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94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94-1017

FEDERAL-AID HIGHWAY ACT

APRIL 7, 1976.—Ordered to be printed

Mr. JONES, of Alabama, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 8235]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8235) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SHORT TITLE

Sec. 101. This title may be cited as the "Federal-Aid Highway Act of 1976".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

Sec. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1979.", and by inserting in lieu thereof the following: "the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1981, the additional

sum of \$3,625,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1990."

(b) (1) At least 30 per centum of the apportionment made to each State for each of the fiscal years ending September 30, 1978, and September 30, 1979, of the sums authorized in subsection (a) of this section shall be expended by such State for projects for the construction of intercity portions (including beltways) which will close essential gaps in the Interstate System and provide a continuous System.

(2) The Secretary of Transportation shall report to Congress before October 1, 1976, on those intercity portions of the Interstate System the construction of which would be needed to close essential gaps in the System.

(3) A State which does not have sufficient projects to meet the 30 per centum requirement of paragraph (1) of this subsection may, upon approval of the Secretary of Transportation, be exempt from the requirements of such paragraph to the extent of such inability.

(c) No part of the funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for the Interstate System, shall be obligated for any project for resurfacing, restoring, or rehabilitating any portion of the Interstate System.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1978, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 94-38 of the Committee on Public Works and Transportation of the House of Representatives.

TRANSITION QUARTER AUTHORIZATION

SEC. 104. (a) There is hereby authorized to be appropriated, out of the Highway Trust Fund, \$1,637,390,000 for the transition quarter ending September 30, 1976, for those projects authorized by title 23 of the United States Code, the approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund of the Federal share of such projects except those authorized by section 142 of such title, and those on the Interstate System (other than as permitted in subsection (b)). Such sums shall be apportioned

or allocated on the date of enactment of this Act among the States, as follows:

(1) 60 per centum according to the formula established under section 104(b)(1) of title 23, United States Code, as such section is in effect on the day preceding the date of enactment of this Act.

(2) 40 per centum in the ratio which the population of each State bears to the total population of all the States shown by the latest available Federal census.

(b) Any State which received less than one-half of 1 per centum of the apportionment made under section 104(b)(5) of title 23, United States Code, for the Interstate System for fiscal year 1977 may expend all or any part of its apportionment under this section for projects on the Interstate System in such State.

(c) There is hereby authorized to be appropriated out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, \$8,250,000 for forest highways, and \$4,000,000 for public lands highways. Such sums shall be apportioned or allocated on the date of enactment of this Act in accordance with section 202 of title 23, United States Code.

(d) There is authorized to be appropriated, out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, \$120,000 to the Virgin Islands, \$120,000 to Guam, and \$120,000 to American Samoa, for projects and programs under sections 152, 153, and 402 of title 23, United States Code. Such sums shall be apportioned on the date of enactment of this Act in accordance with section 402(c) of title 23, United States Code.

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, \$1,350,000,000 for the fiscal year ending September 30, 1977, and \$1,350,000,000 for the fiscal year ending September 30, 1978. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$400,000,000 for the fiscal year ending September 30, 1977, and \$400,000,000 for the fiscal year ending September 30, 1978.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$800,000,000 for the fiscal year ending September 30, 1977, and \$800,000,000 for the fiscal year ending September 30, 1978.

(3) For forest highways, out of the Highway Trust Fund, \$33,000,000 for the fiscal year ending September 30, 1977, and \$33,000,000 for the fiscal year ending September 30, 1978.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending September 30, 1977, and \$16,000,000 for the fiscal year ending September 30, 1978.

(5) For forest development roads and trails, \$35,000,000 for the three-month period ending September 30, 1976, \$140,000,000 for the

fiscal year ending September 30, 1977, and \$140,000,000 for the fiscal year ending September 30, 1978.

(6) For public lands development roads and trails, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978.

(7) For park roads and trails, \$7,500,000 for the three-month period ending September 30, 1976, \$30,000,000 for the fiscal year ending September 30, 1977, and \$30,000,000 for the fiscal year ending September 30, 1978.

(8) For parkways, \$11,250,000 for the three-month period ending September 30, 1976, \$45,000,000 for the fiscal year ending September 30, 1977, and \$45,000,000 for the fiscal year ending September 30, 1978, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, \$20,750,000 for the three-month period ending September 30, 1976, \$83,000,000 for the fiscal year ending September 30, 1977, and \$83,000,000 for the fiscal year ending September 30, 1978.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, \$375,000 for the three-month period ending September 30, 1976, \$1,500,000 for the fiscal year ending September 30, 1977, and \$1,500,000 for the fiscal year ending September 30, 1978.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed \$1,250,000 for the three-month period ending September 30, 1976, not to exceed \$5,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$5,000,000 for the fiscal year ending September 30, 1978.

(B) for Guam, not to exceed \$1,250,000 for the three-month period ending September 30, 1976, not to exceed \$5,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$5,000,000 for the fiscal year ending September 30, 1978.

(C) for American Samoa, not to exceed \$250,000 for the three-month period ending September 30, 1976, not to exceed \$1,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$1,000,000 for the fiscal year ending September 30, 1978.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) For authorized landscaping, including, but not limited to, the planting of flowers and shrubs indigenous to the area, and for litter removal an additional \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(14) For the Great River Road, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, \$6,250,000 for the three-month period ending September 30, 1976, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads on a Federal-aid highway system.

(15) For control of outdoor advertising under section 131 of title 23, United States Code, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(16) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 for the fiscal year ending September 30, 1977, and \$15,000,000 for the fiscal year ending September 30, 1978.

(17) For safer off-system roads under section 219 of title 23, United States Code, \$200,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30, 1978.

(18) For access highways under section 155 of title 23, United States Code, \$3,750,000 for the three-month period ending September 30, 1976, \$15,000,000 for the fiscal year ending September 30, 1977, and \$15,000,000 for the fiscal year ending September 30, 1978.

(19) Nothing in the first ten paragraphs or in paragraph (12), (13), (14), (17), or (18) of this section shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or chapter 4 of title 23, United States Code.

(b) (1) For each of the fiscal years 1978 and 1979, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b) (5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be transferred to and added to the amounts last apportioned to such State under paragraphs (1), (2) and (6) of section 104(b) in the ratio which these respective amounts bear to each other in that State, and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they are added. In order to carry out this subsection, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$91,000,000 for the fiscal year ending September 30, 1978, and \$125,000,000 for the fiscal year ending September 30, 1979.

(2) In addition to funds otherwise authorized, \$65,000,000 for the fiscal year ending September 30, 1977, and \$65,000,000 for the fiscal year ending September 30, 1978, out of the Highway Trust Fund, are hereby authorized for the purpose of completing projects approved under the urban high density traffic program prior to the enactment of this paragraph. Such sums shall be in addition to sums previously authorized.

(c) (1) In the case of priority primary routes, \$50,000,000 of the sum authorized for fiscal year ending September 30, 1977, by the amendment made by subsection (a) (1) of this section, shall not be apportioned. Such \$50,000,000 shall be available for obligation on July 1, 1976, in the same manner and to the same extent as sums apportioned for fiscal year 1977 except that such \$50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such \$50,000,000 not obligated by such Secretary before October 1, 1977, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1977, for priority primary routes and available for obligation for the same period as such apportionment.

(2) In the case of priority primary routes, \$50,000,000 of the sum authorized for the fiscal year ending September 30, 1978, by the amendment made by subsection (a) (1) of this section, shall not be apportioned. Such \$50,000,000 of such authorized sum shall be available for obligation on the date of such apportionment, in the same manner and to the same extent as the sums apportioned on such date, except that such \$50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such \$50,000,000 not obligated by such Secretary before October 1, 1978, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1978, for such routes, and available for obligation for the same period as such apportionment.

INTERSTATE SYSTEM RESURFACING

SEC. 106. (a) In addition to any other funds authorized for the Interstate System, there is authorized to be appropriated out of the Highway Trust Fund not to exceed \$175,000,000 for the fiscal year ending September 30, 1978, and \$175,000,000 for the fiscal year ending September 30, 1979. Such sums shall be obligated only for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads.

(b) Paragraph (5) of subsection (b) of section 104 of title 23, United States Code, is amended by inserting "(A) Except as provided in subparagraph (B)—" immediately after "(5)" and by adding at the end of such paragraph the following:

"(B) For resurfacing, restoring, and rehabilitating the Interstate System:

"In the ratio which the lane miles on the Interstate System which have been in use for more than five years (other than those on toll roads) in each State bears to the total of the lane miles on the Interstate System which have been in use for more than five years (other than those on toll roads) in all States."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second sentence of the second paragraph of section 101 (b) of title 23, United States Code, is amended by striking

out "twenty-three years" and inserting in lieu thereof "thirty-four years" and by striking out "June 30, 1979", and inserting in lieu thereof "September 30, 1990".

(b) (1) The introductory phrase and the second and third sentences of section 104 (b) (5) of title 23, United States Code, are amended by striking out "1979" each place it appears and inserting in lieu thereof at each such place "1990".

(2) The last four sentences of such section 104 (b) (5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years

ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.”.

DEFINITIONS

SEC. 108. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) The definition of the term “construction” is amended by inserting immediately after “Commerce”, the following “resurfacing, restoration, and rehabilitation.”.

(2) The definition of the term “urban area” is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “except in the case of cities in the State of Maine and in the State of New Hampshire.”.

(b) Section 101(a) of title 23, United States Code, is amended by adding the following definition after “public lands highways”:

“The term ‘public road’ means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.”.

ELIGIBILITY FOR WITHDRAWAL

SEC. 109. (a) The second sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out “prior to the enactment of this paragraph”.

(b) Section 103(e) of title 23, United States Code, is amended by adding the following new paragraph at the end thereof:

“(5) Interstate mileage authorized for any State and withdrawn and transferred under the provisions of paragraph (2) of this subsection after the date of enactment of the Federal-Aid Highway Act of 1976, must be constructed by the State receiving such mileage as part of its Interstate System. Any State receiving such transfer of mileage may not, with respect to that transfer, avail itself of the optional use of Interstate funds under the second sentence of paragraph (4) of this subsection.”.

INTERSTATE SYSTEM

SEC. 110. (a) Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

“(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which is within an urbanized area or which passes through and connects urbanized areas

within a State and which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of enactment of the Federal-Aid Highway Act of 1976 or the date of approval of each substitute project under this paragraph, whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the urbanized area and the connecting non-urbanized area corridor from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of the substitute projects shall be determined in accordance with the provisions of section 120 of this title applicable to the highway program of which the substitute project is a part, except that in the case of mass transit projects, the Federal share shall be that specified in section 4 of the Urban Mass Transportation Act of 1964, as amended. The sums available for obligation shall remain available until obligated. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share

of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973."

(b) Section 103(e)(4) of title 23, United States Code, is further amended by adding the following sentence at the end thereof:

"In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or portion of the Interstate System as long as said sums were applied to a transportation project permissible under this title."

ROUTE WITHDRAWALS

SEC. 111. (a) The existing fourth sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out "increased or decreased," and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate."

(b) The amendment made by subsection (a) of this section shall be applicable to each route on the Interstate System approval of which was withdrawn or is hereafter withdrawn by the Secretary of Transportation in accordance with the provisions of section 103(e)(2) of title 23, United States Code, including any route on the Interstate System approval of which was withdrawn by the Secretary of Transportation in accordance with the provisions of title 32, United States Code, on August 30, 1965, for the purpose of designating an alternative route.

APPORTIONMENTS

SEC. 112. (a) Section 104(b) of title 23, United States Code, is amended by striking "On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection," and inserting in lieu thereof "On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection,".

(b) Section 104(b)(1) of title 23, United States Code, is amended to read as follows:

"(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

"Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment."

(c) Section 104(b)(3) of title 23, United States Code, is repealed.

(d) Section 104(e) of title 23, United States Code, is amended to read as follows:

"(e) On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder (other than under subsection (b)(5) of this section) to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. To permit the States to develop adequate plans for the utilization of apportioned sums, the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized, except that in the case of the Interstate System the Secretary shall advise each State ninety days prior to the apportionment of such funds."

(e) Section 104(f)(1) of title 23, United States Code, is amended by striking out "On or before January 1 next preceding the commencement" and inserting in lieu thereof "On October 1". Section 104(f)(1) is further amended by striking out the period at the end thereof and

inserting in lieu thereof a comma and the following: "except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System."

(f) Section 104(f)(3) of title 23, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof ", except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas."

(g) Section 104(b)(5) of title 23, United States Code, is amended by striking out "a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized." and inserting in lieu thereof the following: "October 1 of the year preceding the fiscal year for which authorized."

(h) Notwithstanding any other provision of this Act, including any amendments made by this Act, funds authorized by this Act (other than for the Interstate System) for the transition quarter ending September 30, 1976, and for the fiscal year ending September 30, 1977, shall be apportioned on July 1, 1976, except as otherwise provided in section 104.

TRANSFERABILITY

SEC. 113. (a) Subsections (c) and (d) of section 104 of title 23, United States Code, are amended to read as follows:

"(c)(1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

"(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.

"(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

"(1) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment

shall not increase the original amount of such apportionment for such fiscal year by more than 40 per centum. Not more than 40 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 20 per centum. Not more than 20 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

"(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1976, and shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1977, and for subsequent fiscal years. With respect to the fiscal year 1976 and earlier fiscal years, the provisions of subsections (c) and (d) of section 104 of title 23, United States Code, as in effect on June 30, 1976, shall remain applicable to funds authorized for such years.

CONSTRUCTION ESTIMATES

SEC. 114. Section 106(c) of title 23, United States Code, is amended to read as follows:

"(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 115. (a) Paragraph (2) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "made pursuant to section 133 or chapter 5 of this title".

(b) Section 108(a) of title 23, United States Code, is amended by inserting after "request is made" the words "unless a longer period is determined to be reasonable by the Secretary" in the last sentence.

(c) Section 108(c)(3) of title 23, United States Code, is amended by inserting "or later" following "earlier" in the first sentence.

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Subsection (a) of section 117 of title 23, United States Code, is amended by striking out "establishing requirements at least equivalent to those contained in, or issued pursuant to, this

title." and inserting in lieu thereof "which will accomplish the policies and objectives contained in or issued pursuant to this title."

(b) Section 117 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(f) (1) In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

"(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

"(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction."

AVAILABILITY

SEC. 117. (a) Subsection (b) of section 118 of title 23, United States Code, is amended to read as follows:

"(b) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse. Sums apportioned to the Interstate System shall continue available for expenditure in that State for the Interstate System for a period of two years after the close of the fiscal year for which such sums are authorized. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (A) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) (A) of section 104 of this title. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (B) of section 104 of this title remaining unexpended at the end of the period of its availability shall lapse. Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, pre-

viously apportioned to the State and be immediately available for expenditure."

(b) (1) The first sentence of section 203 of title 23, United States Code, is amended by striking out "or a date not earlier than one year preceding the beginning" and inserting in lieu thereof "or on October 1,".

(2) The second sentence of such section 203 is amended by striking out "two years" and inserting in lieu thereof "three years".

(c) The funds authorized by section 104 of this Act and all funds authorized by titles I and II of this Act for the transition quarter ending September 30, 1976, shall, for the purposes of the application of sections 118 and 203 of title 23, United States Code, remain available for expenditure for the same period as funds authorized by this Act for the fiscal year ending September 30, 1977.

