

Please note: This text is from the fourth edition of *Federal Historic Preservation Laws*, published in 2006 by the National Center for Cultural Resources, National Park Service, Department of the Interior. This edition contains 24 Federal laws and portions of laws that pertain to the preservation of the Nation's cultural heritage.

The citations in this book are no longer current. We have retained this online edition for its historic value, and for the plain-language context that it provides about these laws.

For up-to-date citations and links to the current text of Federal historic preservation laws, please consult our webpage about **Federal Historic Preservation Laws, Regulations, and Orders:**
<https://www.nps.gov/subjects/historicpreservation/laws.htm>.

For information about **Title 54 of the United States Code**, please visit:
<https://www.nps.gov/subjects/historicpreservation/laws-intro.htm>.

Intermodal Surface Transportation Efficiency Act (ISTEA), PORTIONS, AS AMENDED

This Act became law on December 18, 1991 (Public Law 102-240; 23 U.S.C. 101(a)(35) [Transportation Enhancement Activities]; 23 U.S.C. 101 (note) [Scenic Byways Program]; 23 U.S.C. 109(b), (c), and (p) [National Highway System, Scenic and Historic Values]. It was amended by Public Law 105-178 (1998) [Transportation Equity Act for the 21st Century, TEA 21]. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code."

23 U.S.C. 101,
Definitions and
declaration of policy

23 U.S.C. 101(a),
Definitions

Transportation
enhancement
activities defined

Section 101

(a) In this title, the following definitions apply:

(Definitions (1) through (34) omitted)

(35) The term "**transportation enhancement activities**" means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

(Remainder of Section 101 and Section 102
through Section 1016(e) omitted)

23 U.S.C. 109,
Federal-aid highways,
standards

23 U.S.C. 109(p),
Scenic and historic
values

Section 1016 (f)(1)(A)

(Sections 1016(f)(A)(a) through (o) omitted)

(p) Notwithstanding subsections (b) and (c) [of 23 U.S.C. 109], the Secretary may approve a project for the National Highway System if the project is designed to—

(1) allow for the preservation of environmental, scenic, or historic values;

(2) ensure safe use of the facility; and

Intermodal Surface Transportation Efficiency Act

(3) comply with subsection (a) [of 23 U.S.C. 109].

(Remainder of Section 1016 and
Section 1017 through Section 1046 omitted)

23 U.S.C. 101 note,
Scenic Byways
Program and Scenic
Byways Advisory
Committee

Establishment

Membership

Section 1047

(a)(1) Not later than 180 days after December 18, 1991, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

(2) The advisory committee established under this section shall be composed of 17 members as follows:

(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

Intermodal Surface Transportation Efficiency Act

(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry.

Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

Functions of advisory committee

(3) The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

Intermodal Surface Transportation Efficiency Act

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

(D) Standards for maintaining highway safety on the scenic byway system.

(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

(G) Such other matters as the advisory committee may deem appropriate.

(H) Such other matters for which the Secretary may request recommendations.

(Remainder of Subsection 1047(a) and Subsections (b) through (f) omitted)

Limitation

(g) The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area. The Secretary may not use more than 10 percent of the funds authorized for each fiscal year under subsection (f)(5) for removal of any outdoor advertising sign, displays, or device.