

BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS

Pub. L. 115-31, div. K, title I, §123, May 5, 2017, 131 Stat. 741, provided that: "Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 114-113, div. L, title I, §122, Dec. 18, 2015, 129 Stat. 2847.

Pub. L. 113-235, div. K, title I, §122, Dec. 16, 2014, 128 Stat. 2708.

Pub. L. 113-76, div. L, title I, §122, Jan. 17, 2014, 128 Stat. 586.

Pub. L. 112-55, div. C, title I, §122, Nov. 18, 2011, 125 Stat. 654.

Pub. L. 111-117, div. A, title I, §123, Dec. 16, 2009, 123 Stat. 3048.

Pub. L. 111-8, div. I, title I, §126, Mar. 11, 2009, 123 Stat. 928.

Pub. L. 110-161, div. K, title I, §130, Dec. 26, 2007, 121 Stat. 2389.

Pub. L. 110-244, title I, §117, June 6, 2008, 122 Stat. 1607, provided that:

"(a) WAIVER NOTIFICATION.—

"(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

"(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

"(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

"(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act [June 6, 2008], the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings."

§ 314. Relief of employees in hazardous work

The Secretary is authorized in an emergency to use appropriations to the Department of Transportation for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Federal Highway Administration engaged in hazardous work.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 93-87, title I, §152(5), (6), Aug. 13, 1973, 87 Stat. 276.)

AMENDMENTS

1973—Pub. L. 93-87 substituted "Department of Transportation" for "Department of Commerce" and "Federal Highway Administration" for "Bureau of Public Roads".

§ 315. Rules, regulations, and recommendations

Except as provided in sections 202(a)(5), 203(a)(3), and 205(a) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State transportation departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 100-17, title I, §133(b)(18), Apr. 2, 1987, 101 Stat. 172; Pub. L. 105-178, title I, §1212(a)(2)(A)(ii), June 9, 1998, 112 Stat. 193; Pub. L. 112-141, div. A, title I, §1119(c)(3), July 6, 2012, 126 Stat. 492.)

AMENDMENTS

2012—Pub. L. 112-141 substituted "202(a)(5), 203(a)(3)," for "204(f)".

1998—Pub. L. 105-178 substituted "State transportation departments" for "State highway departments".

1987—Pub. L. 100-17 which directed that this section be amended by substituting "204(f) and 205(a)" for "204(d), 205(a), 207(b), and 208(c)" was executed by substituting "204(f) and 205(a)" for "204(d), 205(a), 206(b), 207(b), and 208(c)", to reflect the probable intent of Congress.

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.

§ 316. Consent by United States to conveyance of property

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State transportation department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193.)

AMENDMENTS

1998—Pub. L. 105-178 substituted "State transportation department" for "State highway department".

§ 317. Appropriation for highway purposes of lands or interests in lands owned by the United States

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is

contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State transportation department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State transportation department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid highway or under the provisions of chapter 2 of this title.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193; Pub. L. 112-141, div. A, title I, §1104(c)(6), July 6, 2012, 126 Stat. 427.)

AMENDMENTS

2012—Subsec. (d). Pub. L. 112-141 substituted “highway” for “system”.

1998—Subsecs. (b), (c). Pub. L. 105-178 substituted “State transportation department” for “State highway department”.

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.

§ 318. Highway relocation due to airport

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State transportation department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193.)

AMENDMENTS

1998—Pub. L. 105-178 substituted “State transportation department” for “State highway department”.

§ 319. Landscaping and scenic enhancement

(a) **LANDSCAPE AND ROADSIDE DEVELOPMENT.**—The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned

and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty (including the enhancement of habitat and forage for pollinators) adjacent to such highways.

(b) PLANTING OF WILDFLOWERS.—

(1) **GENERAL RULE.**—The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least ¼ of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

(2) **WAIVER.**—The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

(3) **GIFTS.**—Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

(c) **ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.**—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 89-285, title III, §301(a), Oct. 22, 1965, 79 Stat. 1032; Pub. L. 89-574, §8(b), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, §6(f), Aug. 23, 1968, 82 Stat. 818; Pub. L. 94-280, title I, §136(a), May 5, 1976, 90 Stat. 442; Pub. L. 100-17, title I, §130, Apr. 2, 1987, 101 Stat. 169; Pub. L. 114-94, div. A, title I, §1415(a), Dec. 4, 2015, 129 Stat. 1421.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-94, §1415(a)(1), inserted “(including the enhancement of habitat and forage for pollinators)” before “adjacent”.

Subsec. (c). Pub. L. 114-94, §1415(a)(2), added subsec. (c).

1987—Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1976—Pub. L. 94-280, in revising section, struck out subsec. (a) designation for existing text; incorporated as part of the section provision of former subsec. (b) for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways; and struck out subsec. (b) designation and other subsec. (b) provisions relating to: allocation to a State out of appropriated funds an amount equivalent to 3 per centum of funds apportioned to a State for Fed-