

bility for Federal-aid highway funds made available for such projects by section 1101(a)(16) of the SAFETEA-LU, section 1101(a)(13) of the Transportation Equity Act for the 21st Century, section 117 of this title, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).

(Added Pub. L. 93-87, title I, §123(a), Aug. 13, 1973, 87 Stat. 261; amended Pub. L. 105-178, title I, §1601(b), June 9, 1998, 112 Stat. 256; Pub. L. 109-59, title I, §1701(e), Aug. 10, 2005, 119 Stat. 1256.)

REFERENCES IN TEXT

Section 1702 of the SAFETEA-LU, referred to in subsec. (b), is section 1702 of Pub. L. 109-59, title I, Aug. 10, 2005, 119 Stat. 1256, which is not classified to the Code.

Section 1602 of the Transportation Equity Act for the 21st Century, referred to in subsec. (b), is section 1602 of Pub. L. 105-178, title I, June 9, 1998, 112 Stat. 256, which is not classified to the Code.

Sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b), are sections 1103 to 1108 of Pub. L. 102-240, title I, Dec. 18, 1991, 105 Stat. 2027-2063. See Tables for classification.

Section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, referred to in subsec. (b), is section 149(a) of Pub. L. 100-17, title I, Apr. 2, 1987, 101 Stat. 181, which is not classified to the Code.

Section 1101(a)(16) of the SAFETEA-LU, referred to in subsec. (b), is section 1101(a)(16) of Pub. L. 109-59, title I, Aug. 10, 2005, 119 Stat. 1155, which is not classified to the Code.

Section 1101(a)(13) of the Transportation Equity Act for the 21st Century, referred to in subsec. (b), is section 1101(a)(13) of Pub. L. 105-178, title I, June 9, 1998, 112 Stat. 113, which is not classified to the Code.

AMENDMENTS

2005—Subsec. (b), Pub. L. 109-59 inserted “section 1702 of the SAFETEA-LU,” after “described in” and “section 1101(a)(16) of the SAFETEA-LU,” after “for such projects by” and substituted “section 117 of this title,” for “117 of title 23, United States Code.”

1998—Pub. L. 105-178 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 146. Carpool and vanpool projects

(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1) and 104(b)(3) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term “carpool” includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section.

(Added Pub. L. 95-599, title I, §126(a), Nov. 6, 1978, 92 Stat. 2705; amended Pub. L. 105-178, title I, §1103(l)(1), June 9, 1998, 112 Stat. 125.)

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

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)”.

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, provided that: “The Secretary of Transportation is authorized and directed to expend such sums as are necessary out of the administrative funds authorized by subsection (a) of section 104, title 23, United States Code, to carry out the provisions of subsection (d) of section 126 of the Federal-Aid Highway Act of 1978 [section 126(d) of Pub. L. 95-599, set out below].”

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

Section 126(d)-(h) of Pub. L. 95-599, 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) IN GENERAL.—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) ALLOCATION OF FUNDS.—The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing ferries, that—

- (1) provide critical access to areas that are not well-served by other modes of surface transportation;
- (2) carry the greatest number of passengers and vehicles; or
- (3) carry the greatest number of passengers in passenger-only service.

(d) SET-ASIDE FOR PROJECTS ON NHS.—

(1) IN GENERAL.—\$20,000,000 of the amount made available to carry out this section for

each of fiscal years 2005 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

(2) ALASKA.—\$10,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

(3) NEW JERSEY.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

(4) WASHINGTON.—\$5,000,000 of the \$20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

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

(f) 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.

(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.)

AMENDMENTS

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.

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—

(A) on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for those functional classes of roadway; or

(B) that will likely have increases in traffic volume that are likely to create an acci-