PAYMENT TO STATES FOR CONSTRUCTION

SEC. 118. (a) Section 121(d) of title 23, United States Code, is amended to read as follows:

"(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any project financed with Federal-aid highway funds shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary."

EMERGENCY RELIEF

SEC. 119. (a) Section 125(a) of title 23, United States Code, is amended—

(1) by striking out "June 30, 1972," and inserting in lieu thereof "June 30, 1972, and ending before June 1, 1976,";

(2) by striking out "June 30, 1973," and inserting in lieu thereof "June 30, 1973, to carry out the provisions of this section, and not more than \$25,000,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than \$100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976,"; and

(3) by adding before the last sentence the following new sentence: "For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977."

(b) The second sentence of section 125(b) of such title is amended by striking out the period and inserting in lieu thereof the following: "except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required."

BUS WIDTHS

SEC. 120. Section 127 of title 23, United States Code is amended by adding at the end thereof the following new sentence: "Notwithstanding any limitation relating to vehicle widths contained in this section, a State may permit any bus having a width of 102 inches or less to operate on any lane of 12 feet or more in width on the Interstate System."

FERRY OPERATIONS

SEC. 121. The first sentence of paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended by inserting after "Hawaii" the following: "and the islands which comprise the Commonwealth of Puerto Rico". The second sentence of such paragraph (5) is amended by inserting after "Hawaii" the following: "and operations between the islands which comprise the Commonwealth of Puerto Rico".

CONTROL OF OUTDOOR ADVERTISING

SEC. 122. (a) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained".

(b) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

"(q) (1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized

under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

"(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed."

(c) Section 131(i) of title 23, United States Code, is amended to read as follows:

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system."

TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 123. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Traffic Operations Improvement Programs.

"(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designed to reduce traffic congestion and facilitate the flow of traffic.

"(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems."

(b) The analysis of chapter 1 is amended by striking out:

"135. Urban area traffic operations improvement programs." and inserting in lieu thereof:

"135. Traffic operations improvement programs."

PRESERVATION OF PARKLANDS

SEC. 124. Section 138 of title 23, United States Code, is amended by adding a new sentence at the end thereof to read as follows: "In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic

through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.”.

ADDITIONS TO INTERSTATE SYSTEM

SEC. 125. Section 139(b) of title 23, United States Code, is amended by striking “(d)” the two places it appears and inserting in lieu thereof “(e)”.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 126. The second sentence of subsection (b) of section 140, title 23, United States Code, is amended to read as follows: “Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection.”.

PUBLIC TRANSPORTATION

SEC. 127. (a) Section 142(a)(1) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility (including compensation to any person for operating the facility).”.

(b) Section 142(e)(3) of title 23, United States Code, is amended by striking out “section.” and inserting in lieu thereof “title.”.

SPECIAL URBAN HIGH DENSITY

SEC. 128. (a) Section 146 of title 23, United States Code, is repealed.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out:

“146. Special urban high density traffic programs.”

and inserting in lieu thereof:

“146. Repealed.”.

RURAL BUS DEMONSTRATION

SEC. 129. Section 147(a) of the Federal-Aid Highway Act of 1973, as amended, is amended by adding after the first sentence a new sentence as follows: “Such sums shall remain available for a period of two years after the close of the fiscal year for which such sums are authorized.”.

PRIORITY PRIMARY

SEC. 130. Section 147(b) of title 23, United States Code, is amended to read as follows:

“(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to the priority primary routes selected under this section.”.

DEFINING STATE

SEC. 131. Section 152 and section 153 of title 23, United States Code, are amended by adding at the end of each such section the following new subsection:

“(f) For the purposes of this section the term ‘State’ shall have the meaning given it in section 401 of this title.”.

HIGHWAYS CROSSING FEDERAL PROJECTS

SEC. 132. (a) Chapter I of title 23, United States Code, is amended by adding at the end thereof the following new section:

“§ 156. Highways crossing Federal projects

“(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State. No such highway or bridge shall be constructed or reconstructed under authority of this section until the State shall agree that upon completion of such construction or reconstruction it will accept ownership to such highway or bridge and will thereafter operate and maintain such highway or bridge.

“(b) There is hereby authorized to be appropriated not to exceed \$100,000,000 to carry out this section. Amounts authorized by this subsection shall be available for the fiscal year in which appropriated and for two succeeding fiscal years.”.

(b) The analysis of chapter I of title 23 of the United States Code is amended by adding at the end thereof the following:

“156. Highways crossing Federal projects.”.

APPORTIONMENTS OR ALLOCATIONS

SEC. 133. Section 202(a) of title 23, United States Code, is amended by striking “On or before January 1 next preceding the commencement” and inserting in lieu thereof “On October 1”.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

SEC. 134. Section 217(e) of title 23, United States Code, is amended by striking out “\$40,000,000” and inserting in lieu thereof “\$45,000,000”, and by striking out “\$2,000,000” and inserting in lieu thereof “\$2,500,000”.

SAFER OFF-SYSTEM ROADS

SEC. 135. (a) Section 219 of title 23 of the United States Code, is amended to read as follows:

“§ 219. Safer off-system roads.

“(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road, including, but not limited to, the correction of safety

hazards, the replacement of bridges, the elimination of high-hazard locations and roadside obstacles.

"(b) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) Two-thirds according to the following formula—

"(A) one-third in the ratio which the area of each State bears to the total area of all States;

"(B) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(C) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(2) One-third in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

"(c) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

"(d) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(e) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(f) As used in this section, the term 'off-system road' means any toll-free road (including bridges), which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"219. Off-system roads."

and inserting in lieu thereof the following:

"219. Safer off-system roads."

(c) Section 405 of title 23 of the United States Code is hereby repealed.

(d) The analysis of chapter 4 of title 23 of the United States Code is amended by striking out

"405. Federal-aid safer roads demonstration program."

and inserting in lieu thereof the following:

"405. Repealed."

LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 136. (a) Section 319 of title 23, United States Code, is amended to read as follows:

§ 319. Landscaping and scenic enhancement.

"The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways."

(b) All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code, as in effect immediately before the date of enactment of this section shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b), notwithstanding the amendment made by subsection (a) of this section.

BRIDGES ON FEDERAL DAMS

SEC. 137. (a) Section 320(d) of title 23, United States Code, is amended by striking out "\$27,761,000" and inserting in lieu thereof "\$50,000,000".

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1977, and for subsequent fiscal years.

OVERSEAS HIGHWAY

SEC. 138. Subsection (b) of section 118 of the Federal-Aid Highway Amendments of 1974 (Public Law 93-643) is amended—

(1) by striking out "1975, and" and inserting in lieu thereof "1975"; and

(2) by striking out "can be obligated." and inserting in lieu thereof "\$8,750,000 for the three-month period ending September 30, 1976, \$35,000,000 for the fiscal year ending September 30, 1977, and \$35,000,000 for the fiscal year ending September 30, 1978, can be obligated."

TECHNICAL AMENDMENTS

SEC. 139. (a) The analysis of chapter I of title 23, United States Code, is amended by striking out

"111. Use of and access to rights-of-way—Interstate System."

and inserting in lieu thereof the following:

"111. Agreements relating to use of and access to rights-of-way—Interstate System."

(b) The analysis of chapter I of title 23, United States Code, is amended by striking out

"119. Administration of Federal-aid for highways in Alaska." and inserting in lieu thereof the following:

"119. Repealed."

(c) The analysis of chapter I of title 23, United States Code, is amended by striking out

"133. Relocation assistance."

and inserting in lieu thereof the following:

"133. Repealed."

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

SEC. 140. (a) Section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by inserting immediately after subsection (h) the following new subsections:

"(i) The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.

"(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.

"(k) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.

"(l) The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road."

(b) Existing subsections (i), (j), (k), and (l) of section 163 of the Federal-Aid Highway Act of 1973 are relettered as (m), (n), (o), and (p), respectively, including any references to such subsections.

(c) Subsection (m) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of projects authorized by subsections (i), (j), (k), and (l), the Federal share payable on account of such projects shall not exceed 70 per centum and the remaining costs of such projects shall be paid by the State or local governments."

(d) Subsection (o) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "1976, except that" and inserting in lieu thereof the following: "1976, \$6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, \$26,400,000 for the fiscal year ending September 30, 1977, and \$51,400,000 for the fiscal year ending September 30, 1978, except that not more than"

(e) Paragraph (2) of subsection (a) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "an engineering and feasibility study for"

(f) Section 302 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is amended by striking out "\$14,000,000, except that" and inserting in lieu thereof "\$14,000,000, except that not more than".

ACCELERATION OF PROJECTS

SEC. 141. The Secretary of Transportation shall carry out a project to demonstrate the feasibility of reducing the time required from the time of request for project approval through the completion of construction of highway projects in areas that, as a result of recent or imminent change, including but not limited to change in population or traffic flow resulting from the construction of Federal projects, show a need to construct such projects to relieve such areas from the impact of such change. There is authorized to be appropriated out of the Highway Trust Fund to carry out such project not to exceed \$25,000,000.

MULTIMODAL CONCEPT

SEC. 142. Section 134 of the Federal-Aid Highway Act of 1973 is amended by inserting "(a)" immediately following "SEC. 143." and by adding the following new subsection at the end thereof:

"(b) The Secretary of Transportation is authorized and directed to study the feasibility of developing a multimodal concept along the route described in paragraph (1) of subsection (a) of this section, which study shall include an analysis of the environmental impact of such multimodal concept. The Secretary shall report to Congress the results of such a study not later than July 1, 1977."

CARPPOOL DEMONSTRATION PROJECTS

SEC. 143. Section 3 of the Emergency Highway Energy Conservation Act, as amended (87 Stat. 1047, 88 Stat. 2289), is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following: "For the purposes of this section, the term 'carpool' includes a vanpool."

(2) Subsection (c) is amended by inserting after "such measures as" the words "providing carpooling opportunities to the elderly and the handicapped," and by inserting after "opportunities," the words "acquiring vehicles appropriate for carpool use,".

(3) Subsection (d) is amended by striking out "(3) and (6)" from the first sentence, and inserting in lieu thereof "(1) and (6)" and by striking out the second sentence.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

SEC. 144. Section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, is amended as follows:

(1) Subsection (a) is amended by striking out "heretofore enacted." and inserting in lieu thereof a period.

(2) The first sentence in subsection (b) is amended by striking out "of not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches." and inserting in lieu thereof "(1) not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area. Such tolls may also be used to pay the cost of constructing new approaches to the Richmond-San Rafael Bridge in the San Francisco Bay Area."

(3) The existing third sentence in subsection (b) which begins "After" is repealed.

EXTENSION OF REPAYMENT

SEC. 145. The first sentence of section 2 of Public Law 94-30 is amended by striking out "before January 1, 1977." and inserting in lieu thereof "January 1, 1979, at a rate of 20 per centum by January 1, 1977, 30 per centum by January 1, 1978, and 50 per centum by January 1, 1979. If a State fails to make any repayment in accordance with the preceding sentence, the entire unpaid balance shall immediately become due and payable."

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

SEC. 146. (a) The Secretary of Transportation is authorized to carry out traffic control signalization demonstration projects designed to demonstrate through the use of technology not now in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving priority to those projects providing coordinated signalization of two or more intersections. Such projects can be carried out on any highway whether on or off a Federal-aid system.

(b) There is authorized to be appropriated to carry out this section of the Highway Trust Fund, not to exceed \$40,000,000 for the fiscal year ending September 30, 1977, and \$40,000,000 for the fiscal year ending September 30, 1978.

(c) Each participating State shall report to the Secretary of Transportation not later than September 30, 1977, and not later than September 30 of each year thereafter, on the progress being made in implementing this section and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the benefits resulting from such projects comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such traffic control signalization. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1978, on the progress being made in implementing this section and an evaluation of the benefits resulting therefrom.

ACCESS RAMPS TO PUBLIC BOAT LAUNCHING AREAS

SEC. 147. Funds apportioned to States under subsections (b) (1), (b) (2), and (b) (6) of section 104 of title 23, United States Code, may

be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior.

DEMONSTRATION PROJECT

SEC. 148. The Secretary of Transportation, acting pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, shall conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the Dallas/Fort Worth Regional Airport. There is authorized to be appropriated to carry out this section \$7,000,000 for the fiscal year ending September 30, 1977.

URBAN SYSTEM STUDY

SEC. 149. The Secretary of Transportation is authorized and directed to conduct a study of the various factors involved in the planning, selection, programing, and implementation of Federal-aid urban system routes which shall include but not be limited to the following:

(1) An analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to State governmental entities.

(2) The status of jurisdiction over roads on the Federal-aid urban system (State, county, city, or other local body having control).

(3) Programing responsibilities under local and State laws with respect to the Federal-aid urban system.

(4) The authority for and capability of local units of government to carry out the necessary steps to process a highway project through and including the plan, specification, and estimate requirement of section 106 of title 23, United States Code, and final construction.

Such study shall be carried out in cooperation with State, county, city, and other local organizations which the Secretary deems appropriate. The study shall be submitted to the Congress within six months of enactment of this section.

INTERSTATE FUNDING STUDY

SEC. 150. (a) The Secretary of Transportation is hereby directed to undertake a complete study of the financing of completion of the Interstate Highway System. Such study should identify and analyze optional financing methods including State bonding authority under

which the Secretary contracts to reimburse the States for up to 90 per centum of the principal and interest on such bonds. The Secretary shall report to the Congress not later than nine months after the date of enactment of this Act the results of the study.

(b) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress his recommendations regarding the need to provide Federal financial assistance for resurfacing, restoration, and rehabilitation of routes on the Interstate System. In arriving at his recommendations, he shall conduct a full and complete study in cooperation and in consultation with the States of alternative means of assuring that the high level of transportation service provided by the Interstate System is maintained. The results of the study shall accompany the Secretary's recommendations. The study shall include an estimate of the cost of implementing any recommended programs as well as an analysis of alternative methods of apportioning such Federal assistance among the States.

ALASKAN ROADS STUDY

SEC. 151. (a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of \$200,000 for the purpose of making the study authorized by subsection (a) of this section.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

SEC. 152. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section or portions thereof of Interstate Route 70 from a point three miles east of Dotsero, Colorado, westerly to No-Name Interchange, approximately 2.3 miles east of Glenwood Springs, Colorado, approximately 17.5 miles in length, to provide for variations from the number of lanes and other requirements of said section 109(b) in accordance with geometric and construction standards whether or not in conformance with said section 109(b) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for preservation of the scenic and historic values of the Glenwood Canyon. The Secretary shall not approve any project for construction under this section unless he shall first have determined that such variations will not result in creation of safety hazards and that there is no reasonable alternative to such project.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

SEC. 153. (a) The Secretary of Transportation shall make an investigation and study for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems. Such study shall include appropriate consultations with the Secretary of the Interior, the Administrator of the Federal Energy Administration, and other appropriate Federal and State officials.

(b) The Secretary shall report the results of such investigation and study together with his recommendations, to the Congress not later than one year after the date of enactment of this Act.

(c) In order to carry out the study, the Secretary is authorized to use such funds as are available to him for such purposes under section 104(a) of title 23, United States Code.

