

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 304. Participation by small business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of Federal-aid highways, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 112-141, div. A, title I, §1104(c)(5), July 6, 2012, 126 Stat. 427.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-141 substituted “Federal-aid highways” for “the Federal-aid highway systems”.

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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.

§ 305. Archeological and paleontological salvage

Funds authorized to be appropriated to carry out this title to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled “An Act for the preservation of American antiquities”, approved June 8, 1906 (34 Stat. 225), and State laws where applicable,

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 86-657, §8(e), July 14, 1960, 74 Stat. 525.)

Editorial Notes

REFERENCES IN TEXT

An Act for the preservation of American antiquities, referred to in text, is act June 8, 1906, ch. 3060, 34 Stat. 225, popularly known as the Antiquities Act of 1906. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1960—Pub. L. 86-657 substituted “appropriated to carry out this title to the extent approved” for “appropriated under the Federal-Aid Highway Act of 1956, to the extent approved”.

§ 306. Mapping

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary shall, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for projects under this title. In carrying out this subsection, the Secretary shall recommend appropriate roles for State government and private mapping and surveying activities, including—

(1) preparation of standards and specifications;

(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

(4) recommending methods for increasing the use by the States of private sector sources for surveying and mapping activities.

(c) IMPLEMENTATION.—The Secretary shall develop a process for the oversight and monitoring, on an annual basis, of the compliance of each State with the guidance issued under subsection (b).

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 104-59, title III, §321, Nov. 28, 1995, 109 Stat. 590; Pub. L. 112-141, div. A, title I, §1517(a), July 6, 2012, 126 Stat. 574.)

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141, §1517(a)(1), substituted “shall” for “may”.

Subsec. (b). Pub. L. 112-141, §1517(a)(2), substituted “State government and” for “State and” in introductory provisions.

Subsec. (c). Pub. L. 112-141, §1517(a)(3), added subsec. (c).

1995—Pub. L. 104-59 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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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.

[§ 307. Repealed. Pub. L. 105-178, title V, § 5119(b), June 9, 1998, 112 Stat. 452]

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 87-866, §11, Oct. 23, 1962, 76 Stat. 1148; Pub. L. 88-157, §6, Oct. 24, 1963, 77 Stat. 277; Pub. L. 89-564, title I, §103, Sept. 9, 1966, 80 Stat. 735; Pub. L. 91-605, title I, §§115(c), 126, 136(c), Dec. 31, 1970, 84 Stat. 1723, 1729, 1735; Pub. L. 93-87, title I, §151, Aug. 13, 1973, 87 Stat. 276; Pub. L. 96-470, title I, §112(b)(2), Oct. 19, 1980, 94 Stat. 2239; Pub. L. 97-424, title I, §§156(a), (b), (d), 160(a), Jan. 6, 1983, 96 Stat. 2134, 2135; Pub. L. 100-17, title I, §§128, 129, 133(b)(17), Apr. 2, 1987, 101 Stat. 167, 169, 172; Pub. L. 102-240, title VI, §§6001, 6005, Dec. 18, 1991, 105 Stat. 2162, 2170; Pub. L. 103-429, §3(10), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-59, title III, §325(d), Nov. 28, 1995, 109 Stat. 592, related to research and planning.

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INTELLIGENT TRANSPORTATION SYSTEMS

Pub. L. 102-240, title VI, pt. B, Dec. 18, 1991, 105 Stat. 2189, as amended by Pub. L. 102-388, title IV, §404, Oct. 6, 1992, 106 Stat. 1564; Pub. L. 104-59, title III, §338(a),

(b), (c)(2), Nov. 28, 1995, 109 Stat. 603, 604; Pub. L. 105-130, §5(d), Dec. 1, 1997, 111 Stat. 2557, related to Intelligent Transportation Systems Act of 1991, including provisions relating to establishment and scope of program, general authorities and requirements, strategic plan, implementation, and report to Congress, technical, planning, and operational testing project assistance, applications of technology, commercial motor vehicle safety technology, funding, and definitions, prior to repeal by Pub. L. 105-178, title V, §5213, June 9, 1998, 112 Stat. 463. See Pub. L. 105-178, title V, §§5201-5213, June 9, 1998, 112 Stat. 452-463, set out as a note under section 502 of this title.

§ 308. Cooperation with Federal and State agencies and foreign countries

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may perform, by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and State cooperating agencies.

(2) INCLUSIONS.—Services authorized under paragraph (1) may include activities authorized under section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(3) REIMBURSEMENT.—Reimbursement for services carried out under this subsection (including depreciation on engineering and roadbuilding equipment) shall be credited to the applicable appropriation.

(4) ALTERNATIVE CONTRACTING METHODS.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), in performing services under paragraph (1), the Secretary may use any contracting method available to a State under this title.

(B) METHODS DESCRIBED.—The contracting methods referred to in subparagraph (A) shall include, at a minimum—

- (i) project bundling;
- (ii) bridge bundling;
- (iii) design-build contracting;
- (iv) 2-phase contracting;
- (v) long-term concession agreements;

and

(vi) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

(b) Appropriations for the work of the Federal Highway Administration shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Federal Highway Administration, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, §152(5), Aug. 13, 1973, 87 Stat. 276; Pub. L. 112-141, div. A, title I, §1521(f), July 6, 2012, 126 Stat. 579; Pub. L. 117-58, div. A, title I, §11305(b), Nov. 15, 2021, 135 Stat. 532.)

Editorial Notes

REFERENCES IN TEXT

Section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (a)(2), is classified to section 4634 of Title 42, The Public Health and Welfare.

AMENDMENTS

2021—Subsec. (a)(4). Pub. L. 117-58 added par. (4).

2012—Subsec. (a). Pub. L. 112-141 added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and roadbuilding equipment used, shall be credited to the appropriation concerned.”

1973—Subsec. (b). Pub. L. 93-87 substituted “Federal Highway Administration” for “Bureau of Public Roads” in two places.

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EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 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 2012 AMENDMENT

Pub. L. 112-141, div. A, title I, §1521(g), July 6, 2012, 126 Stat. 579, provided that:

“(1) In general.—Except as provided in paragraph (2), the amendments made by this section [enacting section 4634 of Title 42, The Public Health and Welfare, and amending this section and sections 4622 to 4624 and 4633 of Title 42] shall take effect on the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title].

“(2) Exception.—The amendments made by subsections (a) through (c) [amending sections 4622 to 4624 of Title 42] shall take effect 2 years after the date of enactment of this Act.”

§ 309. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, §152(5), Aug. 13, 1973, 87 Stat. 276, related to cooperation with other American Republics.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 310. Civil defense

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Transportation is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, §152(3), Aug. 13, 1973, 87 Stat. 276.)