

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)
158(j) .....	127
158(k) .....	307 note
159 .....	107
160 .....	108
161 .....	124
162 .....	123
163 .....	111
164 .....	129(b)-(d)
165 .....	Elim.
166 .....	113
167 .....	101(b), 128(a), (b), 304
168 .....	Elim.
169 (less last proviso) .....	Rep.
169 (last proviso) .....	Elim.
170 .....	305
171 .....	306
172 .....	Rep.
173 .....	120 note
174 .....	307 note
175 .....	Elim.

CITATION

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

REPEALS

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 L. 85-767, §2, Aug. 27, 1958, 72 Stat. 919, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this title.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

Pub. L. 85-767, §3, 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

Pub. L. 85-767, §4, 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.	National Highway System.

Sec. 104.	Apportionment.
[105.	Repealed.]
106.	Project approval and oversight.
107.	Acquisition of rights-of-way—Interstate System.
108.	Advance acquisition of real property.
109.	Standards.
[110.	Repealed.]
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.	Repealed.]
118.	Availability of funds.
119.	National highway performance 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.	Repealed.]
125.	Emergency relief.
126.	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 and nonmetropolitan 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.	National bridge and tunnel inventory and inspection standards.
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.	National goals and performance management measures.
[151.	Repealed.]
152.	Hazard elimination program.
153.	Use of safety belts and motorcycle helmets.
154.	Open container requirements.
[155.	Repealed.]
156.	Proceeds from the sale or lease of real property.
[157.	Repealed.]
158.	National minimum drinking age.
159.	Revocation or suspension of drivers' licenses of individuals convicted of drug offenses.
[160.	Repealed.]
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.
165.	Territorial and Puerto Rico highway program.

Sec.	
166.	HOV facilities.
167.	National freight program. <sup>1</sup>
168.	Integration of planning and environmental review.
169.	Development of programmatic mitigation plans.
170.	Funding flexibility for transportation emergencies.

## AMENDMENTS

2012—Pub. L. 112-141, div. A, title I, §§1104(c)(1), 1106(c), 1111(b), 1114(b)(1), 1115(b), 1202(b), 1310(b), 1311(b), 1509(b), 1515(b), 1519(c)(1)(A), July 6, 2012, 126 Stat. 427, 437, 450, 468, 472, 524, 543, 545, 567, 574, 575, substituted “National Highway System” for “Federal-aid systems” in item 103, struck out items 105 “Equity bonus program”, 110 “Revenue aligned budget authority”, and 117 “High priority projects program”, substituted “National highway performance program” for “Interstate maintenance program” in item 119, struck out item 124 “Advances to States”, substituted “Transferability of Federal-aid highway funds” for “Uniform transferability of Federal-aid highway funds” in item 126, “Statewide and nonmetropolitan transportation planning” for “Statewide transportation planning” in item 135, and “National bridge and tunnel inventory and inspection standards” for “Highway bridge program” in item 144, struck out items 151 “National bridge inspection program”, 155 “Access highways to public recreation areas on certain lakes”, 157 “Safety incentive grants for use of seat belts”, and 160 “Reimbursement for segments of the Interstate System constructed without Federal assistance”, substituted “Territorial and Puerto Rico highway program” for “Puerto Rico highway program” in item 165, and added items 167 to 170.

Pub. L. 112-141, div. A, title I, §1203(b), July 6, 2012, 126 Stat. 526, which directed striking out item 150 and inserting new item 150, was executed by adding item 150 to reflect the probable intent of Congress and the prior striking of item 150 by Pub. L. 105-178. See 1998 Amendment note below.

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), 163(c), Nov. 6, 1978, 92 Stat. 2699, 2705, 2723, substituted “Interstate

<sup>1</sup> So in original. Does not conform to section catchline.