ESTABLISHMENT OF COMMISSION

SEC. 154. (a)(1) There is hereby established a Commission to be known as the National Transportation Policy Study Commission, hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the transportation needs and of the resources, requirements, and policies of the United States to meet such expected needs. It shall take into consideration all reports on National Transportation Policy which have been submitted to the Congress including but not limited to the National Transportation Reports of 1972 and 1974. It shall evaluate the relative merits of all modes of transportation in meeting our transportation needs. Based on such study, it shall recommend those policies which are most likely to insure that adequate transportation systems are in place which will meet the needs for safe and efficient movement of goods and people.

(b) Such Commission shall be comprised of 19 members as follows:

(A) Six members appointed by the President of the Senate from the membership of the Committee on Public Works, Committee on Commerce, and Committee on Banking, Housing and Urban Affairs of the United States Senate;

(B) five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Public Works and Transportation and one member appointed by the Speaker from the membership of the Committee on Interstate and Foreign Commerce; and

(C) seven members of the public appointed by the President.

(c) The Commission shall not later than December 31, 1978 submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(d) Such report shall include the Commission's findings and recommendations with respect to—

(A) the Nation's transportation needs, both national and regional, through the year 2000;

(B) the ability of our current transportation systems to meet the projected needs;

(C) the proper mix of highway, rail, waterway, pipeline, and air transportation systems to meet anticipated needs;

(D) the energy requirements and availability of energy to meet anticipated needs;

(E) the existing policies and programs of the Federal government which affect the development of our national transportation systems; and

(F) the new policies required to develop balanced national transportation systems which meet projected need.

(e) (1) The Chairman of the Commission, who shall be elected by the Commission from among its members, shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national transportation policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Transportation, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the Federal Aviation Administration, the Interstate Commerce Commission, the Civil Aeronautics Board, and the U.S. Army Corps of Engineers.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in national transportation policy including, but not limited to, State and local governments, public and private organizations working in the fields of transportation and safety, industry, education, and labor.

(f) (1) The Commission or, on authorization of the Commission, any Committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) The Commission is authorized to secure from any department, agency, or individual instrumentality of the Executive Branch of the Government any information it deems necessary to carry out its functions under this section and each department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(g) (1) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission, except Members of Congress shall each receive compensation at a rate not in excess of the maximum rate of pay for GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules

of the House of Representatives or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.

(h) (1) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(2) The staff director shall be compensated at a Level 2 of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(i) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

(j) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(k) There are hereby authorized to be appropriated not to exceed \$15,000,000 to carry out this section. Funds appropriated under this section shall be available to the Commission until expended.

LIMITATIONS

SEC. 155. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1976".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$122,000,000 for the fiscal year ending September 30, 1977, and \$137,000,000 for the fiscal year ending September 30, 1978.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$10,000,000 for the three-month period ending September 30, 1976, \$40,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978.

(5) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of the Highway Trust Fund, \$180,000,000 for the fiscal year ending September 30, 1977, and \$180,000,000 for the fiscal year ending September 30, 1978.

(6) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(7) For projects for high-hazard locations under section 152 of title 23, United States Code, and for the elimination of roadside obstacles under section 153 of title 23, United States Code, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending September 30, 1977, and \$125,000,000 for the fiscal year ending September 30, 1978.

(8) For carrying out subsection (j)(2) of section 402 of title 23, United States Code (relating to incentives for the reduction of the rate of traffic fatalities), out of the Highway Trust Fund, \$1,875,000 for the three-month period ending September 30, 1976, \$7,500,000 for the fiscal year ending September 30, 1977, and \$7,500,000 for the fiscal year ending September 30, 1978.

(9) For carrying out subsection (j)(3) of section 402 of title 23, United States Code (relating to incentives for reduction of actual traffic fatalities), out of the Highway Trust Fund, \$1,875,000 for the three-month period ending September 30, 1976, \$7,500,000 for the fiscal year ending September 30, 1977, and \$7,500,000 for the fiscal year ending September 30, 1978.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Subsections (b) and (c) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87) are hereby amended to read as follows:

“(b)(1) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects for the elimination of hazards of railway-highway crossings, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, \$125,000,000 for the fiscal year ending September 30, 1977, and \$125,000,000 for the fiscal year ending September 30, 1978. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under Chapter 1 of title 23, United States Code.

“(2) Funds authorized by this subsection shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).

“(c) There is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system \$18,750,000 for the three-month period ending September 30, 1976, \$75,000,000 for the fiscal year ending September 30, 1977, and \$75,000,000 for the fiscal year ending September 30, 1978. Sums apportioned under this section for projects under this subsection shall be subject to all of the provisions of chapter 1 of title 23, United States Code, applicable to highways on the Federal-aid system, except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section.”

(b) Subsection (d) of section 203 of the Highway Safety Act of 1973 is amended by adding immediately before the first sentence thereof the following new sentence: “50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a)(1) of section 104 of the Federal-aid Highway Act of 1973 and 50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a)(2) of section 104 of the Federal-aid Highway Act of 1973.”

INCENTIVE SAFETY GRANTS

SEC. 204. Subsection (j)(3) of section 402 of title 23, United States Code, is hereby amended to read as follows:

“(3) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have significantly reduced the actual number of traffic fatalities during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared to the average of the actual number of traffic fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the

purposes of this chapter. Such grants shall be in addition to other funds authorized by this section.

(4) No State shall receive from funds authorized for any fiscal year or period by this subsection incentive grants under paragraph (1) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (2) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (3) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period.

(5) Notwithstanding subsection (c) of this section, no part of the sums authorized by this subsection shall be apportioned as provided in such subsection. Sums authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under subsection (c) of this section."

SCHOOL BUS DRIVER TRAINING

SEC. 205. The second subsection (b) of section 406 of title 23, United States Code (relating to authorizations), is relettered as subsection (c), including all references thereto, and the second sentence of such relettered subsection (c) is amended to read as follows: "Not less than \$7,000,000 of the sums authorized to carry out section 402 of this title for each of the fiscal years 1977 and 1978 shall be obligated to carry out this section. All sums authorized to carry out this section shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c)."

TRANSFERABILITY

SEC. 206. (a) The first sentence of subsection (g) of section 104 of title 23, United States Code, is amended by striking out "30 per centum" and inserting in lieu thereof "40 per centum".

(b) The second sentence of such subsection (g) is amended to read as follows: "The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if he has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met."

(c) Subsection (g) of section 104 of title 23, United States Code, is further amended by adding at the end thereof the following new

sentences: "All or any part of the funds apportioned in any fiscal year to a State in accordance with section 203(d) of the Highway Safety Act of 1973 from funds authorized in section 203(c) of such Act, may be transferred from that apportionment to the apportionment made under section 219 of this title if such transfer is requested by the State highway department and is approved by the Secretary after he has received satisfactory assurances from such department that the purposes of such section 203 have been met. Nothing in this subsection authorizes the transfer of any amount apportioned from the Highway Trust Fund to any apportionment the funds for which were not from the Highway Trust Fund, and nothing in this subsection authorizes the transfer of any amount apportioned from funds not from the Highway Trust Fund to any apportionment the funds for which were from the Highway Trust Fund."

PAVEMENT MARKING PROGRAM

SEC. 207. (a) Subsection (c) of section 151 of title 23, United States Code, is amended by striking out "and which are" and all that follows down through and including "Federal-aid system".

(b) Subsection (g) of such section 151 is amended by adding at the end thereof the following: "No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State, and the Secretary shall not submit any such report to Congress after the first year following the completion of the pavement marking program in all States."

HIGHWAY SAFETY PROGRAMS

SEC. 208. (a) The last three sentences of subsection (c) of section 402 of title 23, United States Code, are amended to read as follows: "For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State."

(b) The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of this Act. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of sec-

tion 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 209. Section 404(a)(1) of title 23, United States Code, is amended by deleting "who shall be Chairman," from the first sentence thereof, and by adding immediately after such first sentence the following: "The Secretary shall select the Chairman of the Committee from among the Committee members."

STEERING AXLE STUDY

SEC. 210. The Secretary of Transportation is directed to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. Such investigation shall be conducted in cooperation with representatives of (A) manufacturers of truck tractors and related equipment, (B) labor, and (C) users of such equipment. The Secretary shall report the results of such study to the Congress not later than July 1, 1977.

SAFETY PROGRAM APPORTIONMENT

SEC. 211. The sixth sentence of section 402(c) of title 23, United States Code, is amended by deleting the period at the end and adding the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment."

PENALTY

SEC. 212. Section 402(c) of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula

specified in this subsection not later than 30 days after such determination."

LIMITATIONS

SEC. 213. To the extent that any section of this title provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

And the Senate agree to the same.

ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
JAMES J. HOWARD,
MIKE McCORMACK,
JAMES V. STANTON,
JOHN B. BREAUX,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,
BUD SHUSTER,

Managers on the Part of the House.

LLOYD BENTSEN,
JENNINGS RANDOLPH,
MIKE GRAVEL,
EDMUND S. MUSKIE,
QUENTIN N. BURDICK,
JOHN C. CULVER,
ROBERT T. STAFFORD,
HOWARD H. BAKER, JR.,
JAMES L. BUCKLEY,
PETE V. DOMENICI,
JAMES A. McCLURE,

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8235) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment to the text of the bill struck out all of titles I and II of the House bill and inserted a substitute text for these titles.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees in minor drafting and clarifying changes.

TITLE I

SHORT TITLE

House Bill

Provides that title I of the bill may be cited as the "Federal-Aid Highway Act of 1975."

Senate Amendment

Same as the House bill.

Conference Substitute

Except for the necessary date change, this is the same as the House bill and the Senate amendment.

INTERSTATE SYSTEM AUTHORIZATIONS AND APPORTIONMENTS

House Bill

Provides new authorizations of \$36.09 billion for completion of the Interstate System. The present law contains authorizations only through the fiscal year 1979. Section 102(a) extends authorizations from fiscal year 1979 through fiscal year 1988. This section increases the annual authorization for the Interstate System from \$3.25 billion in existing law for each of the fiscal years 1977, 1978 and 1979, to \$4 billion annually. The additional sum of \$1 billion is authorized for

the three-month period ending September 30, 1976, providing for transition to the new fiscal year.

This section provides for \$4 billion in annual authorizations to carry the Interstate program through to completion in fiscal year 1988, except for the final year.

Paragraph (b) of section 102 provides for apportionment of \$3.25 billion in Interstate System authorization for fiscal year 1977 to be available for obligation on or before January 1, 1976. The remaining \$750 million authorized for fiscal year 1977, will become available for obligation on July 1, 1976. This amount will be available for obligation at the discretion of the Secretary: (1) \$500 million for projects necessary to eliminate gaps and accelerate completion of continuous, connecting segments of the Interstate System, and (2) \$250 million available for projects characterized by unusually high costs and protracted construction period, without regard to the question of connecting segments.

This provision also requires that discretionary funds not obligated during the fiscal year for which authorized be removed from the Secretary's discretion and apportioned in the same manner as the remainder of the \$4 billion.

Any project assisted under this provision would become ineligible for withdrawal for transfer of Interstate mileage or substitution.

These discretionary provisions apply to Interstate authorizations for 1977 and 1978. The limitation on advanced obligation of apportionments, however, applies only to a portion of the transitional quarter apportionment of \$1 billion and a portion of the fiscal year 1977 authorization. Thus, the total \$4 billion authorized for fiscal year 1978 would be available for obligation on or before January 1, 1977.

The bill provides that the remaining three-month transitional period authorization for the Interstate System shall be available for obligation on July 1, 1976.

Senate Amendment

No comparable provision.

Conference Substitute

The Federal-Aid Highway Act of 1973 authorizes \$3.25 billion for the Interstate System for the fiscal years 1978 and 1979 and this provision authorizes \$3.625 billion for each of the fiscal years thereafter through and including fiscal year 1990. The extension of the Interstate program through 1990 does not address the question of source funds for construction during that period. The conferees expect that during the next Congress methods of financing highway construction will be considered.

At least 30 percent of the apportionments made for 1978 and 1979 is to be expended for projects for construction of the intercity portions (including beltways) which will close essential gaps in the System. The States shall make the initial recommendation with respect to projects involving such 30 percent.

The Secretary of Transportation is to report to Congress before October 1, 1976, on these intercity portions of the Interstate System. In reporting to Congress on portions of the Interstate System needed to close essential gaps, the Secretary should consider the connectivity

of the Interstate System with other major transportation networks, including port facilities.

A State not having sufficient projects to meet this 30 percent requirement may, on approval of the Secretary of Transportation, be exempt to the extent of its inability.

Funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956 are prohibited from being obligated for resurfacing, restoring, or rehabilitating any portion of the Interstate System. The costs of these projects are not to be included in the cost estimates submitted for completion of the Interstate System.

Funds provided under section 108(b) of the Federal Aid Highway Act of 1956 for the Interstate System are intended to provide for completion of initial construction of an adequately designed, safe network of limited interstate mileage. Section 102(c) is not to be interpreted to restrict existing administrative policies governing use of such funds to accomplish that purpose.

COST ESTIMATE FOR APPORTIONMENT

House Bill

Approves the use of apportionment factors contained in table 5 of the 1975 Interstate System Cost Estimate (House Public Works and Transportation Committee Print No. 94-14 as revised in House Report Numbered 94-716) for the apportionment of Interstate funds authorized to be appropriated for the transitional period ending September 30, 1976, and for fiscal year 1977.

Senate Amendment

Approves the use of apportionment factors contained in table 5 of the 1975 Cost Estimate (House Committee Print 94-14) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1977 and 1978.

Conference Substitute

Approves the use of the apportionment factors contained in revised table 5 of committee print 94-38 of the House Committee on Public Works and Transportation for fiscal year 1978 apportionment. Funds for the fiscal year 1977 were apportioned in accordance with S. Con. Res. 62 of this Congress.

HIGHWAY AUTHORIZATIONS

House Bill

Provides authorizations out of the Highway Trust Fund for the 3-month transitional quarter and each of the fiscal years 1977 and 1978 for the Federal-aid rural primary system, rural secondary system, urban system, and primary extensions of the urban system (ABCD systems), plus other authorizations for various types of highway programs financed either from the Highway Trust Fund or the general funds of the Treasury. Authorizations for fiscal years 1977 and 1978 for each category are generally identical, with funds provided during the transition quarter of one-fourth of a full fiscal year's authorization.

The basic urban categories (urban system and primary extensions in urban areas) and rural categories (rural primary system and rural

secondary system) would receive an annual authorization level of \$1.2 billion each.

Other trust funded programs would receive authorizations at the same level as in FY 1976. The \$300 million authorized for priority primary routes in fiscal years 1977 and 1978 would be distributed as follows: \$250 million would be apportioned to the States by formula; the remaining \$50 million would not be apportioned but would be made available for obligation to the States at the discretion of the Secretary for use on priority primary route projects of unusually high cost which require long periods of time for their construction. Any part of the \$50 million not used by the end of the fiscal year for which it was authorized would then be apportioned to the States by formula.

The general funded programs in this section would also receive authorizations at about the same level as in FY 1976, except that there is a decrease in authorizations for parkways from \$75 million to \$45 million, and an increase in the authorizations for Guam's highway program from \$2 to \$5 million.

In addition, each State would receive a minimum of one-half of 1 percent of the total Interstate apportionment for the transition period and fiscal years 1977 and 1978, subject to the restriction that the apportionment of the one-half of 1 percent cannot exceed the total cost to complete the Interstate System in that State.

