

[amending this section] shall take effect November 5, 1990.”

## EFFECTIVE DATE

Section 333(e) of Pub. L. 102-143 provided that: “The amendments made by subsection (a) of this section [enacting this section] shall take effect November 5, 1990.”

## STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS’ LICENSES

Pub. L. 102-240, title I, §1094, Dec. 18, 1991, 105 Stat. 2025, provided that:

“(a) STUDY.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriations Acts, 1991 and 1992 [section 333 of Pub. L. 102-143 (1992 Act)] enacted this section and provisions set out as a note above and repealed section 333 of Pub. L. 101-516 (1991 Act) which amended section 104 of this title and enacted provisions set out as a note thereunder], relating to revocation and suspension of drivers’ licenses.

“(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.”

**§ 160. Reimbursement for segments of the Interstate System constructed without Federal assistance**

(a) GENERAL AUTHORITY.—The Secretary shall allocate to the States in each of fiscal years 1996 and 1997 amounts determined under subsection (b) for reimbursement of their original contributions to construction of segments of the Interstate System which were constructed without Federal financial assistance.

(b) DETERMINATION OF REIMBURSEMENT AMOUNT.—The amount to be reimbursed to a State in each of fiscal years 1996 and 1997 under this section shall be determined by multiplying the amount made available for carrying out this section for such fiscal year by the reimbursement percentage set forth in the table contained in subsection (c).

(c) REIMBURSEMENT TABLE.—For purposes of carrying out this section, the reimbursement percentage, the original cost for constructing the Interstate System, and the total reimbursable amount for each State is set forth in the following table:

| States              | Original cost in millions | Reimbursement percentage | Reimbursable amount in millions |
|---------------------|---------------------------|--------------------------|---------------------------------|
| Alabama .....       | \$9                       | 0.50                     | \$147                           |
| Alaska .....        |                           | 0.50                     | 147                             |
| Arizona .....       | 20                        | 0.50                     | 147                             |
| Arkansas .....      | 6                         | 0.50                     | 147                             |
| California .....    | 298                       | 5.42                     | 1,591                           |
| Colorado .....      | 23                        | 0.50                     | 147                             |
| Connecticut .....   | 314                       | 5.71                     | 1,676                           |
| Delaware .....      | 39                        | 0.71                     | 209                             |
| Florida .....       | 31                        | 0.56                     | 164                             |
| Georgia .....       | 46                        | 0.84                     | 246                             |
| Hawaii .....        |                           | 0.50                     | 147                             |
| Idaho .....         | 5                         | 0.50                     | 147                             |
| Illinois .....      | 475                       | 8.62                     | 2,533                           |
| Indiana .....       | 167                       | 3.03                     | 892                             |
| Iowa .....          | 5                         | 0.50                     | 147                             |
| Kansas .....        | 101                       | 1.84                     | 540                             |
| Kentucky .....      | 32                        | 0.57                     | 169                             |
| Louisiana .....     | 22                        | 0.50                     | 147                             |
| Maine .....         | 38                        | 0.69                     | 204                             |
| Maryland .....      | 154                       | 2.79                     | 820                             |
| Massachusetts ..... | 283                       | 5.14                     | 1,511                           |

