

I, §1103(l)(1), June 9, 1998, 112 Stat. 125; Pub. L. 112-141, div. A, title I, §1105(b), July 6, 2012, 126 Stat. 432.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 146, Pub. L. 93-87, title I, §125(a), Aug. 13, 1973, 87 Stat. 262, related to a special urban high density traffic program, prior to repeal by Pub. L. 94-280, title I, §128(a), May 5, 1976, 90 Stat. 440.

#### AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141 substituted “section 104(b)(2)” for “sections 104(b)(1) and 104(b)(3)”.

1998—Subsec. (a). Pub. L. 105-178 substituted “sections 104(b)(1) and 104(b)(3)” for “sections 104(b)(1), 104(b)(2), and 104(b)(6)”.

### Statutory Notes and Related Subsidiaries

#### 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.

#### USE OF HIGH OCCUPANCY LANES

Pub. L. 97-424, title I, §163, Jan. 6, 1983, 96 Stat. 2136, as amended by Pub. L. 100-17, title I, §133(a)(4), (5), Apr. 2, 1987, 101 Stat. 170, 171; Pub. L. 102-240, title I, §1056, Dec. 18, 1991, 105 Stat. 2002, provided that: “Notwithstanding any other provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles. Upon certification by the State to the Secretary of Transportation, after notice in the Federal Register and an opportunity for public comment, and acceptance of such certification by the Secretary, the State may restrict such use by motorcycles if such use would create a safety hazard. Any certification made before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 [Dec. 18, 1991] shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.”

#### EXPENDITURE OF ADMINISTRATIVE FUNDS FOR CARPOOLING AND VANPOOLING PROGRAMS

Pub. L. 97-424, title I, §123(b), Jan. 6, 1983, 96 Stat. 2113, directed the Secretary of Transportation to expend necessary sums out of the administrative funds authorized by section 104(a) of this title to carry out section 126(d) of Pub. L. 95-599, set out below.

#### GRANTS TO STATES, COUNTIES, ETC., TO PROMOTE CARPOOLING AND VANPOOLING PROGRAMS

Pub. L. 95-599, title I, §126(d)-(h), Nov. 6, 1978, 92 Stat. 2706, 2707, as amended by Pub. L. 102-240, title III, §3004(b), Dec. 18, 1991, 105 Stat. 2088, provided that:

“(d) It is hereby declared to be national policy that special effort should be made to promote commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. The Secretary is directed to assist both public and private employers and employees who wish to establish carpooling and vanpooling programs where they are needed and desired, and to assist local and State governments, and their instrumentalities, in encouraging such modes by removing legal and regulatory barriers to such programs, supporting existing carpooling and vanpooling programs, and providing technical assistance, for the purpose of increasing participation in such modes.

“(e) The Secretary of Transportation is authorized to make grants and loans to States, counties, municipalities, metropolitan planning organizations, and other units of local and regional government consistent with the policy of subsection (d) of this section. Such grants and loans shall be awarded in a manner which emphasizes energy conservation, although the Secretary may use other factors as he deems appropriate. The Federal share of the costs of any project approved under this subsection shall not exceed 75 per centum. No grant awarded under this subsection may be used for the purchase or lease of vehicles.

“(f) There is hereby authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$1,000,000 for the fiscal year ending September 30, 1979, \$1,000,000 for the fiscal year ending September 30, 1980, and \$1,000,000 for the fiscal year ending September 30, 1981, for expenditures incurred by the Secretary of Transportation in carrying out the provisions of subsection (d) of this section, and \$3,000,000 for the fiscal year ending September 30, 1979, and \$9,000,000 for the fiscal year ending September 30, 1980, for the purpose of carrying out the program described in subsection (e) of this section.

“(g) The Secretary of Transportation shall not approve any project under subsection (d) or (e) of this section or under section 146 of title 23, United States Code; which will have an adverse effect on any mass transportation system.

“(h) The Secretary of Transportation is directed to study the administrative effectiveness of carpooling and vanpooling programs within the Department of Transportation, including programs of the Federal Highway Administration, the Federal Transit Administration, and the Office of the Secretary. Such study shall be completed no later than September 30, 1979. Upon completion of such study, the Secretary shall propose a plan to centralize or modify such programs to make delivery of services and grants more efficient, more cost-effective, and to avoid duplication of effort. Such plan shall list statutory changes needed to implement such a plan, which shall be sent to Congress no later than March 30, 1980.”

[“Federal Transit Administration” substituted for “Urban Mass Transit Administration” in section 126(h) of Pub. L. 95-599, set out above, pursuant to section 3004(a) of Pub. L. 102-240, set out as a note under section 107 of Title 49, Transportation.]