Senate Amendment

Authorizes \$1,550,000,000 for the Federal-Aid primary, community service, Interstate and safer roads systems for the transition quarter ending September 30, 1976. The funds are to be apportioned on January 1, 1976 or the enactment of this Act whichever is later, in the following ratio:

- 50 percent according to the primary system apportionment formula;
- 30 percent according to the secondary system apportionment formula; and
- 20 percent according to the urban extension system apportionment formula.

The formulas referred to are those in existence prior to the enactment of Federal-Aid Highway Act of 1975.

This section also authorizes \$16,250,000 for the transition quarter and \$65,000,000 for each of the fiscal years 1977 and 1978 for control of outdoor advertising and control of junkyards; \$375,000 for the transition quarter and \$1,500,000 for each of the fiscal years 1977 and 1978 for the administrative expenses of the beautification program.

The section authorizes \$50,000,000 for each of the fiscal years 1977 and 1978 for economic growth center development highways; \$2,500,000 for the transition quarter and \$10,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction or reconstruction of roads not on a Federal-aid system, \$6,250,000 for the transition quarter and \$25,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction and reconstruction of roads on a Federal-aid system; and continues the territorial highway program established in the 1970 act with authorizations to the territories.

For fiscal years 1977 and 1978 each State, including Alaska, will receive at least $\frac{1}{2}$ of 1 percent of total apportionments for the Interstate System. Whenever such amount exceeds the cost of completing the system in any State, the excess amount will be added to primary and community service system apportionments for such State in the ratio which the respective amounts bear to each other. Alaska will receive the $\frac{1}{2}$ of 1 percent Interstate money in lieu of the special Alaska Assistance category with the funds to be available for obligation on any Federal-aid system within the State. For this purpose, an additional \$75,000,000 for the fiscal year 1977 and an additional \$125,000,000 for the fiscal year 1978 are authorized.

The sum of \$65,000,000 for each of the fiscal years 1977 and 1978 is authorized to complete projects previously approved under the urban high density traffic program.

The Senate amendment also authorizes funds for the Federal-Aid highway and Federal-aid domain road programs for the fiscal years 1977 and 1978.

For the Federal-aid primary and priority primary systems, \$1,350,000,000; for the Federal-aid community service system, \$1,225,000,000 of which \$475,000,000 to be available for the nonurbanized system and \$750,000,000 to be available for the urbanized system; for the Federal-aid safer roads program, \$425,000,000.

It also authorizes appropriations from the Trust Fund for parkways and Indian reservation roads and bridges. Funds for forest highways and public lands highways are available from the Trust Fund in accordance with the practice established in the Federal-Aid Highway Act of 1970.

Conference Substitute

Authorizes \$1,637,750,000 for the transition quarter ending September 30, 1976, with \$360,000, of this amount to be distributed equally among the territories of the Virgin Islands, Guam, and American Samoa, and the remainder to be apportioned among the States for use at the States' discretion on projects authorized by title 23, United States Code, approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund. Funds will be apportioned to the States on a formula giving 60 percent weight to the existing formula for apportioning primary system funds and 40 percent weight to population in each State as compared to population in all the States. Funds apportioned under this section may not be used for urban public transportation projects authorized under section 142 of title 23, or for projects on the Interstate System except that States which received less than one-half of one percent of the 1977 Interstate apportionment may use these transition funds for Interstate projects.

The remainder of the conference substitute is the same as the House provision except as hereafter noted:

(1) The authorization for the primary system is also to include extensions of that system in urban areas and priority primary routes, and separate authorizations for urban extensions and priority primary routes are deleted. The specific transition quarter authorization is deleted, and the amount is increased to \$1,350,000,000 per year for fiscal 1977 and 1978.

(2) The specific transition quarter authorization is deleted for the secondary system.

(3) The specific transition quarter authorization is deleted for the urban system.

(4) The transition quarter authorization for economic growth center development highways is deleted and the authorization for fiscal years 1977 and 1978 is \$50,000,000 per year.

(5) An additional \$25,000,000 per year for fiscal years 1977 and 1978 is authorized for landscaping and litter removal.

(6) The transition quarter authorization for the control of outdoor advertising is deleted and the authorization for fiscal years 1977 and 1978 is \$25,000,000 per year.

(7) The transition quarter authorization is deleted for control of junk yards.

(8) Transition quarter authorization is deleted for off-system roads.

(9) The transition quarter authorization for access highways is \$3,750,000 and \$15,000,000 per fiscal year is authorized for fiscal years 1977 and 1978.

(10) The provision requiring each State to receive at least one-half of 1 percent of total apportionments for the Interstate System is the same as provided in the Senate amendment for fiscal year 1979 and \$91 million is authorized for fiscal year 1978, except that whenever amounts available under this provision for the Interstate System in a State exceed the estimated cost of completing that State's portion of the Interstate System and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall then be transferred to and added to the amounts last apportioned to such State for the primary, secondary, and urban systems and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they were added.

(11) Funds are also authorized in the same manner provided in the Senate amendment for completion of projects approved under the urban high density traffic program before the date of enactment of this provision.

(12) \$50,000,000 of the amounts authorized for the consolidated primary system for each of the fiscal years 1977 and 1978 is not to be apportioned and is available for obligation at the discretion of the Secretary of Transportation only for projects on priority primary routes of unusually high cost which require long periods of time for construction. Any moneys not obligated before the beginning of the next fiscal year are to be reapportioned at the beginning of such fiscal year for priority primary routes and available for obligation for the same period of time as the apportionment being made on that date for such routes.

In addition to other sums authorized for the Interstate System, the conference substitute authorizes out of the Highway Trust Fund not to exceed \$175,000,000 for fiscal 1978 and \$175,000,000 for fiscal 1979 for obligation only for projects for resurfacing, restoring, and rehabilitating portions of the Interstate System which have been in use for more than 5 years and which are not toll roads. These sums are to be

apportioned in the ratio which lane miles of the Interstate System which have been in use for more than 5 years (other than toll roads) in each State bear to the total of all lane miles of the Interstate System which have been in use for more than 5 years (other than toll roads) in all States.

EXTENSION OF TIME FOR COMPLETION OF INTERSTATE SYSTEM

House Bill

Makes the necessary technical changes in title 23 of the United States Code necessary to carry the Interstate program through to completion in 1988, including the submission of necessary cost estimates.

Senate Amendment

Revises the method of apportionment of Interstate funds for 1978, 1979 and 1980 to provide apportionment of three fourths on the total cost to complete the System in each State and one fourth on the cost to complete routes of national significance as determined by the Secretary, in consultation with the States.

It also provides for submission by January 15, 1979, of cost estimates to complete the Interstate System.

Conference Substitute

This is essentially the same as the House provision except for amendments necessary to take the program through 1990 and to provide for a new cost estimate to be submitted every 2 years beginning with January 2, 1977, through January 2, 1987.

DEFINITIONS

House Bill

The definition of the term "construction" in section 101(a) of Title 23 would be amended to include the "resurfacing" of existing roadways. It would clarify current policy to permit maximum flexibility in the use of Federal funds.

The definition of the term "urban area" is amended to exclude cities in Maine and New Hampshire from the requirement that the boundaries of an urban area encompass the entire urban place designated by the Bureau of the Census.

Senate Amendment

This section amends subsection (a) of section 101 of title 23 U.S. Code to include rehabilitation and restoration under the definition of "construction."

The definition of "rural areas" is modified to include all areas of State not in urban or small areas.

A new definition is added to subsection (a) which defines "small urban area" as an urban place over 5,000 population not within any urbanized area.

A definition of "public road" is added to subsection (a) which defines "public road" to any road maintained by public authority and open to public travel.

Conference Substitute

The conference substitute contains the definition of "urban areas" from the House bill and "public road" from the Senate amendment and amends the definition of "construction" to authorize resurfacing, restoration, and rehabilitation.

The addition of the word "resurfacing" will make clear that Federal-aid funds may be used to restore existing roadway pavements to a smooth, safe, usable condition even though further reconstruction is not feasible. "Resurfacing" may be expected to include strengthening or reconditioning of deteriorated or weakened sections of existing pavement, replacement of malfunctioning joints, pavement undersealing, and similar operations necessary to assure adequate structural support for the new surface course.

The definition as amended, coupled with the Secretary's existing authority on standards, would permit Federal funding of such projects as: resurfacing or widening and resurfacing, of existing rural and urban pavements with or without revision of horizontal or vertical alinement or other geometric features.

This change confirms policy established by the Federal Highway Administration, and evidences no intent to fund normal periodic maintenance activities which remain a State responsibility:

The Conferees understand that the Secretary is in position very shortly to issue the criteria for the location, construction, and reconstruction of the Great River Road as required by the 1973 Federal-Aid Highway Act. They agree that the new definition of construction contained in this Act, which will include resurfacing, restoration, and rehabilitation, will enable funds to be used more extensively for improving and upgrading miles on the existing roadbed. The Great River Road is not meant to be a major roadway along the entire length of both sides of the Mississippi River. It is to be one road that crisscrosses the River several times. The Conferees want to reaffirm that existing roadbed along the Mississippi River should be used where feasible, except where there are significant breaks in the continuity of the Great River Road. Emphasis should be given to using funds for the acquisition of areas of archeological, scientific, or historical importance, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas and other appropriate facilities.

ELIGIBILITY FOR WITHDRAWAL

House Bill

Amends references to the date of enactment of the Interstate mileage transfer provision in existing law (Howard-Cramer transfer). Existing law provides for withdrawal of any Interstate route or portion thereof selected and approved "prior to the enactment of this paragraph." The House amendment would make a Howard-Cramer substitution available to any route on the Interstate System.

Senate Amendment

Amends existing law to provide that any State receiving turnback Interstate mileage for redesignation on the System must construct it on the System and may not request a transfer of this mileage to a transit or non-Interstate highway project.

Conference Substitute

This contains both the provisions of the House bill and the Senate amendment.

INTERSTATE SYSTEM

House Bill

Amends the Interstate transfer provision to allow funding of highway projects on the Federal-aid primary, secondary or urban systems in lieu of a non-essential Interstate link. Provides for the unobligated portions of a State's apportionment to be reduced in the proportion that the cost to complete the withdrawn segment bears to the cost to complete all Interstate routes within the State as reflected in the latest approved cost estimate. This reduction would occur at the time of the Secretary's approval of the withdrawal action. The bill further provides that a State shall not be required to repay Federal monies previously expended on withdrawn Interstate segments as long as the sums were applied when so expended, to a transportation project permissible under title 23, U.S.C.

The bill also provides that the updating-of-cost provision may be applied retroactively. The updating-of-cost may be applied at the time of approval of the substitute project or the date of enactment of this bill, whichever is later.

Finally, the bill makes provision for the retroactive application of the various changes discussed herein to withdrawals approved prior to the enactment of the bill.

Senate Amendment

The Senate amendment is the same as the House bill except that Senate amendment limits Interstate routes eligible for transfer to substitute mass transit or road projects to those designated prior to August 13, 1973 and makes eligible for such transfer portions of Interstate routes which pass through and connect urbanized areas within a State.

Conference Substitute

This is the same as the House bill except that a route or portion thereof on the Interstate System which passes through and connects urbanized areas within a State may be withdrawn as well as those which are within an urbanized area.

The Secretary, before approving any new Interstate designation, must be satisfied that a State does intend to construct an Interstate route and not later request a transfer to a transit project.

ROUTE WITHDRAWALS

House Bill

Amends the Interstate transfer provision, 23 USC 103(e)(2), by providing that the nationwide aggregate of costs of substitute projects shall not exceed the nationwide aggregate of costs of withdrawn routes, with the costs of those routes withdrawn after the 1972 estimate computed on the basis of costs appearing in the 1972 cost estimate adjusted to the date of enactment of this Act or the date of withdrawal, whichever is later, and, in the case of routes withdrawn prior to the 1972 estimate, computed on the basis of the latest cost estimate in which the withdrawn route appears adjusted to the date of enact-

ment of this Act. This amendment is intended to apply to all previous and future withdrawals and also to the withdrawals approved in California on August 30, 1965.

Senate Amendment

No comparable provision.

Conference Substitute

This is the same as the House bill.

MINIMUM APPORTIONMENT

House Bill

Provides that each State receive no less than one-half of one percent of each year's apportionment for Federal-aid primary system extensions in urban areas.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision but the minimum of $\frac{1}{2}$ of 1 percent is incorporated in the provision dealing with consolidated funding for the primary system.

TRANSFERABILITY

House Bill

Provides for increased transferability of funds between categories. Under existing law, it is possible to transfer up to 40 percent from rural primary to rural secondary and from rural secondary to rural primary. It is also permissible to transfer up to 40 percent back and forth between the two urban categories, urban extensions and the urban system.

This legislation would continue the flexibility in existing law, while permitting additional transfers as follows:

Between rural primary and primary extensions in urban areas, allowing urban-rural or rural-urban transfer within the primary system.

Between rural primary and priority primary (priority primary being both rural and urban in nature).

Between priority primary and urban extensions.

To prevent excessive reduction of funds in any individual category, or the use of any category to simply recycle funds, certain restrictions are provided: (1) no category affected by transfer may be increased or decreased by more than 40 percent in any fiscal year, and (2) no category increased by a transfer from another category may then be reduced by a transfer to another category in any fiscal year.

Senate Amendment

Provide that not more than 30 percent of funds authorized for the primary and nonurbanized systems may be transferred between the two systems.

Conference Substitute

This is similar to the House provision except that transfers between the consolidated primary system and the secondary system remain subject to the 40 per centum limitation while transfers between the

consolidated primary and the urban systems are subject to a 20 percent limitation.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

House Bill

Makes a technical amendment to section 108(c)(2) of title 23, U.S. Code to eliminate erroneous cross-references.

Senate Amendment

Permits the Secretary to allow acquisition of right-of-way more than 10 years in advance of actual construction if reasonable.

Conference Substitute

This is essentially the same as the provisions of the House bill and the Senate amendment.

CERTIFICATION ACCEPTANCE

House Bill

Amends the provision in existing law which has limited the States' ability to make maximum use of authority delegated to them to certify compliance with a number of requirements in existing legislation with respect to non-Interstate projects on Federal-aid systems. The bill would require only that the States have the ability to accomplish the policies and objectives contained in Title 23 and administrative regulations based on Title 23.

Another change, limited to the Federal-aid secondary system, would reinstate an earlier provision of law known as the Secondary Road Plan, permitting the Secretary to accept certification by a State that all requirements had been met under standards and procedures for such projects, if such standards and procedures had been approved by the Secretary.

Senate Amendment

Allows a State to be certified to carry on day-to-day activities of highway program, other than Interstate, if State law and administrative procedures will accomplish policies and objectives of title 23.

Conference Substitute

This is the same as the House bill.

EMERGENCY RELIEF

House Bill

Amends the program of emergency relief whereby funds are authorized for the repair of roads, highways and bridges damaged by natural disasters and other catastrophes. The period of authorization of up to \$100 million a year is extended to July 1, 1976. An additional \$37.5 million is authorized for the transitional quarter and \$150 million is authorized for subsequent fiscal years. The transition quarter for purposes of section 125 is to be deemed a part of fiscal year 1977.

Subsection (b) would waive requirements for concurrence by the Secretary in cases in which the President had declared an emergency to be a major disaster under the Disaster Relief Act of 1974.

