 Stat. 577, provided that: “The amendments made by paragraph (1) [amending this section and repealing section 154 of this title] shall be applicable to a State on the 10th day following the date of the enactment of this Act [Nov. 28, 1995]; except that if the legislature of a State is not in session on such date of enactment and the chief executive officer of the State declares, before such 10th day, that the legislature is not in session and that the State prefers an applicability date for such amendments that is after the date on which the legislature will convene, such amendments shall be applicable to the State on the 60th day following the date on which the legislature next convenes.”

#### 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.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-599, title I, §123(e), Nov. 6, 1978, 92 Stat. 2702, provided that subsec. (c)(2) and (3) of this section

be applicable to certifications required by this section to be filed on or after Jan. 1, 1980, prior to repeal by Pub. L. 96-106, § 12, Nov. 9, 1979, 93 Stat. 798.

#### ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS

Pub. L. 95-599, title I, § 123(a)-(c), Nov. 6, 1978, 92 Stat. 2701, as amended by Pub. L. 100-17, title I, § 133(c)(4), Apr. 2, 1987, 101 Stat. 173, provided that:

“(a) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary of Transportation, hereunder referred to as the ‘Secretary’, in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

“(b)(1) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

“(2) For purposes of this subsection, the term ‘special permit’ means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

“(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section [Nov. 6, 1978] and each calendar year thereafter the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code.”

[For termination, effective May 15, 2000, of reporting provisions in section 123(c) of Pub. L. 95-599, set out above, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103-7.]

#### § 142. Public transportation

(a)(1) To encourage the development, improvement, and use of public mass transportation systems operating buses on Federal-aid highways for the transportation of passengers, so as to increase the traffic capacity of the Federal-aid highways for the movement of persons, the Secretary may approve as a project on any Federal-aid highway the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities, which may include electric vehicle charging stations or natural gas vehicle refueling stations, to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the

facility (including compensation to any person for operating the facility and for providing such shuttle service).

(2) In addition to the projects under paragraph (1), the Secretary may approve payment from sums apportioned under section 104(b)(2) for carrying out any capital transit project eligible for assistance under chapter 53 of title 49, capital improvement to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation.

(b) Sums apportioned in accordance with section 104(b)(1) shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid highway for payment from sums apportioned under section 104(b) modifications to existing highways eligible under the program that is the source of the funds on such highway necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety.

(d) METROPOLITAN PLANNING.—Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.

(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

(2) Projects authorized by subsection (a)(2) shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the surface transportation program, except to the extent determined inconsistent by the Secretary.

(3) The Federal share payable on account of projects authorized by subsection (a) of this section shall be that provided in section 120 of this title.

(f) AVAILABILITY OF RIGHTS-OF-WAY.—In any case where sufficient land or air space exists within the publicly acquired rights-of-way of any highway, constructed in whole or in part with Federal-aid highway funds, to accommodate needed passenger, commuter, or high speed rail, magnetic levitation systems, and highway and nonhighway public mass transit facilities, the Secretary shall authorize a State to make such lands, air space, and rights-of-way available with or without charge to a publicly or privately owned authority or company or any other person for such purposes if such accommodation will not adversely affect automotive safety.

(g) The provision of assistance under subsection (a)(2) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any non-supervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(h) Funds available for expenditure to carry out the purposes of subsection (a)(2) of this sec-