

## TITLE 23.—HIGHWAYS

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### Chapter 1.—FEDERAL HIGHWAY ACT

#### § 6. Projects to receive Federal aid; approval by Secretary of Agriculture; two classes of highways.

##### CROSS REFERENCES

Strategic highway network, extension of Federal-aid system to, see section 102 of this title.

#### § 10c. Flight strips adjacent to public highways.

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#### § 12. Submission of project statements; approval; setting aside share of Federal aid.

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Strategic highway network, surveys and plans for, see section 109 of this title.

#### § 14. Payment to States of Federal aid; time and manner of making.

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Advancement of funds for strategic highway network, see section 107 of this title.

#### § 21. Deduction for administration and research; apportionment of remainder among States.

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Strategic network of highways, apportionment and reapportionment of funds, see sections 104 and 105 of this title.

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#### § 57. Availability of Public Roads Administration funds for relief of certain employees.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 56 Stat. 109.

### Chapter 3.—DEFENSE HIGHWAY ACT OF 1941 (New)

#### Sec.

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#### § 101. Definition of strategic network of highways.

As used in this chapter the term "strategic network of highways" means all existing or proposed highways which conform to routes designated on the diagrammatic map of principal highway traffic routes of military importance dated October 25, 1940, revised to May 15, 1941, and approved by the Secretary of War. The Federal Works Administrator is au-

thorized to designate existing or proposed highways conforming to such approved routes and interconnections as lines of the strategic network of highways. The location of any strategic highway route between control points shown on the revised diagrammatic map of May 15, 1941, may, without regard to State lines, be changed by the Federal Works Administrator, but no such change shall increase the length of such route between the termini of such change by more than 10 per centum. (Nov. 19, 1941, ch. 474, § 1, 55 Stat. 765.)

#### SHORT TITLE OF CHAPTER

Section 18 of act Nov. 19, 1941, cited to text, provided as follows: "This act may be cited as the 'Defense Highway Act of 1941'."

#### § 102. Extension of Federal-aid system.

Notwithstanding the limitations in section 6 of this title, as amended and supplemented, respecting the mileage of the system of Federal-aid highways, such system of highways in any State may be extended to include, and there may be approved as a part of such system of highways in such State, any of the lines of the strategic network of highways. (Nov. 19, 1941, ch. 474, § 2, 55 Stat. 765.)

#### § 103. Extension of secondary road system.

Funds heretofore or hereafter made available for expenditure under the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for secondary or feeder roads are hereby also made available for expenditure on any roads (including bridges thereon) which are lines of the strategic network of highways and are not on the system of Federal-aid highways. (Nov. 19, 1941, ch. 474, § 3, 55 Stat. 765.)

#### § 104. Strategic highway network.

(a) For carrying out projects to correct critical deficiencies in lines of the strategic network of highways and bridges, during the continuance of the emergency declared by the President on May 27, 1941, there is hereby authorized to be appropriated the sum of \$25,000,000. Such sum shall be immediately apportioned among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, and shall be expended in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented: *Provided*, That during the continuance of the emergency declared by the President on May 27, 1941, when funds heretofore, herein, or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, on the system of Federal-aid highways, or on secondary or feeder roads, are expended for any project on the strategic network of highways, including all such projects under construction during the period of said

emergency, the Federal share payable on account of any such project shall be increased to three-fourths of the total cost thereof, plus a percentage of the remaining one-fourth of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

(b) There is hereby authorized to be appropriated, during the continuance of the emergency declared by the President on May 27, 1941, the sum of \$25,000,000, which shall, after November 19, 1941, be allocated by the Federal Works Administrator to States for projects within such States without regard to the apportionment provisions of section 21 of this title, as amended and supplemented, and shall be available for expenditure in accordance with the provisions of this chapter, to supplement other Federal highway funds now or hereafter available for use for projects for the reconstruction and replacement of critically deficient bridges and the correction of other critical deficiencies in the strategic network of highways.

