

civil penalty of not more than \$1,000,000 on the owner of an American Great Lakes vessel for any act for which the designation may be revoked under section 55335 of this title.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1650.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55336	46 App.:1241t(b).	Pub. L. 101-624, title XV, §1524(b), Nov. 28, 1990, 104 Stat. 3667.

[CHAPTER 555—TRANSFERRED]

Editorial Notes

CODIFICATION

Pub. L. 117-81, div. C, title XXXV, §3512(a)(1), (3), Dec. 27, 2021, 135 Stat. 2239, renumbered this chapter as chapter 504 and transferred it to appear after chapter 503 of this title and renumbered sections 55501 and 55502 as sections 50401 and 50402 of this title, respectively.

[[§ 55501, 55502. Renumbered §§ 50401, 50402]

Editorial Notes

PRIOR PROVISIONS

A prior section 55501, Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1650, related to mobile trade fairs to show and sell United States products at foreign ports and other global commercial centers, prior to repeal by Pub. L. 113-281, title III, §301(1), Dec. 18, 2014, 128 Stat. 3042.

A prior section 55502 was renumbered section 55501 of this title.

CHAPTER 556—MARINE HIGHWAYS

Sec.	
55601.	United States marine highway program.
55602.	Cargo and shippers.
55603.	Multistate, State, Tribal, and regional transportation planning.
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Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263, div. C, title XXXV, §3521(a)(2), (b)(2), (d)(2), Dec. 23, 2022, 136 Stat. 3078, 3079, added items 55601, 55603, and 55605 and struck out former items 55601 “Marine highways transportation program” and 55605 “Marine highway transportation defined”.

2021—Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8332(d)(1), (2), (7), Jan. 1, 2021, 134 Stat. 4704, 4705, amended chapter heading similarly, substituting “MARINE HIGHWAYS” for “SHORT SEA TRANSPORTATION”, struck out item 55603 “Interagency coordination”, and substituted “Marine highways transportation program” for “Short sea transportation program” in item 55601, “Research on marine highway transportation” for “Research on short sea transportation” in item 55604, and “Marine highway transportation defined” for “Short sea transportation defined” in item 55605.

§ 55601. United States marine highway program

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is in the Department of Transportation a program, to be known as the “United States marine highway program”.

(2) ADDITIONAL PROGRAM ACTIVITIES.—In carrying out the program established under this

subsection, the Secretary of Transportation may—

(A) coordinate with ports, State departments of transportation, localities, other public agencies, and appropriate private sector entities on the development of landside facilities and infrastructure to support marine highway transportation; and

(B) develop performance measures for the program.

(b) MARINE HIGHWAY TRANSPORTATION ROUTES.—

(1) DESIGNATION.—The Secretary may designate a route as a marine highway transportation route, or modify such a designation, if—

(A) such route—

(i) provides a coordinated and capable alternative to landside transportation;

(ii) mitigates or relieves landside congestion;

(iii) promotes marine highway transportation; or

(iv) uses vessels documented under chapter 121; and

(B) such designation or modification is requested by—

(i) the government of a State or territory;

(ii) a metropolitan planning organization;

(iii) a port authority;

(iv) a non-Federal navigation district; or

(v) a Tribal government.

(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for the designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

(3) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Administrator makes a determination under paragraph (2), the Maritime Administrator shall notify the requester of the determination.

(c) MAP OF MARINE HIGHWAY PROGRAM ROUTES.—

(1) IN GENERAL.—The Maritime Administrator shall make publicly available a map showing the location of marine highway routes, including such routes along the coasts, in the inland waterways, and at sea and update that map when a marine highway route is designated or modified pursuant to subsection (b).

(2) COORDINATION.—The Maritime Administrator shall coordinate with the Administrator of the National Oceanic and Atmospheric Administration to incorporate the map referred to in paragraph (1) into the Marine Cadastre.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible entities to implement a marine highway transportation project or a component of such a project if the Secretary determines that the project or component—

(A) meets the criteria referred to in subsection (b)(1)(A); and

(B) develops, expands, or promotes—

- (i) marine highway transportation; or
- (ii) shipper use of marine highway transportation.