#### FEDERAL FACILITY RIDESHARING PROGRAM

For provisions relating to the Federal Facilities Ridesharing Program, see Ex. Ord. No. 12191, Feb. 1, 1980, 45 F.R. 7997, set out as a note under section 6361 of Title 42, The Public Health and Welfare.

### § 147. Construction of ferry boats and ferry terminal facilities

(a) PROGRAM.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

(b) FEDERAL SHARE.—The Federal share of the cost of construction of ferry boats, ferry terminals, and ferry maintenance facilities under this section shall be 80 percent.

(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section for a fiscal year, 100 percent shall be allocated in accordance with the formula set forth in subsection (d).

(d) FORMULA.—Of the amounts allocated under subsection (c)—

(1) 35 percent shall be allocated among eligible entities in the proportion that—

(A) the number of ferry passengers, including passengers in vehicles, carried by each

ferry system in the most recent calendar year for which data is available; bears to

(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

(2) 35 percent shall be allocated among eligible entities in the proportion that—

(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

(3) 30 percent shall be allocated among eligible entities in the proportion that—

(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

(e) **REDISTRIBUTION OF UNOBLIGATED AMOUNTS.**—The Secretary shall—

(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

(2) in the subsequent fiscal year, redistribute the amounts referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

(f) **MINIMUM AMOUNT.**—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than \$100,000 under this section for a fiscal year.

(g) **IMPLEMENTATION.**—

(1) **DATA COLLECTION.**—

(A) **NATIONAL FERRY DATABASE.**—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note).

(B) **ELIGIBILITY FOR FUNDING.**—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note) for at least 1 ferry service within the State.

(2) **ADJUSTMENTS.**—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

- (1) \$110,000,000 for fiscal year 2022;
- (2) \$112,000,000 for fiscal year 2023;
- (3) \$114,000,000 for fiscal year 2024;

- (4) \$116,000,000 for fiscal year 2025; and
- (5) \$118,000,000 for fiscal year 2026.

(j) **PERIOD OF AVAILABILITY.**—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

(j) **APPLICABILITY.**—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

(k) **ADDITIONAL USES.**—Notwithstanding any other provision of law, in addition to other uses of funds under this section, an eligible entity may use amounts made available under this section to pay the operating costs of the eligible entity.

(Added Pub. L. 93-87, title I, §126(a), Aug. 13, 1973, 87 Stat. 263; amended Pub. L. 94-280, title I, §130, May 5, 1976, 90 Stat. 440; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193; Pub. L. 109-59, title I, §1801(a), Aug. 10, 2005, 119 Stat. 1455; Pub. L. 112-141, div. A, title I, §1121(a), July 6, 2012, 126 Stat. 493; Pub. L. 114-94, div. A, title I, §1112(a), Dec. 4, 2015, 129 Stat. 1345; Pub. L. 117-58, div. A, title I, §11121, div. G, title XI, §71103(g)(1), Nov. 15, 2021, 135 Stat. 497, 1326.)

## Editorial Notes

### AMENDMENTS

2021—Subsec. (h). Pub. L. 117-58, §11121, added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$80,000,000 for each of fiscal years 2016 through 2020.”

Subsec. (k). Pub. L. 117-58, §71103(g)(1), added subsec. (k).

2015—Subsec. (a). Pub. L. 114-94, §1112(a)(1), substituted “Program” for “In General” in heading.

Subsecs. (d) to (j). Pub. L. 114-94, §1112(a)(2), added subsecs. (d) to (j) and struck out former subsecs. (d) to (g) which related to formula for determining allocation amounts, authorization of appropriations, period of availability of funds, and applicability of chapter, respectively.

2012—Subsecs. (c) to (g). Pub. L. 112-141 added subsecs. (c) to (e), redesignated former subsecs. (e) and (f) as (f) and (g), respectively, and struck out former subsecs. (c) and (d) which related to allocation of funds and set-aside for projects on National Highway System, respectively.

2005—Pub. L. 109-59 amended section catchline and text generally, substituting provisions relating to program for construction of ferry boats and ferry terminal facilities for provisions relating to selection of high traffic sections of highways as priority primary routes for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities.

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

1976—Subsec. (b). Pub. L. 94-280 amended subsec. (b) generally, striking out apportionment provisions.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 11121 of Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of this title.

