

Q:\COMP\INFRA\CH145



CHAPTER 145 OF TITLE 40, UNITED STATES CODE



Q:\COMP\INFRA\CH145

March 2, 2004

CHAPTER 145 OF TITLE 40, UNITED STATES CODE

[As Amended Through P.L. 108–204, March 2, 2004]

CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS

SUBCHAPTER I—PROGRAMS

- Sec.
- 14501. Appalachian development highway system.
 - 14502. Demonstration health projects.
 - 14503. Assistance for proposed low- and middle-income housing projects.
 - 14504. Telecommunications and technology initiative.
 - 14505. Entrepreneurship initiative.
 - 14506. Regional skills partnerships.
 - 14507. Supplements to federal grant programs.

SUBCHAPTER II—ADMINISTRATIVE

- 14521. Required level of expenditure.
- 14522. Consent of States.
- 14523. Program implementation.
- 14524. Program development criteria.
- 14525. State development planning process.
- 14526. Distressed and economically strong counties.

SUBCHAPTER I—PROGRAMS

§ 14501. Appalachian development highway system

(a) **PURPOSE.**—To provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than three thousand and ninety^{14501–1} miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.

(b) **COMMISSION DESIGNATIONS.**—

(1) **WHAT IS TO BE DESIGNATED.**—The Appalachian Regional Commission shall transmit to the Secretary its designations of—

- (A) the general corridor location and termini of the development highways;
- (B) local access roads to be constructed;

^{14501–1}The preceding version of this subsection specified “3,025 miles”. The amendment was executed to the second sentence of this subsection to effectuate the probable intent of Congress. Section 123(a) of title I of division F of the Consolidated Appropriations Act, 2004, provides that “Section 14501 of title 40, United States Code, is amended in the third sentence by striking ‘three thousand and twenty-five’ and inserting ‘three thousand and ninety’.”.

- (C) priorities for the construction of segments of the development highways; and
- (D) other criteria for the program authorized by this section.
- (2) STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.
- (c) ADDITION TO FEDERAL-AID PRIMARY SYSTEM.—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.
- (d) USE OF SPECIFIC MATERIALS AND PRODUCTS.—
- (1) INDIGENOUS MATERIALS AND PRODUCTS.—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.
- (2) COAL DERIVATIVES.—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.
- (e) FEDERAL SHARE.—Federal assistance to any construction project under this section shall not be more than 80 percent of the cost of the project.
- (f) CONSTRUCTION WITHOUT FEDERAL AMOUNTS.—
- (1) PAYMENT OF FEDERAL SHARE.—When a participating State constructs a segment of a development highway without the aid of federal amounts and the construction is in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with those amounts, except for procedures and requirements that limit a State to the construction of projects for which federal amounts have previously been appropriated, the Secretary, on application by the State and with the approval of the Commission, may pay to the State the federal share, which shall not be more than 80 percent of the cost of the construction of the segment, from any amounts appropriated and allocated to the State to carry out this section.
- (2) NO COMMITMENT OR OBLIGATION.—This subsection does not commit or obligate the Federal Government to provide amounts for segments of development highways constructed under this subsection.
- (g) APPLICATION OF TITLE 23.—
- (1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23 apply to the development highway system and the local access roads.
- (2) CONSTRUCTION AND MAINTENANCE.—States are required to maintain each development highway and local access road as provided for Federal-aid highways in title 23. All other provisions of title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways

and which the Secretary decides are not inconsistent with this subtitle shall apply to the system and roads, respectively.

* * * * *

SUBCHAPTER II—ADMINISTRATIVE

§ 14521. Required level of expenditure

A State or political subdivision of a State is not eligible to receive benefits under this subtitle unless the aggregate expenditure of state amounts, except expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and local and federal amounts, for the benefit of the area within the State located in the Appalachian region is maintained at a level which does not fall below the average level of those expenditures for the State's last two full fiscal years prior to March 9, 1965. In computing the level, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local and federal amounts shall not be included. The Commission shall recommend to the President a lesser requirement when it finds that a substantial population decrease in that part of a State which lies within the region would not justify a state expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure in an individual program has been disproportionate to the present need for that part of the State.

* * * * *