

§ 218. Alaska Highway

(a) Notwithstanding any other provision of law upon agreement with the State of Alaska, the Secretary is authorized to expend on the Alaska Marine Highway System any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum.

(b) For purposes of this section, the term “Alaska Marine Highway System” includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.

(Added Pub. L. 93-87, title I, §127(a)(1), Aug. 13, 1973, 87 Stat. 264; amended Pub. L. 94-147, Dec. 12, 1975, 89 Stat. 803; Pub. L. 97-424, title I, §158, Jan. 6, 1983, 96 Stat. 2135; Pub. L. 105-277, div. A, §101(g) [title III, §316], Oct. 21, 1998, 112 Stat. 2681-439, 2681-468; Pub. L. 108-7, div. I, title III, §327, Feb. 20, 2003, 117 Stat. 413; Pub. L. 109-59, title IV, §4409, Aug. 10, 2005, 119 Stat. 1778; Pub. L. 112-141, div. A, title I, §1519(c)(11), July 6, 2012, 126 Stat. 576.)

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141, §1519(c)(11)(A), designated third sentence as subsec. (a), struck out “, in addition to such funds,” after “provision of law” and “such highway or” after “expend on”, and struck out former first, second, fourth, and fifth sentences, including pars. (1) to (5), relating to reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, appropriations for reconstruction, obligation limitation enacted for fiscal year 1983, and certain restrictions on expenditures for construction of highways in Canada.

Subsecs. (b), (c). Pub. L. 112-141, §1519(c)(11)(B), (C), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary.”

2005—Subsec. (a). Pub. L. 109-59, §4409(1), struck out “prior to the date of the enactment of the reauthorization of the Transportation Equity Act for the 21st Century” before “shall not apply” in introductory provisions.

Subsec. (c). Pub. L. 109-59, §4409(2), added subsec. (c).

2003—Subsec. (a). Pub. L. 108-7 inserted “reauthorization of the” before “Transportation”.

1998—Subsec. (a). Pub. L. 105-277, §101(g) [title III, §316(1)(A)], substituted “to Haines” for “to the south Alaskan border” in first sentence, substituted “such highway or the Alaska Marine Highway System” for “such highway” in third sentence, substituted “any other fiscal year thereafter, including any portion of any other fiscal year thereafter, prior to the date of the enactment of the Transportation Equity Act for the 21st Century” for “any other fiscal year thereafter” in fourth sentence, substituted “construction of the portion of such highways that are in Canada until an agreement” for “construction of such highways until an agreement” in fifth sentence.

Subsec. (b). Pub. L. 105-277, §101(g) [title III, §316(2)], inserted “in Canada” after “undertaken”.

1983—Subsec. (a). Pub. L. 97-424 inserted provision that notwithstanding any other provision of law, upon agreement with the State of Alaska, the Secretary is authorized to expend on the highway any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum,

and that any obligation limitation enacted for fiscal year 1983 or for any other fiscal year thereafter shall not apply to such projects.

1975—Subsec. (a)(1). Pub. L. 94-147 struck out provision requiring that the right-of-way granted by the Canadian Government shall forever be held inviolate as part of such highways in public use.

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.

ALASKAN ROADS STUDY; INVESTIGATION; REPORT TO CONGRESS

Pub. L. 94-280, title I, §151, May 5, 1976, 90 Stat. 448, provided that:

“(a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

“(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of \$200,000 for the purpose of making the study authorized by subsection (a) of this section.”

APPROPRIATIONS AUTHORIZATION

Pub. L. 93-87, title I, §127(b), Aug. 13, 1973, 87 Stat. 264, provided that: “For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of \$58,670,000 to be expended in accordance with the provisions of section 218 of title 23 of the United States Code.”

[§ 219. Repealed. Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173]

Section, added Pub. L. 93-643, §122(a), Jan. 4, 1975, 88 Stat. 2289; amended Pub. L. 94-280, title I, §135(a), May 5, 1976, 90 Stat. 441; Pub. L. 95-599, title I, §168(d), Nov. 6, 1978, 92 Stat. 2723; Pub. L. 96-106, §10(a), Nov. 9, 1979, 93 Stat. 798, related to projects for safer off-system roads.

CHAPTER 3—GENERAL PROVISIONS

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301.	Freedom from tolls.
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[303.	Repealed.]
304.	Participation by small business enterprises.
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- Sec.
- 318. Highway relocation due to airport.
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- 327. Surface transportation project delivery program.
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- 329. Eligibility for control of noxious weeds and aquatic noxious weeds and establishment of native species.