| States               | Original cost in millions | Reimbursement percentage | Reimbursable amount in millions |
|----------------------|---------------------------|--------------------------|---------------------------------|
| Michigan .....       | 228                       | 4.14                     | 1,218                           |
| Minnesota .....      | 16                        | 0.50                     | 147                             |
| Mississippi .....    | 6                         | 0.50                     | 147                             |
| Missouri .....       | 74                        | 1.35                     | 396                             |
| Montana .....        | 5                         | 0.50                     | 147                             |
| Nebraska .....       | 1                         | 0.50                     | 147                             |
| Nevada .....         | 2                         | 0.50                     | 147                             |
| New Hampshire .....  | 8                         | 0.50                     | 147                             |
| New Jersey .....     | 353                       | 6.41                     | 1,882                           |
| New Mexico .....     | 8                         | 0.50                     | 147                             |
| New York .....       | 929                       | 16.88                    | 4,960                           |
| North Carolina ..... | 36                        | 0.65                     | 191                             |
| North Dakota .....   | 3                         | 0.50                     | 147                             |
| Ohio .....           | 257                       | 4.68                     | 1,374                           |
| Oklahoma .....       | 91                        | 1.66                     | 486                             |
| Oregon .....         | 78                        | 1.42                     | 417                             |
| Pennsylvania .....   | 354                       | 6.43                     | 1,888                           |
| Rhode Island .....   | 12                        | 0.50                     | 147                             |
| South Carolina ..... | 4                         | 0.50                     | 147                             |
| South Dakota .....   | 5                         | 0.50                     | 147                             |
| Tennessee .....      | 7                         | 0.50                     | 147                             |
| Texas .....          | 200                       | 3.64                     | 1,069                           |
| Utah .....           | 6                         | 0.50                     | 147                             |
| Vermont .....        | 1                         | 0.50                     | 147                             |
| Virginia .....       | 111                       | 2.01                     | 591                             |
| Washington .....     | 73                        | 1.32                     | 389                             |
| West Virginia .....  | 5                         | 0.50                     | 147                             |
| Wisconsin .....      | 8                         | 0.50                     | 147                             |
| Wyoming .....        | 9                         | 0.50                     | 147                             |
| D.C. ....            | 9                         | 0.50                     | 147                             |
| TOTALS .....         | \$4,967                   | 100.00                   | \$29,384                        |

(d) TRANSFER OF REIMBURSABLE AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (e) of this section, the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under section 104(b)(3) for the surface transportation program.

(e) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of this title shall not apply to ½ of the amounts transferred under subsection (d) to the apportionment of the State for the surface transportation program:

- (1) Subsection (d)(1).<sup>1</sup>
- (2) Subsection (d)(2).
- (3) Subsection (d)(3).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), \$2,000,000,000 per fiscal year for each of fiscal years 1996 and 1997 to carryout this section.

(Added Pub. L. 102-240, title I, §1014(a), Dec. 18, 1991, 105 Stat. 1941.)

## REFERENCES IN TEXT

Subsection (d)(1) of section 133 of this title, referred to in subsec. (e)(1), was repealed by Pub. L. 109-59, title I, §1113(b)(1), Aug. 10, 2005, 119 Stat. 1172.

## 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

<sup>1</sup> See References in Text note below.

out as an Effective Date of 1991 Amendment note under section 104 of this title.

**§ 161. Operation of motor vehicles by intoxicated minors**

(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

(Added Pub. L. 104-59, title III, §320(a), Nov. 28, 1995, 109 Stat. 589; amended Pub. L. 105-178, title I, §1103(l)(3)(F), June 9, 1998, 112 Stat. 126.)

AMENDMENTS

1998—Subsec. (a)(1), (2). Pub. L. 105-178 substituted “paragraphs (1), (3), and (4) of section 104(b)” for “paragraphs (1), (3), and (5)(B) of section 104(b)”.

**§ 162. National scenic byways program**

(a) DESIGNATION OF ROADS.—

(1) IN GENERAL.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as—

- (A) National Scenic Byways;
- (B) All-American Roads; or
- (C) America's Byways.

(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

(3) NOMINATION.—

(A) IN GENERAL.—To be considered for a designation, a road must be nominated by a State, an Indian tribe, or a Federal land management agency and must first be designated as a State scenic byway, an Indian tribe scenic byway, or, in the case of a road on Federal land, as a Federal land management agency byway.

(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

- (i) jurisdiction over the road; or
- (ii) responsibility for managing the road.

(C) SAFETY.—An Indian tribe shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A).

(4) RECIPROCAL NOTIFICATION.—States, Indian tribes, and Federal land management agencies shall notify each other regarding nominations made under this subsection for roads that—

- (A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or
- (B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.

(b) GRANTS AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall make grants and provide technical assistance to States and Indian tribes to—

- (A) implement projects on highways designated as—
  - (i) National Scenic Byways;
  - (ii) All-American Roads;
  - (iii) America's Byways;
  - (iv) State scenic byways; or
  - (v) Indian tribe scenic byways; and
- (B) plan, design, and develop a State or Indian tribe scenic byway program.