(c) Upon apportionment or allocation to the States of the sums authorized to be appropriated by this section, the State highway departments may submit projects, and such projects shall be acted upon and may be approved, in the same manner and with like effect as in the case of projects submitted for approval in accordance with the provisions of section 21a of this title. (Nov. 19, 1941, ch. 474, § 4, 55 Stat. 765.)

**EMERGENCY DECLARED ON MAY 27, 1941**

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

**§ 105. Reapportionment of Federal highway funds.**

Federal funds apportioned to the States prior to December 31, 1941, for expenditure on the system of Federal-aid highways, on secondary or feeder roads, and for the elimination of hazards to life at railroad grade crossings in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, which have not on that date been obligated by the State shall if not so obligated on or before June 30, 1943, be immediately reapportioned among the States in accordance with the provisions of said sections, as amended and supplemented: *Provided*, That any State or States which have not so obligated such apportioned funds on June 30, 1943, shall not be entitled to share in the reapportionment provided for by this section. (Nov. 19, 1941, ch. 474, § 5, 55 Stat. 766.)

**§ 106. Access roads.**

The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes and tunnels thereon) to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are

shut off from general public use by necessary closures or restrictions at military and naval reservations and defense-industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purpose of this section there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, the sum of \$150,000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof: *Provided, however*, That in determining the expenditure of the funds under this section due consideration shall be given to projects for such roads in States which have heretofore expended their own funds for the immediate construction of roads and highways deemed essential to the national defense, which roads and highways but for the action of such States would be properly considered for construction with Federal funds under the provisions of this section. (Nov. 19, 1941, ch. 474, § 6, 55 Stat. 766.)

**EMERGENCY DECLARED ON MAY 27, 1941**

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

**§ 107. Advance of funds.**

If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this chapter, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this chapter. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced. (Nov. 19, 1941, ch. 474, § 7, 55 Stat. 767.)

**§ 108. Flight strips.**

In order to insure greater safety for traffic on the public highways by providing additional facilities in connection therewith to be available for the landing and take-off of aircraft, the Commissioner of Public Roads is authorized to provide, in cooperation with the Army Air Corps, for studies and for the construction of flight strips adjacent to public highways or roadside-development areas along such highways. The acquisition of new or additional lands necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction thereof and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purposes of this section, there is

hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, in addition to any funds that may be available under any other appropriation, the sum of \$10,000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of such projects. (Nov. 19, 1941, ch. 474, § 8, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

CROSS REFERENCES

Investigation of location and development of flight strips, see section 10c of this title.

§ 109. Surveys and plans.

The Commissioner of Public Roads is authorized to make such surveys and plans as may be necessary to carry out the purposes of this chapter, including advance engineering surveys and plans for future development of the strategic network of highways and bypasses around and extensions into and through municipalities and metropolitan areas. Any funds available for carrying out any of the purposes of sections 104, 106, and 108, of this title may be used for paying the Federal share of the cost of the surveys and plans required for such purposes, respectively, and the necessary administrative expenses for carrying out the provisions of this chapter shall be made available in accordance with the provisions of section 21 of this title. By agreement with the State highway department of any State, any project carried out in such State under the provisions of this section may be carried out through or in cooperation with the highway department of such State. For carrying out advance engineering surveys there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, for apportionment among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, the sum of \$10,000,000. Such sum shall be matched with State funds on the pro rata basis heretofore provided by law. (Nov. 19, 1941, ch. 474, § 9, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

CROSS REFERENCES

Federal-aid roads, surveys and plans for, see section 12 of this title.

§ 110. Emergency repairs.

The Commissioner of Public Roads is authorized to reimburse the several States for the necessary rehabilitation or repair of roads and highways of States or their subdivisions substantially damaged by the Army or the Navy, or both. The Commissioner is authorized on behalf of the United States to consider, ascertain, adjust, and determine any claim accruing subsequent to May 27, 1941, submitted by the State highway department of any State, in accordance with regulations prescribed by the Commissioner, for reimbursement of the cost of such rehabilitation or repair.

