

Pub. L. 100-17, title I, §102(a), Apr. 2, 1987, 101 Stat. 135.

Pub. L. 99-104, §1, Sept. 30, 1985, 99 Stat. 474.

Pub. L. 99-4, §1, Mar. 13, 1985, 99 Stat. 6.

Pub. L. 98-229, §1, Mar. 9, 1984, 98 Stat. 55.

Pub. L. 97-327, §3, Oct. 15, 1982, 96 Stat. 1611.

Pub. L. 97-134, §2, Dec. 29, 1981, 95 Stat. 1699.

Pub. L. 96-144, §1, Dec. 13, 1979, 93 Stat. 1084.

Pub. L. 95-599, title I, §103, Nov. 6, 1978, 92 Stat. 2689.

Pub. L. 94-280, title I, §103, May 5, 1976, 90 Stat. 426.

Pub. L. 93-87, title I, §103, Aug. 13, 1973, 87 Stat. 250.

Pub. L. 91-605, title I, §103, Dec. 31, 1970, 84 Stat. 1714.

Pub. L. 90-495, §3, Aug. 23, 1968, 82 Stat. 815.

Pub. L. 89-574, §3, Sept. 13, 1966, 80 Stat. 766.

Pub. L. 89-139, §2, Aug. 28, 1965, 79 Stat. 578.

MINIMUM APPORTIONMENT TO EACH STATE;  
EXPENDITURE OF EXCESS AMOUNTS

Provisions entitling each State, for specific fiscal years, to receive at least one-half of 1 per centum of the total apportionment for the Interstate System under former section 104(b)(5)(A) of this title, and authorizing States to expend amounts available under these provisions which are in excess of the estimated cost of completing and of necessary resurfacing, restoring, rehabilitating, and reconstruction of the State's portion of the Interstate System for the purposes for which funds apportioned under former section 104(b)(1), (2), and (6) of this title may be expended or for carrying out section 152 of this title were contained in the following acts:

Pub. L. 100-17, title I, §102(c), Apr. 2, 1987, 101 Stat. 135, as amended by Pub. L. 102-240, title I, §1001(h), Dec. 18, 1991, 105 Stat. 1916.

Pub. L. 97-424, title I, §103(a), Jan. 6, 1983, 96 Stat. 2097.

Pub. L. 97-327, §4(b), Oct. 15, 1982, 96 Stat. 1612; repealed Pub. L. 97-424, title I, §103(b), Jan. 6, 1983, 96 Stat. 2098.

Pub. L. 95-599, title I, §104(b)(1), Nov. 6, 1978, 92 Stat. 2691.

Pub. L. 94-280, title I, §105(b)(1), May 5, 1976, 90 Stat. 428.

Pub. L. 93-87, title I, §104(b), Aug. 13, 1973, 87 Stat. 252.

Pub. L. 91-605, title I, §105(b), Dec. 31, 1970, 84 Stat. 1716.

PUBLIC BOAT LAUNCHING AREAS; ACCESS RAMPS

Pub. L. 94-280, title I, §147, May 5, 1976, 90 Stat. 446, provided that: "Funds apportioned to States under [former] subsections (b)(1), (b)(2), and (b)(6) of section 104 of title 23, United States Code, may be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior."

USE OF FEDERAL FUNDS DURING PERIOD BEGINNING  
FEBRUARY 12, 1975, AND ENDING SEPTEMBER 30, 1975

Pub. L. 94-30, §3, June 4, 1975, 89 Stat. 171, sanctioned the use of any money apportioned under former section 104(b) of this title for any Federal-aid highway system in a State for any project in that State on any Federal-aid highway system, such amount to be deducted from the apportionment made after June 4, 1975 and repaid and credited to the last apportionment made for which the money was originally apportioned.

MINIMUM APPORTIONMENT FOR PRIMARY SYSTEM; ADDITIONAL APPROPRIATIONS FOR FISCAL YEARS ENDING  
JUNE 30, 1974, 1975, AND 1976

Pub. L. 93-87, title I, §111(b), Aug. 13, 1973, 87 Stat. 257, provided that no State (other than the District of Columbia) would receive an apportionment for the pri-

mary system less than the apportionment the State received for the fiscal year ending June 30, 1973, and made additional appropriations for the Federal-aid primary system.

SECTION 102(a) OF THE FEDERAL-AID HIGHWAY ACT OF  
1956

Act June 29, 1956, ch. 462, title I, §102(a), 70 Stat. 374, authorized, for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916, additional appropriations of \$125,000,000 for the fiscal year ending June 30, 1957, \$850,000,000 for the fiscal year ending June 30, 1958, and \$875,000,000 for the fiscal year ending June 30, 1959, and provided for the percentage allocation of these funds for primary, secondary and urban systems and the manner of apportionment among the States.

APPROVAL OF ESTIMATE OF COST OF COMPLETING THE  
INTERSTATE SYSTEM AS BASIS FOR APPORTIONMENT  
OF FUNDS FOR FISCAL YEARS 1963 TO 1966

Pub. L. 87-61, title I, §102, June 29, 1961, 75 Stat. 122, approved the estimate of cost of completing the Interstate System in each State, transmitted to the Congress on Jan. 11, 1961, as the basis for making the apportionment of funds authorized for the fiscal years ending June 30, 1963, 1964, 1965, and 1966.

