

- Sec.  
164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
165. Territorial and Puerto Rico highway program.
166. HOV facilities.
167. National highway freight program.
168. Integration of planning and environmental review.
169. Development of programmatic mitigation plans.
170. Funding flexibility for transportation emergencies.

### Editorial Notes

#### AMENDMENTS

2015—Pub. L. 114-94, div. A, title I, §§1105(b), 1109(c)(6)(A), 1116(b), 1403(b), 1413(b), Dec. 4, 2015, 129 Stat. 1337, 1344, 1356, 1409, 1418, substituted “Surface transportation block grant program” for “Surface transportation program” in item 133, “National highway freight program” for “National freight program” in item 167, and added items 105, 117, and 151.

Pub. L. 114-94, div. A, title I, §1446(d)(2)(B), Dec. 4, 2015, 129 Stat. 1438, amended section 1203(b) of Pub. L. 112-141, effective July 6, 2012, as if included in Pub. L. 112-141 as enacted. See 2012 Amendment note below.

2012—Pub. L. 112-141, div. A, title I, §§1104(c)(1), 1106(c), 1111(b), 1114(b)(1), 1115(b), 1202(b), 1203(b), 1310(b), 1311(b), 1509(b), 1515(b), 1519(c)(1)(A), July 6, 2012, 126 Stat. 427, 437, 450, 468, 472, 524, 526, 543, 545, 567, 574, 575, as amended by Pub. L. 114-94, div. A, title I, §1446(d)(2)(B), Dec. 4, 2015, 129 Stat. 1438, 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, added item 150, 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.

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(d)(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), 168(c), Nov. 6, 1978, 92 Stat. 2699, 2705, 2723, substituted “Interstate System resurfacing” for “Repealed” in item 119, “Highway bridge replacement and rehabilitation program” for “Special bridge replacement program” in item 144, “Hazard elimination program” for “Projects for high-hazard locations” in item 152, and “Repealed” for “Program for the elimination of roadside obstacles” in item 153.

1976—Pub. L. 94-280, title I, §§123(b), 128(b), 132(b), 139, May 5, 1976, 90 Stat. 439-441, 443, substituted item 135 “Traffic operations improvement programs” for “Urban area traffic operations improvement programs”; substituted item 146 “Repealed” for “Special urban high density traffic programs”; added item 156 “Highways crossing Federal projects”; and substituted item 111 “Agreements relating to use of and access to rights-of-way—Interstate System” for “Use of and access to rights-of-way—Interstate System” and substituted items 119 and 133 “Repealed” for “Administration of Federal-aid for highways in Alaska” and “Relocation assistance”, respectively.

1975—Pub. L. 93-643, §§107(b), 114(b), 115(b), Jan. 4, 1975, 88 Stat. 2284, 2286, 2287, substituted item 141 reading “Enforcement of requirements” for prior text reading “Real property acquisition policies”, and added items 154 and 155.

1973—Pub. L. 93-87, title I, §§116(b), 121(b), 123(b), 125(b), 126(b), 129(c), 142(b), 157(b), title II, §§205(b), 209(b), 210(b), Aug. 13, 1973, 87 Stat. 258, 261, 263, 264, 266, 272, 278, 285, 287, 288, substituted “Certification acceptance” for “Secondary road responsibilities” in item 117, “Public transportation” for “Urban highway public transportation” in item 142, and added items 145 to 153.

1970—Pub. L. 91-605, title I, §§111(b), 127(b), 134(b), title II, §204(b), Dec. 31, 1970, 84 Stat. 1720, 1731, 1734, 1742, added items 142, 143, 144, and substituted “Fringe and corridor parking facilities” for “Limitation on authorization of appropriations for certain purposes” in item 137.

1968—Pub. L. 90-495, §§10(b), 12(b), 16(b), 22(b), 25(c), 35(b), Aug. 23, 1968, 82 Stat. 820, 822, 823, 827, 829, 836, added items 135, 139, 140, and 141 and substituted “Prevailing rate of wage” for “Prevailing rate of wage—Interstate System” in item 113 and “Construction by States in advance of apportionment” for “Construction by States in advance of apportionment—Interstate System” in item 115.

1966—Pub. L. 89-574, §§8(c)(2), 15(b), Sept. 13, 1966, 80 Stat. 769, 771, added items 137 and 138.

Pub. L. 89-564, title I, §102(b)(1), Sept. 9, 1966, 80 Stat. 734, struck out item 135 relating to highway safety programs.

1965—Pub. L. 89-285, title I, §102, title II, §202, Oct. 22, 1965, 79 Stat. 1030, 1032, substituted “Control of outdoor advertising” for “Areas adjacent to the Interstate System” in item 131, and added item 136.

Pub. L. 89-139, §4(b), Aug. 28, 1965, 79 Stat. 579, added item 135.

1962—Pub. L. 87-866, §§5(b), 9(b), Oct. 23, 1962, 76 Stat. 1147, 1148, added items 133 and 134.

1960—Pub. L. 86-657, §§4(b), 5(b), July 14, 1960, 74 Stat. 523, included ferries in item 129 and added item 132.

### § 101. Definitions and declaration of policy

(a) DEFINITIONS.—In this title, the following definitions apply:

(1) APPORTIONMENT.—The term “apportionment” includes unexpended apportionments made under prior authorization laws.

(2) ASSET MANAGEMENT.—The term “asset management” means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.

(3) CARPOOL PROJECT.—The term “carpool project” means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided.

(4) CONSTRUCTION.—The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway or any project eligible for assistance under this title, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

(A) preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services;

(B) reconstruction, resurfacing, restoration, rehabilitation, and preservation;

(C) acquisition of rights-of-way;

(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

(E) elimination of hazards of railway-highway grade crossings;

(F) elimination of roadside hazards;

(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

(H) capital improvements that directly facilitate an effective vehicle weight enforce-