

L. 110-244, title I, § 115, June 6, 2006, 122 Stat. 1606.)

#### AMENDMENTS

2008—Subsec. (a)(5)(A), (B). Pub. L. 110-244 added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;"

2005—Subsec. (b)(3). Pub. L. 109-59 substituted "148" for "152".

#### EFFECTIVE DATE

Section effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as an Effective Date of 1998 Amendment note under section 101 of this title.

#### § 165. Puerto Rico highway program

(a) **IN GENERAL.**—The Secretary shall allocate funds made available to carry out this section for each of fiscal years 2005 through 2009 to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

(b) **APPLICABILITY OF TITLE.**—Amounts made available by section 1101(a)(14) of the SAFETEA-LU shall be available for obligation in the same manner as if such funds were apportioned under this chapter.

(c) **TREATMENT OF FUNDS.**—Amounts made available to carry out this section for a fiscal year shall be administered as follows:

(1) **APPORTIONMENT.**—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144, for each program funded under those sections in an amount determined by multiplying—

(A) the aggregate of the amounts for the fiscal year; by

(B) the ratio that—

(i) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

(ii) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

(2) **PENALTY.**—The amounts treated as being apportioned to Puerto Rico under each section referred to in paragraph (1) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.

(d) **EFFECT ON ALLOCATIONS AND APPORTIONMENTS.**—Subject to subsection (c)(2), nothing in this section affects any allocation under section 105 and any apportionment under sections 104 and 144.

(Added Pub. L. 109-59, title I, § 1120(a), Aug. 10, 2005, 119 Stat. 1191.)

#### REFERENCES IN TEXT

Section 1101(a)(14) of the SAFETEA-LU, referred to in subsec. (b), is section 1101(a)(14) of Pub. L. 109-59, title I, Aug. 10, 2005, 119 Stat. 1155, which is not classified to the Code.

#### § 166. HOV facilities

##### (a) IN GENERAL.—

(1) **AUTHORITY OF STATE AGENCIES.**—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

(2) **OCCUPANCY REQUIREMENT.**—Except as otherwise provided by this section, no fewer than two occupants per vehicle may be required for use of a HOV facility.

##### (b) EXCEPTIONS.—

(1) **IN GENERAL.**—Notwithstanding the occupancy requirement of subsection (a)(2), the exceptions in paragraphs (2) through (5) shall apply with respect to a State agency operating a HOV facility.

##### (2) MOTORCYCLES AND BICYCLES.—

(A) **IN GENERAL.**—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

##### (B) SAFETY EXCEPTION.—

(i) **IN GENERAL.**—A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification.

(ii) **ACCEPTANCE OF CERTIFICATION.**—The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

(3) **PUBLIC TRANSPORTATION VEHICLES.**—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

(A) establishes requirements for clearly identifying the vehicles; and

(B) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles.

(4) **HIGH OCCUPANCY TOLL VEHICLES.**—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency—

(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

(B) develops, manages, and maintains a system that will automatically collect the toll; and

(C) establishes policies and procedures to—

(i) manage the demand to use the facility by varying the toll amount that is charged; and

(ii) enforce violations of use of the facility.

(5) **LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—**

(A) **INHERENTLY LOW EMISSION VEHICLE.**—Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311-93 of title 40, Code of Federal Regulations (or successor regulations), and