APPROVAL OF ESTIMATE OF COST OF COMPLETING THE  
INTERSTATE SYSTEM AS BASIS FOR APPORTIONMENT  
OF FUNDS FOR FISCAL YEARS 1960-1962

Pub. L. 85-381, §8, Apr. 16, 1958, 72 Stat. 94, as amended by Pub. L. 85-899, §1, Sept. 2, 1958, 72 Stat. 1725; Pub. L. 86-342, title I, §103, Sept. 21, 1959, 73 Stat. 611, approved the estimate of cost of completing the Interstate System in each State, transmitted to the Congress on Jan. 7, 1958, as the basis for making the apportionment of funds authorized for the fiscal years ending June 30, 1960, 1961, and 1962.

APPORTIONMENTS FOR SUBSEQUENT YEARS BASED ON  
REVISED ESTIMATES OF COST

Act June 29, 1956, ch. 462, title I, §108(d), 70 Stat. 379, as amended by act Sept. 2, 1958, Pub. L. 85-899, §2, 72 Stat. 1725, provided that the sums authorized for the fiscal years 1960 through 1969 be apportioned among the several States in the ratio which the estimated cost of completing the Interstate System had to the sum of the estimated cost of completing the Interstate System in all of the States, and required the Secretary of Commerce, in cooperation with State highway departments, to make detailed revised estimates of the cost of completion of the system and to supply Congress with such revised estimate.

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

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 891; Pub. L. 86-624, §17(b), July 12, 1960, 74 Stat. 415; Pub. L. 89-564, title II, §206, Sept. 9, 1966, 80 Stat. 736; Pub. L. 91-605, title I, §§106(d), 132, Dec. 31, 1970, 84 Stat. 1717, 1732; Pub. L. 93-87, title I, §109(b), Aug. 13, 1973, 87 Stat. 255; Pub. L. 95-599, title I, §§111, 112, Nov. 6, 1978, 92 Stat. 2696; Pub. L. 97-424, title I, §109(a), Jan. 6, 1983, 96 Stat. 2104; Pub. L. 102-240, title I, §1105(g)(7), Dec. 18, 1991, 105 Stat. 2036; Pub. L. 105-178, title I, §1104(a), (c), June 9, 1998, 112 Stat. 127; Pub. L. 105-206, title IX, §9002(d), July 22, 1998, 112 Stat. 835; Pub. L. 109-59, title I, §1104(a), Aug. 10, 2005, 119 Stat. 1163; Pub. L. 110-244, title I, §101(m)(3)(B), June 6, 2008, 122 Stat. 1576, related to the equity bonus program.

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.

**§ 106. Project approval and oversight**

(a) IN GENERAL.—

(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

(2) PROJECT AGREEMENT.—The Secretary shall act on the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State transportation department recipient formalizing the conditions of the project approval.

(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of the Federal share of the cost of the project.

(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by section 109.

(b) PROJECT AGREEMENT.—

(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required to pay the State's non-Federal share of the cost of construction of the project and to pay for maintenance of the project after completion of construction.

(2) REPRESENTATIONS OF STATE.—If a part of the project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State, the Secretary may rely on representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials for ensuring that the non-Federal contribution will be provided under paragraph (1).

(c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—

(1) NHS PROJECTS.—For projects under this title that are on the National Highway System, including projects on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate.

(2) NON-NHS PROJECTS.—For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects, unless the State determines that such assumption is not appropriate.

(3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.

(4) LIMITATION ON INTERSTATE PROJECTS.—

(A) IN GENERAL.—The Secretary shall not assign any responsibilities to a State for projects the Secretary determines to be in a

high risk category, as defined under subparagraph (B).

(B) HIGH RISK CATEGORIES.—The Secretary may define the high risk categories under this subparagraph on a national basis, a State-by-State basis, or a national and State-by-State basis, as determined to be appropriate by the Secretary.

(d) RESPONSIBILITIES OF THE SECRETARY.—Nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under—

(1) section 113 or 114; or

(2) any Federal law other than this title (including section 5333 of title 49).

(e) VALUE ENGINEERING ANALYSIS.—

(1) DEFINITION OF VALUE ENGINEERING ANALYSIS.—

(A) IN GENERAL.—In this subsection, the term “value engineering analysis” means a systematic process of review and analysis of a project, during the planning and design phases, by a multidisciplinary team of persons not involved in the project, that is conducted to provide recommendations such as those described in subparagraph (B) for—

(i) providing the needed functions safely, reliably, and at the lowest overall lifecycle cost;

(ii) improving the value and quality of the project; and

(iii) reducing the time to complete the project.

(B) INCLUSIONS.—The recommendations referred to in subparagraph (A) include, with respect to a project—

(i) combining or eliminating otherwise inefficient use of costly parts of the original proposed design for the project; and

(ii) completely redesigning the project using different technologies, materials, or methods so as to accomplish the original purpose of the project.

(2) ANALYSIS.—The State shall provide a value engineering analysis for—

(A) each project on the National Highway System receiving Federal assistance with an estimated total cost of \$50,000,000 or more;

(B) a bridge project on the National Highway System receiving Federal assistance with an estimated total cost of \$40,000,000 or more; and

(C) any other project the Secretary determines to be appropriate.

(3) MAJOR PROJECTS.—The Secretary may require more than 1 analysis described in paragraph (2) for a major project described in subsection (h).

(4) REQUIREMENTS.—

(A) VALUE ENGINEERING PROGRAM.—The State shall develop and carry out a value engineering program that—

(i) establishes and documents value engineering program policies and procedures;

(ii) ensures that the required value engineering analysis is conducted before completing the final design of a project;

(iii) ensures that the value engineering analysis that is conducted, and the recom-