

the Secretary determines is necessary to comply with the applicable agreement; and

(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

(2) **TERMINATION BY THE STATE.**—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.

(Added Pub. L. 109–59, title VI, §6005(a), Aug. 10, 2005, 119 Stat. 1868; amended Pub. L. 111–322, title II, §2203(c), Dec. 22, 2010, 124 Stat. 3526; Pub. L. 112–140, title I, §101(e)(1), June 29, 2012, 126 Stat. 392; Pub. L. 112–141, div. A, title I, §1313(a)–(h), July 6, 2012, 126 Stat. 545–547.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(2)(A), (B)(ii), (iii), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date on which amendments to this section by the MAP-21 take effect, referred to in subsec. (b)(2), is 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.

AMENDMENTS

2012—Pub. L. 112–141, §1313(a)(1), struck out “pilot” before “program” in section catchline.

Subsec. (a)(1). Pub. L. 112–141, §1313(a)(2), struck out “pilot” before “program (referred to)”.

Subsec. (a)(2)(B)(ii) to (iv). Pub. L. 112–141, §1313(b)(1), added cls. (ii) to (iv) and struck out former cl. (ii) which read as follows: “the Secretary may not assign—

“(I) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

“(II) any responsibility imposed on the Secretary by section 134 or 135.”

Subsec. (a)(2)(F), (G). Pub. L. 112–141, §1313(b)(2), added subpars. (F) and (G).

Subsec. (b)(1). Pub. L. 112–141, §1313(c)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Secretary may permit not more than 5 States (including the States of Alaska, California, Ohio, Oklahoma, and Texas) to participate in the program.”

Subsec. (b)(2). Pub. L. 112–141, §1313(c)(2), substituted “date on which amendments to this section by the MAP-21 take effect, the Secretary shall amend, as appropriate,” for “date of enactment of this section, the Secretary shall promulgate” in introductory provisions.

Subsec. (c)(4) to (6). Pub. L. 112–141, §1313(d), added pars. (4) to (6).

Subsec. (e). Pub. L. 112–141, §1313(e), substituted “subsection (j)” for “subsection (i)”.

Subsec. (g)(1)(B). Pub. L. 112–141, §1313(f), substituted “of the third and fourth years” for “subsequent year”.

Subsec. (h). Pub. L. 112–141, §1313(g)(2), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 112–141, §1313(g)(1), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 112–140 substituted “September 30, 2012” for “the date that is 7 years after the date of enactment of this section”.

Subsec. (j). Pub. L. 112–141, §1313(h), amended subsec. (j) generally. Prior to amendment, subsec. (j) related to

termination of the original pilot program on Sept. 30, 2012, and termination of State participation by the Secretary.

Pub. L. 112–141, §1313(g)(1), redesignated subsec. (i) as (j).

2010—Subsec. (i)(1). Pub. L. 111–322 substituted “7 years after” for “6 years after”.

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.

Pub. L. 112–140, title I, §101(e)(2), June 29, 2012, 126 Stat. 392, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if included in section 101 of the Surface Transportation Extension Act of 2012 [Pub. L. 112–102] and shall not be subject to the special rule in section 1(c) of this Act [set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title].”

§ 328. Eligibility for environmental restoration and pollution abatement

(a) **IN GENERAL.**—Subject to subsection (b), environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) may be carried out to address water pollution or environmental degradation caused wholly or partially by a transportation facility.

(b) **MAXIMUM EXPENDITURE.**—In a case in which a transportation facility is undergoing reconstruction, rehabilitation, resurfacing, or restoration, the expenditure of funds under this section for environmental restoration or pollution abatement described in subsection (a) shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration of the facility.

(Added Pub. L. 109–59, title VI, §6006(b), Aug. 10, 2005, 119 Stat. 1872.)

§ 329. Eligibility for control of noxious weeds and aquatic noxious weeds and establishment of native species

(a) **IN GENERAL.**—In accordance with all applicable Federal law (including regulations), funds made available to carry out this section may be used for the following activities if such activities are related to transportation projects funded under this title:

(1) Establishment of plants selected by State and local transportation authorities to perform one or more of the following functions: abatement of stormwater runoff, stabilization of soil, and aesthetic enhancement.

(2) Management of plants which impair or impede the establishment, maintenance, or safe use of a transportation system.

(b) **INCLUDED ACTIVITIES.**—The establishment and management under subsection (a)(1) and (a)(2) may include—

(1) right-of-way surveys to determine management requirements to control Federal or State noxious weeds as defined in the Plant Protection Act (7 U.S.C. 7701 et seq.) or State