Senate Amendment

Amends the emergency relief provision to include the list of disasters set forth in the Disaster Relief Amendments of 1974 and increase the

funds available to the revolving fund to \$150,000,000 from \$100,000,000. This amendment also allows funds to be expended if the President declares a disaster without a concurrent Secretarial determination.

Conference Substitute

This is the same as the House provision except that the authorization for the transition quarter is set at \$25,000,000 and not more than \$100,000,000 is authorized to be expended in any one fiscal year beginning with fiscal year 1977.

BUS WIDTHS

House Bill

Permits the States to increase the maximum permissible width of buses traveling on lanes 12 feet wide or wider on the Interstate System from 96 inches to 102 inches.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

FERRY OPERATIONS

House Bill

Extends to the Commonwealth of Puerto Rico the provision of existing law with respect to Hawaii making ferryboats eligible for Federal assistance including ferries which traverse international waters.

Senate Amendment

Permits use of Federal-aid funds on certain ferryboat routes in Puerto Rico.

Conference Substitute

Same as the House bill.

CONTROL OF OUTDOOR ADVERTISING

House Bill

The definition of "effective control" in subsection (c) of section 131 would be amended to make explicit the types of directional signs to be permitted along Interstate and primary highways. Such signs would include, but not be limited to signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging, natively produced handicraft goods, and would include signs pertaining to natural wonders and scenic and historical attractions.

The bill would establish an upper limit of three on the number of directional signs facing the same direction per mile on the Interstate or primary system. Another amendment would eliminate the distance criterion from section 131(d) to conform to 1974 amendments extending control beyond 660 feet.

The bill would establish a five-year deadline for the removal of any sign prescribed by a State implementing statute, except as determined by the Secretary.

Currently, section 131(f) of title 23 directs the Secretary to provide areas within Interstate rights-of-way on which informational signs may be erected. The bill would, in addition, permit the Secretary to

provide such areas within primary system rights-of-way. However, such signs would be prohibited in suburban or urban areas or as a substitute for those permitted in industrial and commercial areas.

At the end of section 131, the bill would add three new subsections. Subsection (o) would provide that any sign providing the public with specific information in the public interest, which was in existence on June 1, 1972, shall not be required to be removed until the end of 1975 or until the State certifies that there are other means of obtaining the information whichever first occurs. States are directed to give preference in removal to signs voluntarily offered by their owners.

The new subsection (p) would provide for full Federal just compensation for the latest taking to the owner of any sign which, prior to the enactment of this bill, was removed and lawfully relocated, but by virtue of enactment had to be again removed and relocated.

Under the proposed subsection (q)(1), the Secretary is directed to assist States in assuring the motorist adequate directional information concerning available goods and services. He is further directed to consider functional and esthetic factors in developing the national standards for highway signs authorized by section 131 (c) and (f). Paragraph (2) of subsection (q) would list those signs which could be considered to provide directional information about available goods and services. Paragraph (3) would direct the Secretary to encourage the States to defer removing necessary directional information signs of this type which were in place on June 1, 1972, until all other nonconforming signs were removed. Finally, paragraph (4) would permit any facility providing the motorist with goods and services in the interest of the traveling public to continue using one nonconforming sign in each direction on any highway subject to a State statute implementing section 131, provided the sign renders directional information about the facility, it had been in place on June 1, 1972, and it is within 75 miles of the facility or such distance as the State shall establish. A qualifying sign is to remain until the Secretary is satisfied that the information is being provided by one of the enumerated alternatives, or such other alternative as the State deems adequate.

Senate Amendment

Amends section 131(i) of title 23, U.S. Code to authorize a State, subject to the approval of the Secretary to establish travel information systems within the highway right-of-way. The Federal share of the cost of establishing information centers and the newly authorized travel information systems shall be 75 percent.

Conference Substitute

The conference substitute contains the following provisions of the House bill:

(1) Section 131(f) is amended to permit the Secretary to provide areas within the primary system rights-of-way on which informational signs may be erected.

(2) The Secretary may approve the request of a State to permit retention in specific areas defined by the State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the

requirements of section 131(c) if these signs, displays, and devices are in existence on the date of enactment of this provision and where the State demonstrates that these signs, displays, and devices provide directional information about goods and services in the interest of the traveling public and are such that removal would work substantial economic hardship in the defined area.

The conferees emphasize that the State will make the determination of economic hardship throughout the defined area. Neither the States nor the Secretary are to rely on individual claims of economic hardship. The conferees also call attention to the second sentence of section 131(d) of title 23 and fully expect the Federal administrators to abide by that clear mandate.

(3) The United States would be required to pay 100 per centum of the just compensation for the removal the second time of a sign, display, or device lawfully relocated prior to the Federal-Aid Highway Act of 1974 which, as the result of the amendments made by that Act, was thereafter required to be removed.

(4) The proposed subsection (q) in the House bill is contained in the conference substitute except for paragraph (2) which has been deleted.

(5) Section 131(i) of title 23 of the United States Code is revised in accordance with the amendment contained in the Senate amendment to authorize the State to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas and subject to the approval of the Secretary to permit the State to establish information centers and other travel information systems for the purpose of informing the public of places of interest within the State and providing such other information as the State may deem desirable. The Federal share of the cost of establishing an information center or travel information system shall be the percentage provided in section 120 of title 23, United States Code, for a highway project on the Federal-aid system to be served by that center or system.

PRESERVATION OF PARKLANDS

House Bill

Grants authority to the Secretary of Transportation in cooperation with the Secretary of the Interior and appropriate State and local officials to conduct studies as to the most feasible Federal-aid routes to move motor vehicles through or around national parks so as to best serve the needs of the traveling public, but still take into account the national policy of making a special effort to preserve the natural beauty of the areas being traversed.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill. This section is not intended in any way to affect the implementation of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653).

TRAINING PROGRAMS

House Bill

Amends existing law to extend the equal opportunity training programs of 23 U.S.C. 140 through the transition quarter and fiscal years 1977 and 1978, to continue authority of the Secretary to deduct from apportionments up to \$10,000,000 to provide \$2.5 million for the transition quarter. A revision is made to provide that the deduction shall be made from the total of such apportionments rather than from each apportionment made.

Senate Amendment

Makes permanent the authority of the Secretary to deduct up to \$10,000,000 a year for equal opportunity training programs.

Conference Substitute

Same as the Senate amendment except for a provision of \$2,500,000 for the transition quarter.

PUBLIC TRANSPORTATION

House Bill

Requires that fees charged for parking in a facility built to serve public transportation be held to those required to maintain and operate that facility.

Senate Amendment

Mandates that fees at a parking facility constructed with funds authorized under section 142 will not exceed that required for maintenance and operations.

Conference Substitute

Same as the House bill.

SPECIAL BRIDGE REPLACEMENT PROGRAM

House Bill

Changes the Federal share payable on account of bridge replacement from 75 percent to 90 percent.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

DEFINING STATE

House Bill

Amends sections 152 and 153 of title 23, U.S. Code to add a definition of the term "State" to each section defining the term to have the same meaning as it has in section 401 of title 23. This is a clarification of the law.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

HIGHWAYS CROSSING FEDERAL PROJECTS

House Bill

Authorizes the Secretary of Transportation to construct or reconstruct any public highway or highway bridge across any Federal Public works project when there has been a substantial change in the requirements and cost of such highway or bridge since the public works project was authorized and when such increased costs would work an undue hardship upon local interests. Not to exceed \$100,000,000 is authorized to carry out the section, and this amount is to be available for fiscal year 1976 and the succeeding two fiscal years.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill but the conferees intend that not more than \$50,000,000 of the funds authorized by this section shall be appropriated in each of the fiscal years 1977 and 1978.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House Bill

Increases, for projects for bicycle and pedestrian ways, the annual limitation on total obligations from \$40,000,000 to \$45,000,000 and the limitations for any State from \$2,000,000 to \$2,500,000.

Senate Amendment

Makes the technical changes required by the proposed establishment of a community service system.

Conference Substitute

Same as the House bill.

LANDSCAPING AND SCENIC ENHANCEMENT

House Bill

Eliminates the separate funding category of landscaping and scenic enhancement and allows expenditures for this purpose out of normal construction funds.

Senate Amendment

Deletes the separate authorization of money for landscaping and scenic enhancement and makes regular Federal-aid funds eligible for such projects.

Conference Substitute

Same as the House bill.

BRIDGES ON FEDERAL DAMS

House Bill

Increases the authorization for emergency expenditures for bridges on Federal dams under 23 USC 320 from \$27,761,000 to \$50,000,000 from the Highway Trust Fund.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill with the provision that funds appropriated to carry out section 320(d) of title 23, United States Code, shall be appropriated from the Highway Trust Fund for fiscal year 1977 and thereafter.

OVERSEAS HIGHWAY

House Bill

Amends the Federal-Aid Highway Amendments of 1974, which authorized a total of \$109.2 million for reconstruction of a series of bridges linking the Florida Keys to the Florida mainland. That Act also limited obligation to \$25 million. The amendment would permit obligation of the funds at a level of \$35 million annually for Fiscal 1977 and Fiscal 1978, and \$8.75 million for the transition quarter.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

House Bill

Authorizes four projects involving relocation of railroad lines from central city areas (Metairie, Jefferson Parish, Louisiana, Augusta, Georgia, Pine Bluff, Arkansas, Sherman, Texas), in addition to projects authorized in the 1973 Highway Act to eliminate ground level highway crossings. This section authorizes \$6.25 million for the transitional quarter, \$26.4 million for fiscal year 1977, and \$51.4 million for fiscal year 1978 for continuation of work on the existing projects, and initiation of the new ones listed above.

Subsection (d) amends section 302 of the National Mass Transportation Assistance Act of 1974 which authorizes a demonstration project for relocation of railroad lines to provide that not more than $\frac{1}{2}$ of the funds expended for the projects in any fiscal year be out of the Highway Trust Fund.

Senate Amendment

Modifies the railroad-highway grade crossing demonstration program by making the authorized funds available until expended.

Conference Substitute

Same as the House bill and the Senate amendment except that the projects authorized in this bill shall have a Federal share not to exceed 70 per centum with the remainder paid by State and local governments and an amendment is made to section 163(a)(2) of the Federal-Aid Highway Act of 1973 to eliminate "an engineering and feasibility study for".

ACCELERATION OF PROJECTS

House Bill

Requires the Secretary to carry out a project to demonstrate the feasibility of reducing the time required to complete a highway project in areas severely impacted as a result of recent or imminent change in

population or traffic flow resulting from the construction of federal projects.

Senate amendment

No comparable provision.

Conference Substitute

Same as the House bill.

MULTIMODAL CONCEPT

House Bill

The Secretary of Transportation is directed to study the feasibility and environmental impact of a multimodal concept in constructing a route between Brunswick, Georgia, to Kansas City, Missouri, and report to Congress by July 1, 1977.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

It is the intent of the conferees that in carrying out the feasibility study, the Secretary should solicit views from officials of States which would be affected by development of such a corridor and from representatives of regional commissions in the affected area.

RIDESHARING PROGRAMS

House Bill

Authorizes \$75 million out of the Highway Trust Fund for the purpose of conducting ridesharing programs involving motor vehicles with a seating capacity of at least eight and no more than 15 individuals to transport groups of individuals on a regularly scheduled basis. Under this program, funds are to be apportioned by specified formula to States and shall provide for ridesharing for workers, senior citizens, and handicapped persons, and developmental projects to encourage ridesharing in rural and in urban areas.

The Federal share of any project shall not exceed 80 per centum of the cost of the project and the Federal share for operating expenses not recoverable in revenues is not to exceed 50 per centum.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision in view of the conference substitute provisions on carpooling.

CAR POOLS

House Bill

Amends the Emergency Highway Energy Act, which established Federal assistance for carpool program as a temporary measure, by removing its termination date, thereby making the program permanent.

Senate Amendment

Expands the carpool program to make it permanent and to include van pools and the purchase of vehicles within the program.

Conference Substitute

Same as the Senate amendment expanded to include carpooling opportunities for the elderly and handicapped and to provide that funds for these programs may come from the consolidated primary as well as the urban system apportionments.

EFFECTIVE DATE

House Bill

Provides that the adjustment on updating of cost procedures for determining amounts available for substitute projects under sections 103(e)(2) and 103(e)(4) of title 23 shall be effective on August 13, 1973, that date of enactment of the 1973 Highway Act.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

House Bill

Would permit the combination, for toll purposes, of existing crossings of San Francisco Bay with any public transportation system in the vicinity of Bay Area toll bridges, and allow the continuation of tolls past the scheduled amortization of the crossings to permit the repayment of financing costs from that source.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill with an additional authority to use the tolls to pay the costs of constructing new approaches to the Richmond-San Rafael Bridge.

EXTENSION OF REPAYMENT

House Bill

Amends section 2 of Public Law 94-30 relating to repayment of increases in the Federal share of project costs made during the period February 12, 1975, to September 30, 1975. This repayment must be made before January 1, 1977. The bill extends that date until January 1, 1979. It requires that 20 percent of the repayment must be paid by January 1, 1977, and an additional 30 percent must be paid by January 1, 1978, and the remaining 50 percent must be paid by January 1, 1979.

Senate Amendment.

No comparable provision.

Conference Substitute

Same as House bill.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROGRAM

House Bill

Authorizes the Secretary of Transportation to carry out traffic control signalization demonstration projects to demonstrate increasing the capacity of existing roads, conserving fuel, decreasing traffic congestion, improving air and noise quality, with priority to projects providing coordinated signalization. Progress reports are required and \$75,000,000 per year for fiscal years 1977 and 1978 is authorized.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill except that these demonstration projects must be designed to demonstrate the value of traffic control signalization through the use of technology not now in general use and the authorization is set at \$40,000,000 each fiscal year.

ACCESS RAMPS

House Bill

Declares it the intent of Congress that if a bridge is to be constructed, reconstructed, replaced, repaired or otherwise altered, the project should provide for reasonable access to the water traversed by such bridge.

Senate Amendment

Provides that highway funds may be used for construction of ramps to public boat launching areas from bridges under construction on the Federal-aid systems. The approval of the Secretary shall be made in accordance with guidelines established by the Secretary of Transportation and the Secretary of Interior.

Conference Substitute

Essentially the same as the House bill and Senate amendment.

DEMONSTRATION PROJECT—AUTOMATED GUIDEWAY TRANSIT SYSTEM

House Bill

Requires the Secretary of Transportation, pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, to conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the Dallas/Fort Worth Regional Airport.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill except the authorization is at \$7,000,000 for fiscal year 1977.

The conferees intend that this is a research and development program to be achieved by DOT contract with the original prime contractor of the AIRTRANS system, and it is not to be construed as any part of a DOT "grant" to the Dallas/Fort Worth Regional Airport.

URBAN SYSTEM STUDY

House Bill

Requires the study of key factors leading to the implementation of urban system projects. The study must include, as a minimum, an analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to state governmental entities.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

LIMITATIONS

House Bill

This section is required to conform to requirements of the Concurrent Resolution on the Budget for fiscal year 1976. Limitations on advance authority under this Act are as follows:

1. For projects on the Interstate System, \$583 million for the three month period ending September 30, 1976, and \$3,300,000 for the fiscal year ending September 30, 1977.

2. All other sums (other than for the Interstate System) which are authorized out of the Highway Trust Fund for the three month period ending September 30, 1976.