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

## 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.

## DIESEL FUEL FERRY VESSELS

Pub. L. 117-58, div. A, title I, §11117(b), Nov. 15, 2021, 135 Stat. 483, provided that:

“(1) IN GENERAL.—Notwithstanding section 147(b) [probably means section 147(b) of title 23, United States Code], in the case of a project to replace or retrofit a diesel fuel ferry vessel that provides substantial emissions reductions, the Federal share of the cost of the project may be up to 85 percent, as determined by the State.

“(2) SUNSET.—The authority provided by paragraph (1) shall terminate on September 30, 2025.”

## ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM

Pub. L. 117-58, div. G, title XI, §71102, Nov. 15, 2021, 135 Stat. 1325, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means—

“(A) methanol, denatured ethanol, and other alcohols;

“(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

“(C) natural gas;

“(D) liquefied petroleum gas;

“(E) hydrogen;

“(F) fuels (except alcohol) derived from biological materials;

“(G) electricity (including electricity from solar energy); and

“(H) any other fuel the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

“(2) ELECTRIC OR LOW-EMITTING FERRY.—The term ‘electric or low-emitting ferry’ means a ferry that reduces emissions by utilizing alternative fuels or onboard energy storage systems and related charging infrastructure to reduce emissions or produce zero onboard emissions under normal operation.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) ESTABLISHMENT.—The Secretary shall carry out a pilot program to provide grants for the purchase of electric or low-emitting ferries and the electrification of or other reduction of emissions from existing ferries.

“(c) REQUIREMENT.—In carrying out the pilot program under this section, the Secretary shall ensure that—

“(1) not less than 1 grant under this section shall be for a ferry service that serves the State with the largest number of Marine Highway System miles; and

“(2) not less than 1 grant under this section shall be for a bi-State ferry service—

“(A) with an aging fleet; and

“(B) whose development of zero and low emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero emission power source ferries.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.”

## FERRY SERVICE FOR RURAL COMMUNITIES

Pub. L. 117-58, div. G, title XI, §71103, Nov. 15, 2021, 135 Stat. 1326, provided that:

“(a) DEFINITIONS.—In this section:

“(1) BASIC ESSENTIAL FERRY SERVICE.—The term ‘basic essential ferry service’ means scheduled ferry transportation service.

“(2) ELIGIBLE SERVICE.—The term ‘eligible service’ means a ferry service that—

“(A) operated a regular schedule at any time during the 5-year period ending on March 1, 2020; and

“(B) served not less than 2 rural areas located more than 50 sailing miles apart.

“(3) RURAL AREA.—The term ‘rural area’ has the meaning given the term in section 5302 of title 49, United States Code.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) ESTABLISHMENT.—The Secretary shall establish a program to ensure that basic essential ferry service is provided to rural areas by providing funds to States to provide such basic essential ferry service.

“(c) PROGRAM CRITERIA.—The Secretary shall establish requirements and criteria for participation in the program under this section, including requirements for the provision of funds to States.

“(d) WAIVERS.—The Secretary shall establish criteria for the waiver of any requirement under this section.

“(e) TREATMENT.—

“(1) NOT ATTRIBUTABLE TO URBANIZED AREAS.—An eligible service that receives funds from a State under this section shall not be attributed to an urbanized area for purposes of apportioning funds under chapter 53 of title 49, United States Code.

“(2) NO RECEIPT OF CERTAIN APPORTIONED FUNDS.—An eligible service that receives funds from a State under this section shall not receive funds apportioned under section 5336 or 5337 of title 49, United States Code, in the same fiscal year.

“(f) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026.

“(g) OPERATING COSTS.—

“(1) [Amended this section.]

“(2) [Amended section 218 of this title.]”

## AUTHORIZATION OF APPROPRIATIONS

Pub. L. 109-59, title I, §1801(d), Aug. 10, 2005, 119 Stat. 1456, provided that: “In addition to amounts made available to carry out section 147 of title 23, United States Code, by section 1101 of this Act [119 Stat. 1153], there are authorized to be appropriated such sums as may be necessary to carry out such section 147 for fiscal year 2006 and each fiscal year thereafter. Such funds shall remain available until expended.”

## § 148. Highway safety improvement program

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

(1) HIGH RISK RURAL ROAD.—The term “high risk rural road” means any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by a State in accordance with an updated State strategic highway safety plan.

(2) HIGHWAY BASEMAP.—The term “highway basemap” means a representation of all public roads that can be used to geolocate attribute data on a roadway.

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term “highway safety improvement program” means projects, activities, plans, and reports carried out under this section.

(4) HIGHWAY SAFETY IMPROVEMENT PROJECT.—

(A) IN GENERAL.—The term “highway safety improvement project” means strategies, activities, and projects on a public road that