Such amount as may be found to be due to any claimant shall be certified to Congress for payment

out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the Commissioner unless notice of intention to file such claim has been presented to him within thirty days after the occurrence of the damage upon which the claim is based, except that in case of damage caused by maneuvers such notice shall be filed within thirty days after completion of such maneuvers: *And provided further*, That in either case such notice of damage accruing before November 19, 1941, shall be filed within thirty days after November 19, 1941. (Nov. 19, 1941, ch. 474, § 10, 55 Stat. 768.)

§ 111. Off-street parking.

In order to facilitate the flow of traffic on sections of the strategic network of highways forming bypasses around and connections into and through municipalities and metropolitan areas, the Commissioner of Public Roads is authorized to cooperate with the States in the location, development, and construction of off-street facilities for the parking of vehicles, and projects for providing such facilities shall be considered to be highway projects. Where provision is made by any State for the permanent prohibition of parking of vehicles within the roadway or street portion of any through highway over which the State has been legally vested with traffic control and which forms a section of the strategic network of highways, funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for construction and reconstruction on the system of Federal-aid highways, are hereby also made available, on the pro rata basis heretofore provided by law, for the location, development, and construction of off-street vehicle parking facilities to serve the area where parking on such highway is so prohibited, including the cost of acquiring the lands necessary for such facilities: *Provided*, That the Federal Works Administrator is authorized and directed to withhold from any allotment of Federal highway funds to any State a sum equal to the Federal share of the cost of any off-street parking facilities upon the failure of such State adequately to enforce such permanent prohibition of parking of vehicles within the roadway or street portion in connection with which Federal funds have been expended for the construction of such off-street parking facilities: *And provided further*, That the authority contained in this section shall not be exercised unless the Commissioner of Public Roads finds that the Federal share of the cost of providing such off-street parking facilities will be materially less than the Federal share of the cost of widening or relocating the section of the strategic network of highways which such off-street parking facilities are designed to serve, and that the benefits to be derived from the construction of off-street parking facilities will be substantially as great as the benefits to be derived from such widening or relocation. (Nov. 19, 1941, ch. 474, § 11, 55 Stat. 768.)

**§ 112. Cost of right-of-way on strategic highway network.**

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, are expended for any project on the strategic network of highways the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and Federal funds shall be available, to the extent determined by the Federal Works Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 12, 55 Stat. 768.)

**§ 113. Cost of right-of-way in grade-crossing elimination.**

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1-3a, 4-6, 7, 8, 9, 10, 11-13, 14, 15-20, 21, 22, 23, and 25 of this title, as amended and supplemented, for the elimination of hazards to life at railroad grade crossings are expended for any project on the strategic network of highways, the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and such funds shall be available, to the extent determined by the Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 13, 55 Stat. 769.)

**§ 114. Acquisition of rights-of-way.**

By agreement with the State highway department of any State, such new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this chapter, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the cost of such acquisition payable by the Federal Government: *Provided, however,* That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interests in lands as may be required in such State for such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including sections 258a-258e of Title 40) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 1339 of Title 10, 733 of Title 33, 520 of Title 34, 255 of Title 40, 5 of Title 41, and 175 of Title 50, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the

Federal Works Administrator in acquiring any such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interest in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or political subdivisions will accept the same and will maintain the project constructed thereon. (Nov. 19, 1941, ch. 474, § 14, 55 Stat. 769.)

**EMERGENCY DECLARED ON MAY 27, 1941**

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

**§ 115. Road work for Federal agencies.**

The Commissioner of Public Roads is authorized, upon the request of any branch of the Federal Government, to perform any service in connection with the construction of roads or bridges, including the preparation of plans, designs, specifications and estimates, the execution of contracts, and supervision of the work, payment of all costs involved in such work to be made by transfer of funds in accordance with the provisions of section 686 of Title 31. (Nov. 19, 1941, ch. 474, § 15, 55 Stat. 769.)

**§ 116. Detail of employees as students.**

During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided,* That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section. (Nov. 19, 1941, ch. 474, § 16, 55 Stat. 770.)

**§ 117. Detail of Army and Navy officers.**

The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided,* That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy. (Nov. 19, 1941, ch. 474, § 17, 55 Stat. 770.)