In addition, other sections of this title providing new budget authority under which outlays are made from the general fund shall be effective only in such amounts as are provided in appropriations acts.

Senate Amendment

Provides that outlays which are to be made from the general funds in the Treasury (not the Highway Trust Fund) shall be effective for any fiscal year only in such amounts as are provided in annual appropriation Acts.

Conference Substitute

Same as the Senate amendment.

FEDERAL-AID SYSTEMS

House Bill

No comparable provision.

Senate Amendment

Establishes a new Federal-Aid community service system which includes the urbanized system (formerly the urban system) and the non-urbanized system (formerly secondary system). The nonurbanized system would consist of collector routes and any other routes of local

importance after June 30, 1976. This system can include what were formerly off-system roads if they are of local significance.

The urbanized system, after June 30, 1976, shall consist of arterial and collector routes. This system is to be designated by local officials with concurrence of the State Highway Department if it provides 50 percent or more of the required local matching funds.

Conference Substitute

No comparable provision.

APPORTIONMENTS

House Bill

No comparable provision.

Senate Amendment

Changes the apportionment for the primary system to a formula which is weighted two-thirds to the existing primary formula and one-third to the ratio of population in all urban areas. This reflects the change in the Federal-aid primary system to include urban extensions. The apportionment date for primary funds is changed to October 1 of each year to conform to the new fiscal year.

The apportionment formula for the nonurbanized system includes the existing secondary system formula and a change reflects the addition of small urban area population to the population ratio portion of the formula. The urbanized system apportionment formula would be based solely on the ratio of population in urbanized areas of each State to total urbanized area population. The apportionment of funds for the community service system is also to be made on October 1 of each year.

Conference Substitute

Same as the Senate provision with respect to the consolidated primary system. The apportionment date for all apportionments (other than for the Interstate System) is changed to October 1 of the fiscal year for which authorized. For the Interstate System the apportionment date is to be October 1 of the year preceding the fiscal year for which the funds are authorized. The Secretary is to advise each State at least 90 days before the beginning of the fiscal year of the amount that will be apportioned under this section, except that in the case of the Interstate System, such notification will be 90 days before the apportionment. Conforming amendments are made to sections 104(f)(1) and (3).

The Conference substitute also provides that, except for the Interstate System, funds authorized for the transition quarter and for fiscal year 1977 are to be apportioned on July 1, 1976, except as otherwise provided in section 104.

PROGRAMS

House Bill

No comparable provision.

Senate Amendment

Modifies the selection of urbanized system projects to require the concurrence of State officials only if they provide 50 percent of the required local matching funds.

Conference Substitute

No comparable provision.

CONSTRUCTION ESTIMATES

House Bill

No comparable provision.

Senate Amendment

Changes the allowance for construction engineering from 10 percent to 15 percent of Interstate project costs.

Conference Substitute

Same as the Senate amendment.

AVAILABILITY OF SUMS APPORTIONED

House Bill

No comparable provision.

Senate Amendment

Makes a conforming amendment to section 118 of title 23, U.S. Code for the new Interstate apportionment formula made effective in fiscal year 1978.

Conference Substitute

The conference substitute amends section 118(b) of title 23, United States Code, to provide that sums apportioned to each Federal aid system (other than the Interstate System) are to be available for expenditure for 3 years after the close of the fiscal year for which such sums are authorized. Thereafter they lapse. Sums apportioned to the Interstate System remain available for 2 years after the close of the fiscal year for which authorized. Sums remaining unexpended thereafter lapse and are reapportioned among the other States except for funds apportioned for resurfacing, restoration and rehabilitation which lapse and are not reapportioned.

Conforming amendments are made to section 203 of title 23 and funds authorized by section 104, and by titles I and II for the transition quarter are to be treated for periods of availability as funds authorized for fiscal year 1977.

FEDERAL SHARE PAYABLE

House Bill

No comparable provision.

Senate Amendment

Makes technical changes relative to proposed establishment of the new community service system.

Conference Substitute

No comparable provision.

PAYMENT TO STATES FOR CONSTRUCTION

House Bill

No comparable provision.

Senate Amendment

Amends section 121(d) of title 23, U.S. Code necessary because of the new allowance of 15 percent for construction engineering.

Conference Substitute

Same as the Senate amendment.

TRANSPORTATION PLANNING IN CERTAIN AREAS

House Bill

No comparable provision.

Senate Amendment

Requires an annual public hearing to review the planning process, plans and programs for transportation in urbanized areas as carried out by the section 134 of title 23, U.S. Code planning organizations.

Conference Substitute

No comparable provision.

TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

House Bill

No comparable provision.

Senate Amendment

Provides that traffic operation improvement programs may be carried out on any Federal-aid system, not just in urban areas.

Conference Substitute

Same as the Senate amendment.

SPECIAL URBAN HIGH DENSITY

House Bill

No comparable provision.

Senate Amendment

Repeals the authorization of the special urban high density program.

Conference Substitute

Same as the Senate amendment.

PRIORITY PRIMARY

House Bill

No comparable provision.

Senate Amendment

Conforms the priority primary program to its inclusion in the primary system for apportionment of funds.

Conference Substitute

Same as the Senate amendment.

FEDERAL-AID SAFER ROADS SYSTEM

House Bill

No comparable provision.

Senate Amendment

States would be required to have a program to improve safety features of highways and their surroundings. These programs would be in accordance with standards promulgated by the Secretary.

Each State would be required to conduct surveys and identify potential safety hazards on public roads in the State and to begin to correct identified deficiencies in a systematic manner. Whenever a State is without legal authority to construct or maintain a project pursuant to this section, it would be required to enter into a formal agreement with local officials to carry out such functions.

Sums authorized for the program created by this section would be apportioned 75 percent on the basis of each State's total population and 25 percent on the basis of public road mileage in each State. The Federal share for projects on the safer roads system would be 90 percent. Before sums authorized for this program are apportioned, 3½ percent would be deducted to finance highway safety research.

Whenever the Secretary determined that a State is not making reasonable progress in carrying out the requirements of this section, he would cease approving highway construction projects in the State. The Secretary would have to make his determination on the record and after notice to the State and opportunity for a hearing. If the State failed to come into compliance before the beginning of the next fiscal year, it would lose 10 percent of the construction funds apportioned under section 104, title 23, United States Code, unless the Secretary determines that application of the penalty was not in the public interest. Funds withheld from apportionment to a State would be reapportioned to the other States.

Sections 152, 153, and 405 of title 23, United States Code, pertaining to specific highway safety construction programs, and section 203 of the Federal-Aid Highway Act of 1973, pertaining to hazards at railroad-highway grade crossings, would be repealed.

Conference Substitute

The conference substitute revises section 219 of title 23 of the United States Code to combine the provisions of that section as it presently exists with those of section 405 of such title and repeals such section 405. Funds for the Safer-Off System Roads program are to be apportioned October 1 of each fiscal year in the following manner: two-thirds according to the existing off-system formula and one-third in the ratio which the population in urban areas in each State bears to the total population in urban areas of all States.

Funds authorized for Safer Off-System roads are to be used essentially to improve the safety and capacity of existing roads. Because funds are limited, projects financed under this program, where feasible, should be low-cost improvements and whenever possible, provide significant safety benefits.

APPORTIONMENTS OR ALLOCATIONS

House Bill

No comparable provision.

Senate Amendment

Amends the authorization of the Forest highways program to provide that the apportionment of funds be made on October 1 of each year.

Conference Substitute

Same as the Senate amendment.

RESEARCH AND PLANNING

House Bill

No comparable provision.

Senate Amendment

Expands and clarifies research and planning activities. With respect to State use of planning funds, the provision expands use to include planning for all forms of transportation planning, not just highways.

Conference Substitute

No comparable provision.

RURAL BUS DEMONSTRATION

House Bill

No comparable provision.

Senate Amendment

Makes the sums currently authorized for the rural bus demonstration program available for two years after the year for which authorized.

Conference Substitute

Same as the Senate amendment.

INTERSTATE FUNDING STUDY

House Bill

No comparable provision.

Senate Amendment

Directs the Secretary of Transportation to study methods available for completing the Interstate System and to report to the Congress within nine months of enactment of this Act.

Conference Substitute

Same as the Senate amendment with an additional requirement of a study and report on resurfacing, restoration, and rehabilitation of the Interstate System.

ALASKAN ROADS STUDY

House Bill

No comparable provision.

Senate Amendment

Authorizes the Secretary of Transportation to study the cost of repairing roads in Alaska damaged because of pipeline construction. \$200,000 is authorized to carry out the study which must be concluded within three months after completion of the pipeline.

Conference Substitute

Same as the Senate amendment except that the study must also determine the responsibility for repairing the damage to these highways.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

House Bill

No comparable provision.

Senate Amendment

Authorizes the Secretary of Transportation, upon application of the Governor of Colorado, to approve construction of a portion of Interstate Route 70 with variations from certain requirements for Interstate construction approximately 17.5 miles in length between Dotsero and Glenwood Springs, Colorado.

Conference Substitute

Same as the Senate amendment except that the Secretary is not to approve any variation unless he shall first have determined that such variation will not create any safety hazard and there is no reasonable alternative.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

House Bill

No comparable provision.

Senate Amendment

Require a study by the Secretary of Transportation of need for special Federal aid in constructing or reconstructing highways needed for transporting coal or other uses in order to promote solution of Nation's energy problems.

Conference Substitute

Same as the Senate amendment.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

House Bill

No comparable provision.

Senate Amendment

Establishes a 25-member National Transportation Policy Study Commission to study and evaluate the transportation demand and needs and the merits of various modes of transportation in meeting these demands and needs. The Commission is to recommend programs and policies that will meet the transportation needs and demands of the Nation. This is to be reported within 2 years after enactment. The Commission is given the necessary authority and staff to carry out its functions.

Conference Substitute

Conference substitute establishes a National Transportation Policy Study Commission. There are 19 members and the Commission is to make a study of transportation needs and of the resources, requirements, and policies of the United States to meet these needs. Based upon this study, it is to recommend policies most likely to insure that adequate transportation systems are in place which will meet the needs or safe and efficient improvement of goods and people.

TITLE II

SHORT TITLE

House Bill

Provides that title II may be cited as the "Highway Safety Act of 1975."

Senate Amendment

Provides that title II may be cited as "The Highway Safety Amendments of 1975".

Conference Substitute

Except for the necessary date change, this is the same as the House provision.

HIGHWAY SAFETY

House Bill

Authorizes \$150,000,000 for fiscal years 1977 and 1978 to carry out section 402 of title 23 of the National Traffic Highway Safety Administration. Authorizes \$65,000,000 per fiscal year for those fiscal years for carrying out section 403 of title 23 for that Administration. Authorizes \$35,000,000 per fiscal year for those fiscal years for carrying out section 402 of title 23 by the Federal Highway Administration and \$10,000,000 per fiscal year for those fiscal years for carrying out sections 307(a) and 403 of title 23 by that Administration. In each instance an authorization is made for the three-month period ending September 30, 1976, which is one-quarter of the amount authorized for the ensuing fiscal year.

Senate Amendment

Authorizes \$105,000,000 for fiscal year 1977 and \$115,000,000 for fiscal year 1978 to carry out section 402, title 23, United States Code. Authorizes \$6,500,000 for the transition period and \$35,000,000 for the fiscal year 1977 and \$40,000,000 for the fiscal year 1978 to carry out section 403 of title 23.

Conference Substitute

Authorizes \$122,000,000 for fiscal year 1977 and \$137,000,000 for fiscal year 1978 to carry out section 402 of title 23 of the United States Code by the National Traffic Highway Safety Administration. Authorizes \$10,000,000 for the interim quarter and \$40,000,000 for fiscal year 1977 and \$50,000,000 for fiscal year 1978 to carry out section 403 of such title by such Administration. Authorizes \$25,000,000 per fiscal year for fiscal years 1977 and 1978 for carrying out section 402 of such title by the Federal Highway Administration. Authorizes \$2,500,000 for the interim quarter and \$10,000,000 per fiscal year for fiscal years 1977 and 1978 for carrying out sections 307(a) and 403 of such title by such Administration.

FURTHER SAFETY AUTHORIZATIONS

House Bill

Authorizes \$75,000,000 per fiscal year for the fiscal years 1977 and 1978 for pavement marking projects, and the same amount for projects for high-hazard locations and for the elimination of roadside obstacles. \$18,750,000 is also provided for the interim period for each of the latter two categories. \$7,500,000 per fiscal year is authorized for the fiscal years 1977 and 1978 and \$1,875,000 for the interim period is authorized for incentive grants for the reduction of the rate of traffic fatalities and a like amount for the reduction of actual traffic fatalities. \$7,500,000 is authorized for the fiscal years 1977 and 1978 and \$1,875,000 for the interim period for school bus driver training.

Senate Amendment

No comparable provision.

Conference Substitute

Authorizes \$50,000,000 per fiscal year for fiscal years 1977 and 1978 for pavement markings under section 151 of title 23 of the United States Code. Authorizes \$125,000,000 per fiscal year for such fiscal years for projects for highway hazard locations and elimination of roadside obstacles under sections 152 and 153 of title 23 of the United States Code. Authorizes \$1,875,000 for the interim period and \$7,500,000 per fiscal year for the fiscal years 1977 and 1978 to carry out incentive grant programs under section 402(j)(2) of section 402 of title 23 of the United States Code and the same amount for the same fiscal years for such programs under section 402(j)(3) of such title.

BRIDGE RECONSTRUCTION AND REPLACEMENT

House Bill

Authorizes \$250,000,000 per fiscal year for the fiscal years 1977 and 1978 and \$62,500,000 for the interim period for bridge reconstruction and replacement under section 144 of title 23, United States Code.

Senate Amendment

Authorizes \$31,250,000 for the transition quarter and \$125,000,000 for each of the fiscal years 1977 and 1978 for replacing hazardous bridges.

Conference Substitute

Authorizes \$180,000,000 per fiscal year for the fiscal years 1977 and 1978 for bridge reconstruction and replacement under section 144 of title 23 of the United States Code.

RAIL-HIGHWAY CROSSINGS

House Bill

Authorizes the appropriation out of the Highway Trust Fund of \$37,500,000 for the three-month period ending September 30, 1976, and \$150 million for each of fiscal years 1977 and 1978 for projects for the elimination of hazards of railway-highway crossings on any Federal-aid system (other than the Interstate System) under section 203 of the Highway Safety Act of 1973.

This section would also amend section 203 of the Highway Safety Act of 1973 to authorize the appropriation out of the General Fund of \$18,750,000 for the three-month period ending September 30, 1976, and \$75 million for each of fiscal years 1977 and 1978 for projects for elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system. Funds authorized for off-system railway-highway crossings shall be apportioned in the same manner as funds authorized for crossings on a Federal-aid system.

Senate Amendment

No comparable provision.

Conference Substitute

This is the same as the House bill except for the elimination of the authorization for the interim quarter and the authorization of \$125,-

000,000 per fiscal year for the fiscal years 1977 and 1978 for the elimination of hazards of railway-highway crossings on any Federal-aid system (other than the Interstate System).

INCENTIVE SAFETY GRANTS

House Bill

Amends subsection (j) of section 402 of title 23 to authorize additional incentive grants of up to 25 percent of a State's apportionment under section 402 for a fiscal year or period to those States which have significantly reduced the actual number of traffic fatalities during the calendar year.

