

Chapter 1 – Federal-Aid Highways
23 USC Sec. 111

Sec. 111. Agreements relating to use of and access to rights-of-way-Interstate System (USCODE; revised as of January 4, 1995)

(a) In General –

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System.

Such agreements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System.

Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System

(1) if such establishment

(A) was in existence before January 1, 1960,

(B) is owned by a State, and

(C) is operated through concessionaries or otherwise, and

(2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) Vending Machines –

Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the "Randolph-Sheppard Act" (20 USC. 107a(a)(5)).

The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 895; Pub. L. 87-61, title I, Sec. 104(a), June 29, 1961, 75 Stat. 122; Pub. L. 95-599, title I, Sec. 114, Nov. 6, 1978, 92 Stat. 2697; Pub. L. 100-17, title I, Sec. 110(a), Apr. 2, 1987)

Amendments

1987 – Pub. L. 100-17 designated existing provision as subsec. (a), inserted heading for subsec. (a), and added subsec. (b).

1978 – Pub. L. 95-599 inserted provision listing situations which would not require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users.

1961 – Pub. L. 87-61 substituted "to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the

highway, or otherwise interfere” for ”to use the airspace above and below the established grade line of the highway.

Vending Machines; Placement in Rest, Recreation, and Safety Areas; State Operation of Machines

Pub. L. 97-424, title I, Sec. 111, Jan. 6, 1983, 96 Stat. 2106, provided that notwithstanding section 111 of this title before Oct. 1, 1983, any State could permit placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of National System of Interstate and Defense Highways (now Dwight D. Eisenhower System of Interstate and Defense Highways) in such State. Such vending machines could only dispense such food, drink, and other articles as the State highway department determined were appropriate and desirable.

Such vending machines could only be operated by the State. In permitting the placement of vending machines under this section, the State had to give priority to vending machines which were operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the Randolph-Sheppard Act (20 USC 107a(a)(5)).

Demonstration Project for Vending Machines in Rest and Recreation Areas

Section 153 of Pub. L. 95-599 authorized Secretary of Transportation to implement a demonstration project respecting placement of vending machines in rest and recreation areas and to report not later than two years after Nov. 6, 1978, on results of such project.

Revision of Agreements Relating to Utilization of Space on Rights-of-Ways

Section 104(b) of Pub. L. 87-61 authorized Secretary of Commerce (now Transportation), on application, to revise any agreement made prior to June 29, 1961, to extent that such agreement relates to utilization of space on rights-of-way on

National System of Interstate and Defense Highways (now Dwight D. Eisenhower System of Interstate and Defense Highways) to conform to section 111 of this title as amended by subsection (a).

CQ Cross References:

Legislation affecting this section was enacted after the text of this section was published. See the Billtrack and Billtext databases in the Congress indicated. Public Law Statute Bill Cong PL 104?59 Sec. 306?109 Stat. 580S440-104.