AMENDMENTS

2012—Pub. L. 112-141, div. A, title I, §1519(c)(1)(C), July 6, 2012, 126 Stat. 575, struck out items 303 “Management systems” and 309 “Cooperation with other American Republics”.

Pub. L. 112-141, div. A, title I, §1313(i), July 6, 2012, 126 Stat. 547, which directed amendment of item 327 in the analysis of title 23, United States Code, by substituting “Surface transportation project delivery program” for “Surface transportation project delivery pilot program”, was executed to the analysis for this chapter, to reflect the probable intent of Congress.

2005—Pub. L. 109-59, title I, §§1901(b), 1903(b), title VI, §§6003(b), 6004(b), 6005(b), 6006(c), Aug. 10, 2005, 119 Stat. 1464, 1465, 1867, 1868, 1872, 1873, added items 313, 321, and 325 to 329.

1998—Pub. L. 105-178, title I, §§1212(a)(2)(B)(i), 1218(b), 1301(d)(3), title V, §5119(c), June 9, 1998, 112 Stat. 193, 219, 226, 452, substituted “State transportation department” for “State highway department” in item 302, struck out items 307 “Research and planning” and 321 “National Highway Institute”, added item 322, substituted “Donations and credits” for “Donations” in item 323, and struck out items 325 “International highway transportation outreach program” and 326 “Education and training program”.

1991—Pub. L. 102-240, title I, §1034(b), title VI, §§6003(b), 6004(b), Dec. 18, 1991, 105 Stat. 1978, 2168, 2169, added items 303, 325, and 326.

1987—Pub. L. 100-17, title I, §133(e)(1), Apr. 2, 1987, 101 Stat. 173, struck out item 322 “Demonstration project—rail crossings”.

1983—Pub. L. 97-449, §5(d)(2), Jan. 12, 1983, 96 Stat. 2442, struck out item 303 “Bureau organization”.

1973—Pub. L. 93-87, title I, §§145(b), 162(b), Aug. 13, 1973, 87 Stat. 273, 280, added items 323 and 324.

1970—Pub. L. 91-605, title I, §115(b), title II, §205(b), Dec. 31, 1970, 84 Stat. 1723, 1743, added items 321 and 322.

1966—Pub. L. 89-564, title I, §102(b)(2), Sept. 9, 1966, 80 Stat. 735, struck out item 313 relating to Highway Safety Conference.

1965—Pub. L. 89-285, title III, §301(b), Oct. 22, 1965, 79 Stat. 1032, inserted “and scenic enhancement” after “Landscaping” in item 319.

§ 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912.)

§ 302. State transportation department

(a) Any State desiring to avail itself of the provisions of this title shall have a State trans-

portation department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. In meeting the provisions of this subsection, a State may engage, to the extent necessary or desirable, the services of private engineering firms.

(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912; Pub. L. 89-574, §11, Sept. 13, 1966, 80 Stat. 770; Pub. L. 105-178, title I, §1212(a)(1), (2)(A)(i), (B)(ii), June 9, 1998, 112 Stat. 193.)

AMENDMENTS

1998—Pub. L. 105-178, §1212(a)(2)(B)(ii), substituted “State transportation department” for “State highway department” in section catchline.

Subsec. (a). Pub. L. 105-178, §1212(a)(1)(A), (2)(A)(i), substituted “State transportation department” for “State highway department” and struck out after first sentence “Among other things, the organization shall include a secondary road unit.”

Subsec. (b). Pub. L. 105-178, §1212(a)(1)(B), added subsec. (b) and struck out former subsec. (b) which read as follows: “The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.”

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

Section, added Pub. L. 102-240, title I, §1034(a), Dec. 18, 1991, 105 Stat. 1977; amended Pub. L. 103-429, §3(8), (9), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-59, title II, §205(a), Nov. 28, 1995, 109 Stat. 576, related to management systems.

A prior section 303, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912; Pub. L. 87-392, §1, Oct. 4, 1961, 75 Stat. 822; Pub. L. 88-426, title III, §305(24), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91-605, title I, §114(a), Dec. 31, 1970, 84 Stat. 1722; Pub. L. 93-87, title I, §152(4), Aug. 13, 1973, 87 Stat. 276, provided for administrative organization of the Federal Highway Administration, prior to repeal by Pub. L. 97-449, §7(b), Jan. 12, 1983, 96 Stat. 2445. See section 104 of Title 49, Transportation.

EFFECTIVE DATE OF REPEAL

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

§ 304. Participation by small business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of Federal-aid highways, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 112-141, div. A, title I, §1104(c)(5), July 6, 2012, 126 Stat. 427.)