

(3) ENVIRONMENTAL REVIEW PROCESS.—The term “environmental review process” has the meaning given the term in section 139(a)(5).

(4) PROPOSED PROJECT.—The term “proposed project” means a surface transportation project for which an environmental review process is required.

(Added Pub. L. 117-169, title VI, §60505(a), Aug. 16, 2022, 136 Stat. 2083.)

### § 179. Low-carbon transportation materials grants

(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

(4) LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

- (i) Federal-aid highway;
- (ii) tribal transportation facility;
- (iii) Federal lands transportation facility; or
- (iv) Federal lands access transportation facility.

(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be sub-

ject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

(A) appropriate for use in projects eligible under this title; and

(B) eligible for reimbursement or incentives under this section.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

(A) a State;

(B) a unit of local government;

(C) a political subdivision of a State;

(D) a territory of the United States;

(E) an entity described in section 207(m)(1)(E);

(F) a recipient of funds under section 203;

(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

(H) a special purpose district or public authority with a transportation function.

(3) GREENHOUSE GAS.—The term “greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(Added Pub. L. 117-169, title VI, §60506(a), Aug. 16, 2022, 136 Stat. 2085.)

### §§ 181 to 190. Renumbered §§ 601 to 610]

#### Editorial Notes

##### CODIFICATION

Subchapter II heading “INFRASTRUCTURE FINANCE” was struck out and sections 181 to 190, which comprised subchapter II of this chapter, were renumbered sections 601 to 610, respectively, and transferred to follow the analysis of chapter 6 of this title, by Pub. L. 109-59, title I, §1602(b)(6)(B), (d), Aug. 10, 2005, 119 Stat. 1247, as amended by Pub. L. 110-244, title I, §101(f), June 6, 2008, 122 Stat. 1574.

### CHAPTER 2—OTHER HIGHWAYS

Sec.	
201.	Federal lands and tribal transportation programs.
202.	Tribal transportation program.
203.	Federal lands transportation program.
204.	Federal lands access program.
205.	Forest development roads and trails.
206.	Recreational trails program.
207.	Tribal transportation self-governance program.
208.	Safe routes to school.
[209.	Repealed.]

Sec.	
210.	Defense access roads.
[211 to 216.	Repealed.]
217.	Bicycle transportation and pedestrian walkways.
218.	Alaska Highway.
[219.	Repealed.]

### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 117–58, div. A, title I, § 11119(b)(1), Nov. 15, 2021, 135 Stat. 497, added item 208.

2015—Pub. L. 114–94, div. A, title I, §§ 1109(c)(6)(B), 1121(b), Dec. 4, 2015, 129 Stat. 1344, 1368, added item 207 and struck out item 213 “Transportation alternatives”.

2012—Pub. L. 112–141, div. A, title I, §§ 1114(b)(2)(B), 1119(c)(1), 1122(b), 1519(c)(1)(B), July 6, 2012, 126 Stat. 468, 491, 497, 575, substituted “Federal lands and tribal transportation programs” for “Authorizations” in item 201, “Tribal transportation program” for “Allocations” in item 202, “Federal lands transportation program” for “Availability of funds” in item 203, and “Federal lands access program” for “Federal lands highways program” in item 204, struck out item 212 “Inter-American Highway”, added item 213, and struck out items 214 “Public lands development roads and trails”, 215 “Territorial highway program”, and 216 “Darren Gap Highway”.

2005—Pub. L. 109–59, title I, § 1118(b)(3), Aug. 10, 2005, 119 Stat. 1181, substituted “Territorial highway program” for “Territories highway development program” in item 215.

1998—Pub. L. 105–178, title I, § 1112(b), June 9, 1998, 112 Stat. 151, substituted “Recreational trails program” for “Repealed” in item 206.

1987—Pub. L. 100–17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173, struck out items 211 “Timber access road hearings”, 213 “Rama Road”, and 219 “Safer of off-system roads”.

1983—Pub. L. 97–424, title I, § 126(e)(1), Jan. 6, 1983, 96 Stat. 2115, substituted “Allocations” for “Apportionment for allocation” in item 202.

Pub. L. 97–424, title I, § 126(e)(2), Jan. 6, 1983, 96 Stat. 2115, substituted “Federal lands highways programs” for “Forest highways” in item 204.

Pub. L. 97–424, title I, § 126(e)(3), Jan. 6, 1983, 96 Stat. 2116, substituted “Repealed” in items 206 through 209 which read “Park roads and trails”, “Parkways”, “Indian reservation roads”, “Public lands highways”, respectively.

1976—Pub. L. 94–280, title I, § 135(b), May 5, 1976, 90 Stat. 442, substituted item 219 “Safer of off-system roads” for “Off-system roads”.

1975—Pub. L. 93–643, § 122(b), Jan. 4, 1975, 88 Stat. 2290, added item 219.

1973—Pub. L. 93–87, title I, §§ 124(b), 127(a)(2), Aug. 13, 1973, 87 Stat. 262, 264, added items 217 and 218.

1970—Pub. L. 91–605, title I, §§ 112(b), 113(b), Dec. 31, 1970, 84 Stat. 1721, 1722, added items 215 and 216.

1962—Pub. L. 87–866, § 6(c), Oct. 23, 1962, 76 Stat. 1147, added item 214.

### § 201. Federal lands and tribal transportation programs

(a) PURPOSE.—Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, the Secretary of Transportation, in collaboration with the Secretaries of the appropriate Federal land management agencies, shall coordinate a uniform policy for all public Federal and tribal transportation facilities that shall apply to Federal lands transportation facilities, tribal transportation facilities, and Federal lands access transportation facilities.

### (b) AVAILABILITY OF FUNDS.—

(1) AVAILABILITY.—Funds authorized for the tribal transportation program, the Federal lands transportation program, and the Federal lands access program shall be available for contract upon apportionment, or on October 1 of the fiscal year for which the funds were authorized if no apportionment is required.

(2) AMOUNT REMAINING.—Any amount remaining unexpended for a period of 3 years after the close of the fiscal year for which the funds were authorized shall lapse.

(3) OBLIGATIONS.—The Secretary of the department responsible for the administration of funds under this subsection may incur obligations, approve projects, and enter into contracts under such authorizations, which shall be considered to be contractual obligations of the United States for the payment of the cost thereof, the funds of which shall be considered to have been expended when obligated.

### (4) EXPENDITURE.—

(A) IN GENERAL.—Any funds authorized for any fiscal year after the date of enactment of this section under the Federal lands transportation program, the Federal lands access program, and the tribal transportation program shall be considered to have been expended if a sum equal to the total of the sums authorized for the fiscal year and previous fiscal years have been obligated.

(B) CREDITED FUNDS.—Any funds described in subparagraph (A) that are released by payment of final voucher or modification of project authorizations shall be—

- (i) credited to the balance of unobligated authorizations; and
- (ii) immediately available for expenditure.

(5) APPLICABILITY.—This section shall not apply to funds authorized before the date of enactment of this paragraph.

### (6) CONTRACTUAL OBLIGATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the authorization by the Secretary, or the Secretary of the appropriate Federal land management agency if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval by the Secretary of plans, specifications, and estimates for construction of a project, shall be considered to constitute a contractual obligation of the Federal Government to pay the total eligible cost of—

- (i) any project funded under this title; and
- (ii) any project funded pursuant to agreements authorized by this title or any other title.

### (B) EFFECT.—Nothing in this paragraph—

- (i) affects the application of the Federal share associated with the project being undertaken under this section; or
- (ii) modifies the point of obligation associated with Federal salaries and expenses.

### (7) FEDERAL SHARE.—