

“(c) STATE REQUIREMENTS.—The Secretary may withhold up to 10 percent of the funds apportioned under this title and under chapter 53 of title 49 for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.”

Subsec. (f). Pub. L. 104-59, §205(a)(2), inserted subsec. heading, designated existing provisions as par. (1), inserted par. heading and realigned margins, and added par. (2).

1994—Subsec. (c). Pub. L. 103-429, §3(8), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Subsec. (d). Pub. L. 103-429, §3(9), substituted “chapter 53 of title 49” for “the Federal Transit Act” and “chapter 53” for “such Act”.

#### EFFECTIVE DATE

Section effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as an Effective Date of 1991 Amendment note under section 104 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (f)(1) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 137 of House Document No. 103-7.

#### REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM

Pub. L. 109-59, title I, §1201, Aug. 10, 2005, 119 Stat. 1196, provided that:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall establish a real-time system management information program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the major highways of the United States and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

“(2) PURPOSES.—The purposes of the real-time system management information program are to—

“(A) establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;

“(B) identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and

“(C) provide the capability and means to share that data with State and local governments and the traveling public.

“(b) DATA EXCHANGE FORMATS.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged across jurisdictional boundaries, facilitating nationwide availability of information.

“(c) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

“(1) ADDRESSING INFORMATION NEEDS.—As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regula-

tions, such governments shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.

“(2) DATA EXCHANGE.—States shall incorporate the data exchange formats established by the Secretary [of Transportation] under subsection (b) to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

“(d) ELIGIBILITY.—Subject to project approval by the Secretary [of Transportation], a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), and 104(b)(3) of title 23, United States Code, for activities relating to the planning and deployment of real-time monitoring elements that advance the goals and purposes described in subsection (a).

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

“(f) STATEWIDE INCIDENT REPORTING SYSTEM DEFINED.—In this section, the term ‘statewide incident reporting system’ means a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.”

#### § 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 the Federal-aid highway systems, 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.)

#### § 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.)

#### 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, which is classified generally to sections 431, 432, and 433 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 431 of Title 16 and 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 may, 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 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.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 104-59, title III, § 321, Nov. 28, 1995, 109 Stat. 590.)

## AMENDMENTS

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

**[§ 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.

## INTELLIGENT TRANSPORTATION SYSTEMS

Part B of title VI of Pub. L. 102-240, 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) 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.

(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.)

## AMENDMENTS

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

**§ 309. Cooperation with other American Republics**

The President is authorized to utilize the services of the Federal Highway Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this 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.)

## AMENDMENTS

1973—Pub. L. 93-87 substituted “Federal Highway Administration” for “Bureau of Public Roads”.

## PAN AMERICAN HIGHWAY STUDY

Pub. L. 104-59, title III, § 359(a), Nov. 28, 1995, 109 Stat. 626, provided that:

“(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

“(2) ELEMENTS.—The study shall include, at a minimum, the following elements:

“(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

“(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.