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant or to enter into a contract or cooperative agreement under this subsection, an eligible entity shall submit to the Secretary an application in such form and manner, and at such time, as the Secretary may require. Such an application shall include the following:

(i) A comprehensive description of—

(I) the marine highway route to be served by the marine highway transportation project;

(II) the supporters of the marine highway transportation project, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

(III) the need for such project; and

(IV) the performance measure for the marine highway transportation project, such as volumes of cargo or passengers moved, or contribution to environmental mitigation, safety, reduced vehicle miles traveled, or reduced maintenance and repair costs.

(ii) A demonstration, to the satisfaction of the Secretary, that—

(I) the marine highway transportation project is financially viable; and

(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively.

(iii) Such other information as the Secretary may require.

(B) PRE-PROPOSAL.—

(i) IN GENERAL.—Prior to accepting a full application under subparagraph (A), the Secretary may require that an eligible entity first submit a pre-proposal that contains a brief description of the item referred to in clauses (i) through (iii) of such subparagraph.

(ii) FEEDBACK.—Not later than 30 days after receiving a pre-proposal under clause (i) from an eligible entity, the Secretary shall provide to the eligible entity feedback to encourage or discourage the eligible entity from submitting a full application. An eligible entity may still submit a full application even if that eligible entity is not encouraged to do so after submitting a pre-proposal.

(C) PROHIBITION.—The Secretary may not require separate applications for project designation and for assistance under this section.

(D) GRANT APPLICATION FEEDBACK.—Following the award of assistance under this subsection for a particular fiscal year, the

Secretary may provide feedback to an applicant to help such applicant improve future applications if the feedback is requested by that applicant.

(3) TIMING.—

(A) NOTICE OF FUNDING OPPORTUNITY.—The Secretary shall post a notice of funding opportunity regarding grants, contracts, or cooperative agreements under this subsection not more than 60 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

(B) AWARDING OF ASSISTANCE.—The Secretary shall award grants, contracts, or cooperative agreements under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

(4) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 80 percent of the funding for any project for which funding is provided under this subsection may come from Federal sources.

(B) TRIBAL GOVERNMENTS AND RURAL AREAS.—The Secretary may increase the Federal share of funding for the project to an amount above 80 percent in the case of an award of assistance under this subsection—

(i) to an eligible entity that is a Tribal government; or

(ii) for a project located in a rural area.

(5) PREFERENCE FOR FINANCIALLY VIABLE PROJECTS.—In awarding grants or entering into contracts or cooperative agreements under this subsection, the Secretary shall give a preference to a project or component of a project that presents the most financially viable transportation service and require the lowest percentage of Federal share of the funding.

(6) TREATMENT OF UNEXPENDED FUNDS.—Notwithstanding paragraph (3)(B), amounts awarded under this subsection that are not expended by the recipient within five years after obligation of funds or that are returned shall remain available to the Secretary to make grants and enter into contracts and cooperative agreements under this subsection.

(7) CONDITIONS ON PROVISION OF ASSISTANCE.—The Secretary may not provide assistance to an eligible entity under this subsection unless the Secretary determines that—

(A) sufficient funding is available to meet the non-Federal share requirement under paragraph (4);

(B) the marine highway project for which such assistance is provided will be completed without unreasonable delay; and

(C) the eligible entity has the authority to implement the proposed marine highway project.

(8) PROHIBITED USES.—Assistance provided under this subsection may not be used—

(A) to improve port or land-based infrastructure outside the United States; or

(B) unless the Secretary determines that such activities are necessary to carry out the marine highway project for which such assistance is provided, to raise sunken ves-

sels, construct buildings or other physical facilities, or acquire land.

(9) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds.

(10) ELIGIBLE ENTITY.—In this subsection, the term “eligible entity” means—

- (A) a State, a political subdivision of a State, or a local government;
- (B) a United States metropolitan planning organization;
- (C) a United States port authority;
- (D) a Tribal government; or
- (E) a United States private sector operator of marine highway projects or private sector owners of facilities, including an Alaska Native Corporation, with an endorsement letter from the requester of a marine highway route designation or modification referred to in subsection (b)(1)(B).