It also amends subsection (j) to make it clear that the funding limitation of 25 percent of each State's apportionment is to be applied individually to each of the three types of grants authorized by section 402(j); that Federal funds are obligated upon award of such funds to a State; that contract authority is provided with respect to such funds; that the funds are not apportioned among the States; and that no project or program approval is required for the sums awarded.

Senate Amendment

No comparable provision.

Conference Substitute

The same as the House bill.

SCHOOL BUS DRIVER TRAINING

House Bill

Amends section 406 of title 23, U.S. Code to make technical and clarifying amendments.

Senate Amendment

The period of time for obligation of funds provided by the Federal-Aid Highway Act of 1973 to train persons to drive school buses would be extended until September 30, 1978.

Conference Substitute

This is the same as the House bill except that the funds for this program of not less than \$7,000,000 per fiscal year are to come from those authorized to carry out section 402 of title 23 of the United States Code.

TRANSFERABILITY

House Bill

Amends subsection (g) of section 104 of title 23 to authorize the transfer of up to 40 percent (instead of the existing 30 percent) of the funds apportioned in any fiscal year to a State in accordance with sections 144, 152, and 153 of title 23, and section 203 of the Highway Safety Act of 1973 to the apportionment of any other such section if requested by the State highway department and approved by the Secretary as being in the public interest.

This section would also authorize the Secretary to approve the transfer to up to 100 percent of the apportionment under one such section to the apportionment of any other such sections if, in addition to the transfer being requested by the State highway department and

approved by the Secretary as being in the public interest, the Secretary has received satisfactory assurances from the State that the purposes of the programs from which such funds are to be transferred have been met. Such assurances would no longer be necessary in order to approve transfers of up to 40 percent of any such apportionment.

Senate Amendment

No comparable provision.

Conference Substitute

Essentially the same as the House bill.

In addition, section 104(g) is amended to provide that Highway Trust Fund money may not be transferred to any program for which general fund money is available and vice versa. Also funds apportioned under section 203(d) of the Highway Safety Act of 1973 to carry out projects for which funds are authorized in section 203(c) of such Act which cannot be used for such projects may be transferred for use pursuant to section 219 of title 23, United States Code.

PAVEMENT MARKING PROGRAM

House Bill

Amends section 151 of title 23, U.S. Code to eliminate the requirement that priority for pavement marking projects be given to those on the Federal-aid secondary system and those which are not on any system. It also clarifies the reporting requirements.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

HIGHWAY SAFETY PROGRAMS

House Bill

Amends section 402 of title 23 by prohibiting the Secretary from requiring that a State adopt or enforce a motorcycle law requiring motorcycle operators or passengers 18 years of age or older to wear a safety helmet when operating or riding a motorcycle.

Eliminates the penalty contained in section 402(c), providing for the withholding of 10 percent of the section 104 Federal-aid highway construction apportionments, which is imposed on a State for failure to implement a highway safety program approved by the Secretary.

Amends section 402 to make it clear that section 402 confers broad discretionary authority upon the Secretary with respect to approval of State highway safety programs, and that the Secretary is not compelled to require every State to comply with every uniform standard, or with every element of the uniform standard.

It also would require the Secretary to conduct, in cooperation with the States, an evaluation of the adequacy and appropriateness of all existing highway safety program standards, and report his findings and recommendations to the Congress on or before December 31, 1976. Until such report is submitted, the Secretary would be

prohibited from withholding funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with section 402.

Senate Amendment

No comparable provision.

Conference Substitute

Similar to the House bill except the report is required on or before July 1, 1977.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

House Bill

Amends section 402(a)(1) of title 23 to delete the requirement that the Secretary or a departmental officer appointed by him serve as chairman of the National Highway Safety Advisory Committee.

Senate Amendment

Same as the House bill.

Conference Substitute

Same as the House bill and the Senate amendment.

LIMITATION ON OBLIGATION

House Bill

Prohibits any funds authorized by any provision of this title for fiscal year 1977 from being obligated prior to July 1, 1976.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

STEERING AXLE STUDY

House Bill

Requires the Secretary to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. The investigation shall be conducted in cooperation with representatives of manufacturers of truck tractors and related equipment, labor, and users of such equipment. The Secretary would be required to report the results of such study to the Congress not later than July 1, 1977.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

LIMITATIONS

House Bill

Provides that to the extent that any section of this title provides new or increased contract authority under which outlays will be made

from the general fund, such new or increased authority shall be effective only in such amounts as are provided in appropriations acts. All authorizations out of the Trust Fund for the interim period ending September 30, 1976, shall be apportioned as if such apportionments were for fiscal 1977.

Senate Amendment

Provides that to the extent that any section of this title provides new or increased contract authority under which outlay will be made from the general fund, such new or increased authority shall be effective only in such amounts as are provided in appropriation acts.

Conference Substitute

Same as the Senate amendment.

UNIFORM STANDARDS

House Bill

No comparable provision.

Senate Amendment

Section 402(a) of title 23, United States Code, is amended to remove the provision for uniform standards pertaining to highway-related safety measures from the State safety grant program.

Section 402(a) is further amended by requiring that the Secretary, upon the request of a State, waive application of a uniform standard or portion thereof in order to permit the State to undertake an alternative safety measure. If the Secretary determined that the State's alternative measure did not have a potential for reducing deaths, injuries and property damage equal to or better than that resulting from implementation of the standard, he could deny the State's request. The Secretary is not required to waive any standard or portion thereof which pertains to alcohol in relation to highway safety or to the generation or collection of data useful in the highway safety program. Disposition of a State's request must be made on the record after notice to the State and opportunity for a hearing.

Conference Substitute

No comparable provision.

REDUCTION OF APPORTIONMENT

House Bill

No comparable provision.

Senate Amendment

Apportionments to the Virgin Islands, Guam, and American Samoa for the State safety grant program would be reduced from one-half of one percent of the total amount apportioned to one-third of one percent.

Conference Substitute

Same as the Senate amendment.

PENALTY

House Bill

No comparable provision.

Senate Amendment

The penalty for failure to implement an acceptable State safety grant program would be reduction of from 50 to 100 percent of a State's apportionment for the grant program, the amount of the reduction depending upon the gravity of the State's failure as determined by the Secretary. Funds withheld would be reapportioned to the other States if the noncomplying State failed to correct its deficiencies prior to the end of the fiscal year for which funds were withheld.

The Secretary is not to require a State safety program to require the wearing of a safety helmet by motorcycle operators or passengers 18 years of age or older.

Conference Substitute

Same as the Senate amendment except that the provision relating to motorcycle operator helmets is contained in an earlier provision.

AMENDMENT OF STANDARDS

House Bill

No comparable provision.

Senate Amendment

The Secretary would be authorized to amend the Federal uniform standards, consistent with other requirements of the Highway Safety Act, so long as he followed the procedures of the Administrative Procedures Act and provided an opportunity for oral presentation and written submissions.

Conference Substitute

No comparable provision.

TOCKS ISLAND LAKE, PENNSYLVANIA, NEW JERSEY, NEW YORK

The Public Works Appropriation Act for fiscal year 1976 included \$2.5 million for the Tocks Island Lake project and \$2,100,000 for the transition quarter. The Statement of Managers in the Conference Report on this legislation (House Report No. 94-711) contained the provision that not to exceed \$500 thousand is to be used for the continued planning and design of the relocation of Pennsylvania Route 209, and the use of the remaining funds is subject to action by the authorizing committees. The floor debate on the Conference Report indicated that what was contemplated was not legislative action, but some assurance from the House Public Works and Transportation Committee and the Senate Public Works Committee that the remaining funds should be used. The Conferees, accordingly, wish to state on behalf of their respective committees that it is their desire that the remaining funds be

expended on the continued design and initiation of construction on the relocation of Pennsylvania Route 209. If at any subsequent time the Tocks Island project is deauthorized it would automatically follow that these funds would no longer be available.

ROBERT E. JONES,
 JIM WRIGHT,
 HAROLD T. JOHNSON,
 JAMES J. HOWARD,
 MIKE McCORMACK,
 JAMES V. STANTON,
 JOHN B. BREAUx,
 WILLIAM H. HARSHA,
 JAMES C. CLEVELAND,
 BUD SHUSTER,

Managers on the part of the House.

LLOYD BENTSEN,
 JENNINGS RANDOLPH,
 MIKE GRAVEL,
 EDMUND S. MUSKIE,
 QUENTIN N. BURDICK,
 JOHN C. CULVER,
 ROBERT T. STAFFORD,
 HOWARD H. BAKER, JR.,
 JAMES L. BUCKLEY,
 PETE V. DOMENICI,
 JAMES A. McCLURE,

Managers on the part of the Senate.

FEDERAL-AID HIGHWAY ACT

APRIL 8, 1976.—Ordered to be printed

Mr. BENTSEN, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 8235]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8235) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1976".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1979.", and by inserting in lieu thereof the following: "the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1981, the additional

sum of \$3,625,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1990."

(b) (1) At least 30 per centum of the apportionment made to each State for each of the fiscal years ending September 30, 1978, and September 30, 1979, of the sums authorized in subsection (a) of this section shall be expended by such State for projects for the construction of intercity portions (including beltways) which will close essential gaps in the Interstate System and provide a continuous System.

(2) The Secretary of Transportation shall report to Congress before October 1, 1976, on those intercity portions of the Interstate System the construction of which would be needed to close essential gaps in the System.

(3) A State which does not have sufficient projects to meet the 30 per centum requirement of paragraph (1) of this subsection may, upon approval of the Secretary of Transportation, be exempt from the requirements of such paragraph to the extent of such inability.

(c) No part of the funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for the Interstate System, shall be obligated for any project for resurfacing, restoring, or rehabilitating any portion of the Interstate System.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1978, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 94-38 of the Committee on Public Works and Transportation of the House of Representatives.

TRANSITION QUARTER AUTHORIZATION

SEC. 104. (a) There is hereby authorized to be appropriated, out of the Highway Trust Fund, \$1,637,390,000 for the transition quarter ending September 30, 1976, for those projects authorized by title 23 of the United States Code, the approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund of the Federal share of such projects except those authorized by section 142 of such title, and those on the Interstate System (other than as permitted in subsection (b)). Such sums shall be apportioned

or allocated on the date of enactment of this Act among the States, as follows:

(1) 60 per centum according to the formula established under section 104(b)(1) of title 23, United States Code, as such section is in effect on the day preceding the date of enactment of this Act.

(2) 40 per centum in the ratio which the population of each State bears to the total population of all the States shown by the latest available Federal census.

(b) Any State which received less than one-half of 1 per centum of the apportionment made under section 104(b)(5) of title 23, United States Code, for the Interstate System for fiscal year 1977 may expend all or any part of its apportionment under this section for projects on the Interstate System in such State.

(c) There is hereby authorized to be appropriated out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, \$8,250,000 for forest highways, and \$4,000,000 for public lands highways. Such sums shall be apportioned or allocated on the date of enactment of this Act in accordance with section 202 of title 23, United States Code.

(d) There is authorized to be appropriated, out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, \$120,000 to the Virgin Islands, \$120,000 to Guam, and \$120,000 to American Samoa, for projects and programs under sections 152, 153, and 402 of title 23, United States Code. Such sums shall be apportioned on the date of enactment of this Act in accordance with section 402(c) of title 23, United States Code.

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, \$1,350,000,000 for the fiscal year ending September 30, 1977, and \$1,350,000,000 for the fiscal year ending September 30, 1978. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$400,000,000 for the fiscal year ending September 30, 1977, and \$400,000,000 for the fiscal year ending September 30, 1978.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$800,000,000 for the fiscal year ending September 30, 1977, and \$800,000,000 for the fiscal year ending September 30, 1978.

(3) For forest highways, out of the Highway Trust Fund, \$33,000,000 for the fiscal year ending September 30, 1977, and \$33,000,000 for the fiscal year ending September 30, 1978.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending September 30, 1977, and \$16,000,000 for the fiscal year ending September 30, 1978.

(5) For forest development roads and trails, \$35,000,000 for the three-month period ending September 30, 1976, \$140,000,000 for the

fiscal year ending September 30, 1977, and \$140,000,000 for the fiscal year ending September 30, 1978.

(6) For public lands development roads and trails, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978.

(7) For park roads and trails, \$7,500,000 for the three-month period ending September 30, 1976, \$30,000,000 for the fiscal year ending September 30, 1977, and \$30,000,000 for the fiscal year ending September 30, 1978.

(8) For parkways, \$11,250,000 for the three-month period ending September 30, 1976, \$45,000,000 for the fiscal year ending September 30, 1977, and \$45,000,000 for the fiscal year ending September 30, 1978, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, \$20,750,000 for the three-month period ending September 30, 1976, \$83,000,000 for the fiscal year ending September 30, 1977, and \$83,000,000 for the fiscal year ending September 30, 1978.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, \$375,000 for the three-month period ending September 30, 1976, \$1,500,000 for the fiscal year ending September 30, 1977, and \$1,500,000 for the fiscal year ending September 30, 1978.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed \$1,250,000 for the three-month period ending September 30, 1976, not to exceed \$5,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$5,000,000 for the fiscal year ending September 30, 1978.

(B) for Guam, not to exceed \$1,250,000 for the three-month period ending September 30, 1976, not to exceed \$5,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$5,000,000 for the fiscal year ending September 30, 1978.

(C) for American Samoa, not to exceed \$250,000 for the three-month period ending September 30, 1976, not to exceed \$1,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$1,000,000 for the fiscal year ending September 30, 1978.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) For authorized landscaping, including, but not limited to, the planting of flowers and shrubs indigenous to the area, and for litter removal an additional \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(14) For the Great River Road, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, \$6,250,000 for the three-month period ending September 30, 1976, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads on a Federal-aid highway system.

(15) For control of outdoor advertising under section 131 of title 23, United States Code, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(16) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 for the fiscal year ending September 30, 1977, and \$15,000,000 for the fiscal year ending September 30, 1978.

(17) For safer off-system roads under section 219 of title 23, United States Code, \$200,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30, 1978.

(18) For access highways under section 155 of title 23, United States Code, \$3,750,000 for the three-month period ending September 30, 1976, \$15,000,000 for the fiscal year ending September 30, 1977, and \$15,000,000 for the fiscal year ending September 30, 1978.

(19) Nothing in the first ten paragraphs or in paragraph (12), (13), (14), (17), or (18) of this section shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or chapter 4 of title 23, United States Code.

(b) (1) For each of the fiscal years 1978 and 1979, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b) (5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be transferred to and added to the amounts last apportioned to such State under paragraphs (1), (2) and (6) of section 104(b) in the ratio which these respective amounts bear to each other in that State, and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they are added. In order to carry out this subsection, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$91,000,000 for the fiscal year ending September 30, 1978, and \$125,000,000 for the fiscal year ending September 30, 1979.

(2) In addition to funds otherwise authorized, \$65,000,000 for the fiscal year ending September 30, 1977, and \$65,000,000 for the fiscal year ending September 30, 1978, out of the Highway Trust Fund, are hereby authorized for the purpose of completing projects approved under the urban high density traffic program prior to the enactment of this paragraph. Such sums shall be in addition to sums previously authorized.