(Added Pub. L. 110–140, title XI, §1121(a), Dec. 19, 2007, 121 Stat. 1760; amended Pub. L. 111–84, div. C, title XXXV, §3515, Oct. 28, 2009, 123 Stat. 2724; Pub. L. 112–213, title IV, §405(a), Dec. 20, 2012, 126 Stat. 1571; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8332(d)(3), Jan. 1, 2021, 134 Stat. 4704; Pub. L. 117–263, div. C, title XXXV, §3521(a)(1), Dec. 23, 2022, 136 Stat. 3074.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263 amended section generally. Prior to amendment, section related to Marine highways transportation program.

2021—Pub. L. 116–283, §8332(d)(3)(B), substituted “marine highway” for “short sea” wherever appearing.

Pub. L. 116–283, §8332(d)(3)(A), substituted “Marine highways” for “Short sea” in section catchline.

Subsec. (a). Pub. L. 116–283, §8332(d)(3)(C)(ii), which directed amendment of subsec. (a) by substituting “provide a coordinated and capable alternative to landside transportation or to promote marine highway transportation” for “mitigate landside congestion or to promote short sea transportation”, was executed by making the substitution for “mitigate landside congestion or to promote marine highway transportation” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 116–283, §8332(d)(3)(B).

Pub. L. 116–283, §8332(d)(3)(C)(i), substituted “transportation program to be known as the ‘America’s Marine highway program’” for “transportation program”.

Subsec. (b)(1). Pub. L. 116–283, §8332(d)(3)(D)(ii), added par. (1) and struck out former par. (1) which read as follows: “documented vessels;”.

Subsec. (c). Pub. L. 116–283, §8332(d)(3)(D)(i), which directed amendment of subsec. (b) by substituting “Marine Highway Transportation” for “Short Sea Transportation” in heading, was executed by making the amendment to subsec. (c) to reflect the probable intent of Congress.

2012—Subsec. (a). Pub. L. 112–213, §405(a)(1), substituted “landside congestion or to promote short sea transportation.” for “landside congestion.”

Subsec. (c). Pub. L. 112–213, §405(a)(2), substituted “coastal corridors or to promote short sea transportation” for “coastal corridors”.

Subsec. (d). Pub. L. 112–213, §405(a)(3), substituted “that the project uses documented vessels and—” for “that the project may—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) and (2) which read as follows:

“(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

“(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.”

Subsec. (f). Pub. L. 112–213, §405(a)(4), substituted “may” for “shall” in two places in introductory provisions.

2009—Subsec. (g). Pub. L. 111–84 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

REGULATIONS

Pub. L. 110–140, title XI, §1121(c), Dec. 19, 2007, 121 Stat. 1762, provided that:

“(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act [Dec. 19, 2007], the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

“(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.”

REPORT ON INCREASING EFFECTIVENESS OF MARINE HIGHWAYS

Pub. L. 118–31, div. C, title XXXV, §3521(d), Dec. 22, 2023, 137 Stat. 820, provided that:

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 22, 2023], the Administrator of the Maritime Administration shall complete and make publicly available on an appropriate website a study that identifies opportunities for, and barriers to, increasing the effectiveness of marine highways designated under section 55601 of title 46, United States Code, in addressing two or more of the components described in clauses (i), (ii), and (iv) of subparagraphs [sic] (A) and subparagraph (B) of section 50307(a)(2) of title 46, United States Code.

“(2) PILOT PROGRAM.—Beginning on the date that is 120 days after the date of the completion of the study required under paragraph (1), the Administrator shall carry out a one-year pilot program under which the Administrator shall select one marine highway project and implement the findings of the study with respect to that project.

“(3) FINAL REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (3), the Administrator shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a briefing on the lessons learned from the pilot program, any recommendations based on feedback from maritime stakeholders, States, Indian Tribes, nonprofit organizations, and other stakeholders, and recommendations for establishing future marine highways in the United States.”

DEADLINE FOR PUBLIC AVAILABILITY OF MAP

Pub. L. 117–263, div. C, title XXXV, §3521(f), Dec. 23, 2022, 136 Stat. 3080, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], the Maritime Administration shall make publicly available the map of marine highway program routes required to be made publicly available under subsection (c) of section 55601 of title 46, United States Code, as amended by this section.”

§ 55602. Cargo and shippers

(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memo-