(c) (1) In the case of priority primary routes, \$50,000,000 of the sum authorized for fiscal year ending September 30, 1977, by the amendment made by subsection (a) (1) of this section, shall not be apportioned. Such \$50,000,000 shall be available for obligation on July 1, 1976, in the same manner and to the same extent as sums apportioned for fiscal year 1977 except that such \$50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such \$50,000,000 not obligated by such Secretary before October 1, 1977, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1977, for priority primary routes and available for obligation for the same period as such apportionment.

(2) In the case of priority primary routes, \$50,000,000 of the sum authorized for the fiscal year ending September 30, 1978, by the amendment made by subsection (a) (1) of this section, shall not be apportioned. Such \$50,000,000 of such authorized sum shall be available for obligation on the date of such apportionment, in the same manner and to the same extent as the sums apportioned on such date, except that such \$50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such \$50,000,000 not obligated by such Secretary before October 1, 1978, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1978, for such routes, and available for obligation for the same period as such apportionment.

INTERSTATE SYSTEM RESURFACING

SEC. 106. (a) In addition to any other funds authorized for the Interstate System, there is authorized to be appropriated out of the Highway Trust Fund not to exceed \$175,000,000 for the fiscal year ending September 30, 1978, and \$175,000,000 for the fiscal year ending September 30, 1979. Such sums shall be obligated only for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads.

(b) Paragraph (5) of subsection (b) of section 104 of title 23, United States Code, is amended by inserting "(A) Except as provided in subparagraph (B)—" immediately after "(5)" and by adding at the end of such paragraph the following:

"(B) For resurfacing, restoring, and rehabilitating the Interstate System:

"In the ratio which the lane miles on the Interstate System which have been in use for more than five years (other than those on toll roads) in each State bears to the total of the lane miles on the Interstate System which have been in use for more than five years (other than those on toll roads) in all States."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second sentence of the second paragraph of section 101 (b) of title 23, United States Code, is amended by striking

out "twenty-three years" and inserting in lieu thereof "thirty-four years" and by striking out "June 30, 1979", and inserting in lieu thereof "September 30, 1990".

(b) (1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1979" each place it appears and inserting in lieu thereof at each such place "1990".

(2) The last four sentences of such section 104(b) (5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years

ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.”.

DEFINITIONS

SEC. 108. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) The definition of the term “construction” is amended by inserting immediately after “Commerce”, the following “resurfacing, restoration, and rehabilitation.”.

(2) The definition of the term “urban area” is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “except in the case of cities in the State of Maine and in the State of New Hampshire.”.

(b) Section 101(a) of title 23, United States Code, is amended by adding the following definition after “public lands highways”:

“The term ‘public road’ means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.”.

ELIGIBILITY FOR WITHDRAWAL

SEC. 109. (a) The second sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out “prior to the enactment of this paragraph”.

(b) Section 103(e) of title 23, United States Code, is amended by adding the following new paragraph at the end thereof:

“(5) Interstate mileage authorized for any State and withdrawn and transferred under the provisions of paragraph (2) of this subsection after the date of enactment of the Federal-Aid Highway Act of 1976, must be constructed by the State receiving such mileage as part of its Interstate System. Any State receiving such transfer of mileage may not, with respect to that transfer, avail itself of the optional use of Interstate funds under the second sentence of paragraph (4) of this subsection.”.

INTERSTATE SYSTEM

SEC. 110. (a) Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

“(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which is within an urbanized area or which passes through and connects urbanized areas

within a State and which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of enactment of the Federal-Aid Highway Act of 1976 or the date of approval of each substitute project under this paragraph, whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the urbanized area and the connecting non-urbanized area corridor from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of the substitute projects shall be determined in accordance with the provisions of section 120 of this title applicable to the highway program of which the substitute project is a part, except that in the case of mass transit projects, the Federal share shall be that specified in section 4 of the Urban Mass Transportation Act of 1964, as amended. The sums available for obligation shall remain available until obligated. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share

of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973."

(b) Section 103(e)(4) of title 23, United States Code, is further amended by adding the following sentence at the end thereof:

"In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or portion of the Interstate System as long as said sums were applied to a transportation project permissible under this title."

ROUTE WITHDRAWALS

SEC. 111. (a) The existing fourth sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out "increased or decreased," and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate."

(b) The amendment made by subsection (a) of this section shall be applicable to each route on the Interstate System approval of which was withdrawn or is hereafter withdrawn by the Secretary of Transportation in accordance with the provisions of section 103(e)(2) of title 23, United States Code, including any route on the Interstate System approval of which was withdrawn by the Secretary of Transportation in accordance with the provisions of title 32, United States Code, on August 30, 1965, for the purpose of designating an alternative route.

APPORTIONMENTS

SEC. 112. (a) Section 104(b) of title 23, United States Code, is amended by striking "On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection," and inserting in lieu thereof "On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection."

(b) Section 104(b)(1) of title 23, United States Code, is amended to read as follows:

"(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

"Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment."

(c) Section 104(b)(3) of title 23, United States Code, is repealed.

(d) Section 104(e) of title 23, United States Code, is amended to read as follows:

"(e) On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder (other than under subsection (b)(5) of this section) to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. To permit the States to develop adequate plans for the utilization of apportioned sums, the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized, except that in the case of the Interstate System the Secretary shall advise each State ninety days prior to the apportionment of such funds."

(e) Section 104(f)(1) of title 23, United States Code, is amended by striking out "On or before January 1 next preceding the commencement" and inserting in lieu thereof "On October 1". Section 104(f)(1) is further amended by striking out the period at the end thereof and

inserting in lieu thereof a comma and the following: "except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System."

(f) Section 104(f)(3) of title 23, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof "except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas."

(g) Section 104(b)(5) of title 23, United States Code, is amended by striking out "a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized." and inserting in lieu thereof the following: "October 1 of the year preceding the fiscal year for which authorized."

(h) Notwithstanding any other provision of this Act, including any amendments made by this Act, funds authorized by this Act (other than for the Interstate System) for the transition quarter ending September 30, 1976, and for the fiscal year ending September 30, 1977, shall be apportioned on July 1, 1976, except as otherwise provided in section 104.

TRANSFERABILITY

SEC. 113. (a) Subsections (c) and (d) of section 104 of title 23, United States Code, are amended to read as follows:

"(c) (1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

"(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.

"(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

"(1) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment

shall not increase the original amount of such apportionment for such fiscal year by more than 40 per centum. Not more than 40 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 20 per centum. Not more than 20 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

"(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1976, and shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1977, and for subsequent fiscal years. With respect to the fiscal year 1976 and earlier fiscal years, the provisions of subsections (c) and (d) of section 104 of title 23, United States Code, as in effect on June 30, 1976, shall remain applicable to funds authorized for such years.

CONSTRUCTION ESTIMATES

SEC. 114. Section 106(c) of title 23, United States Code, is amended to read as follows:

"(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 115. (a) Paragraph (2) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "made pursuant to section 133 or chapter 5 of this title".

(b) Section 108(a) of title 23, United States Code, is amended by inserting after "request is made" the words "unless a longer period is determined to be reasonable by the Secretary" in the last sentence.

(c) Section 108(c)(3) of title 23, United States Code, is amended by inserting "or later" following "earlier" in the first sentence.

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Subsection (a) of section 117 of title 23, United States Code, is amended by striking out "establishing requirements at least equivalent to those contained in, or issued pursuant to, this

title." and inserting in lieu thereof "which will accomplish the policies and objectives contained in or issued pursuant to this title."

(b) Section 117 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(f) (1) In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

"(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

"(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction."

AVAILABILITY

SEC. 117. (a) Subsection (b) of section 118 of title 23, United States Code, is amended to read as follows:

"(b) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse. Sums apportioned to the Interstate System shall continue available for expenditure in that State for the Interstate System for a period of two years after the close of the fiscal year for which such sums are authorized. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (A) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) (A) of section 104 of this title. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (B) of section 104 of this title remaining unexpended at the end of the period of its availability shall lapse. Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, pre-

viously apportioned to the State and be immediately available for expenditure."

(b) (1) The first sentence of section 203 of title 23, United States Code, is amended by striking out "or a date not earlier than one year preceding the beginning" and inserting in lieu thereof "or on October 1".

(2) The second sentence of such section 203 is amended by striking out "two years" and inserting in lieu thereof "three years".

(c) The funds authorized by section 104 of this Act and all funds authorized by titles I and II of this Act for the transition quarter ending September 30, 1976, shall, for the purposes of the application of sections 118 and 203 of title 23, United States Code, remain available for expenditure for the same period as funds authorized by this Act for the fiscal year ending September 30, 1977.

PAYMENT TO STATES FOR CONSTRUCTION

SEC. 118. (a) Section 121 (d) of title 23, United States Code, is amended to read as follows:

"(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any project financed with Federal-aid highway funds shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary."

EMERGENCY RELIEF

SEC. 119. (a) Section 125 (a) of title 23, United States Code, is amended—

(1) by striking out "June 30, 1972," and inserting in lieu thereof "June 30, 1972, and ending before June 1, 1976,";

(2) by striking out "June 30, 1973," and inserting in lieu thereof "June 30, 1973, to carry out the provisions of this section, and not more than \$25,000,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than \$100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976,"; and

(3) by adding before the last sentence the following new sentence: "For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977."

(b) The second sentence of section 125 (b) of such title is amended by striking out the period and inserting in lieu thereof the following: "except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required."

BUS WIDTHS

SEC. 120. Section 127 of title 23, United States Code is amended by adding at the end thereof the following new sentence: "Notwithstanding any limitation relating to vehicle widths contained in this section, a State may permit any bus having a width of 102 inches or less to operate on any lane of 12 feet or more in width on the Interstate System."

FERRY OPERATIONS

SEC. 121. The first sentence of paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended by inserting after "Hawaii" the following: "and the islands which comprise the Commonwealth of Puerto Rico". The second sentence of such paragraph (5) is amended by inserting after "Hawaii" the following: "and operations between the islands which comprise the Commonwealth of Puerto Rico".

CONTROL OF OUTDOOR ADVERTISING

SEC. 122. (a) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained".

(b) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

"(q) (1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized

under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

"(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed."

(c) Section 131(i) of title 23, United States Code, is amended to read as follows:

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system."

TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 123. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Traffic Operations Improvement Programs.

"(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designed to reduce traffic congestion and facilitate the flow of traffic.

"(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems."

(b) The analysis of chapter 1 is amended by striking out:

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Traffic operations improvement programs."

PRESERVATION OF PARKLANDS

SEC. 124. Section 138 of title 23, United States Code, is amended by adding a new sentence at the end thereof to read as follows: "In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic

through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.”.

ADDITIONS TO INTERSTATE SYSTEM

SEC. 125. Section 139(b) of title 23, United States Code, is amended by striking “(d)” the two places it appears and inserting in lieu thereof “(e)”.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 126. The second sentence of subsection (b) of section 140, title 23, United States Code, is amended to read as follows: “Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection.”.

PUBLIC TRANSPORTATION

SEC. 127. (a) Section 142(a)(1) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility (including compensation to any person for operating the facility).”.

(b) Section 142(e)(3) of title 23, United States Code, is amended by striking out “section.” and inserting in lieu thereof “title.”.

SPECIAL URBAN HIGH DENSITY

SEC. 128. (a) Section 146 of title 23, United States Code, is repealed.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out:

“146. Special urban high density traffic programs.”

and inserting in lieu thereof:

“146. Repealed.”.

RURAL BUS DEMONSTRATION

SEC. 129. Section 147(a) of the Federal-Aid Highway Act of 1973, as amended, is amended by adding after the first sentence a new sentence as follows: “Such sums shall remain available for a period of two years after the close of the fiscal year for which such sums are authorized.”.

PRIORITY PRIMARY

SEC. 130. Section 147(b) of title 23, United States Code, is amended to read as follows:

“(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to the priority primary routes selected under this section.”.

DEFINING STATE

SEC. 131. Section 152 and section 153 of title 23, United States Code, are amended by adding at the end of each such section the following new subsection:

“(f) For the purposes of this section the term ‘State’ shall have the meaning given it in section 401 of this title.”.

HIGHWAYS CROSSING FEDERAL PROJECTS

SEC. 132. (a) Chapter I of title 23, United States Code, is amended by adding at the end thereof the following new section:

“§ 156. Highways crossing Federal projects

“(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State. No such highway or bridge shall be constructed or reconstructed under authority of this section until the State shall agree that upon completion of such construction or reconstruction it will accept ownership to such highway or bridge and will thereafter operate and maintain such highway or bridge.

“(b) There is hereby authorized to be appropriated not to exceed \$100,000,000 to carry out this section. Amounts authorized by this subsection shall be available for the fiscal year in which appropriated and for two succeeding fiscal years.”.

(b) The analysis of chapter I of title 23 of the United States Code is amended by adding at the end thereof the following:

“156. Highways crossing Federal projects.”.

APPORTIONMENTS OR ALLOCATIONS

SEC. 133. Section 202(a) of title 23, United States Code, is amended by striking “On or before January 1 next preceding the commencement” and inserting in lieu thereof “On October 1”.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

SEC. 134. Section 217(e) of title 23, United States Code, is amended by striking out “\$40,000,000” and inserting in lieu thereof “\$45,000,000”, and by striking out “\$2,000,000” and inserting in lieu thereof “\$2,500,000”.

SAFER OFF-SYSTEM ROADS

SEC. 135. (a) Section 219 of title 23 of the United States Code, is amended to read as follows:

“§ 219. Safer off-system roads.

“(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road, including, but not limited to, the correction of safety

hazards, the replacement of bridges, the elimination of high-hazard locations and roadside obstacles.

"(b) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) Two-thirds according to the following formula—

"(A) one-third in the ratio which the area of each State bears to the total area of all States;

"(B) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(C) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(2) One-third in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

"(c) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

"(d) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(e) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(f) As used in this section, the term 'off-system road' means any toll-free road (including bridges), which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"219. Off-system roads."

and inserting in lieu thereof the following:

"219. Safer off-system roads."

(c) Section 405 of title 23 of the United States Code is hereby repealed.

(d) The analysis of chapter 4 of title 23 of the United States Code is amended by striking out

"405. Federal-aid safer roads demonstration program."

and inserting in lieu thereof the following:

"405. Repealed."

LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 136. (a) Section 319 of title 23, United States Code, is amended to read as follows:

§ 319. Landscaping and scenic enhancement.

"The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways."

(b) All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code, as in effect immediately before the date of enactment of this section shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b), notwithstanding the amendment made by subsection (a) of this section.

BRIDGES ON FEDERAL DAMS

SEC. 137. (a) Section 320(d) of title 23, United States Code, is amended by striking out "\$27,761,000" and inserting in lieu thereof "\$50,000,000".

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1977, and for subsequent fiscal years.

OVERSEAS HIGHWAY

SEC. 138. Subsection (b) of section 118 of the Federal-Aid Highway Amendments of 1974 (Public Law 93-643) is amended—

(1) by striking out "1975, and" and inserting in lieu thereof "1975"; and

(2) by striking out "can be obligated." and inserting in lieu thereof "\$8,750,000 for the three-month period ending September 30, 1976, \$35,000,000 for the fiscal year ending September 30, 1977, and \$35,000,000 for the fiscal year ending September 30, 1978, can be obligated."

TECHNICAL AMENDMENTS

SEC. 139. (a) The analysis of chapter I of title 23, United States Code, is amended by striking out

"111. Use of and access to rights-of-way—Interstate System."

and inserting in lieu thereof the following:

"111. Agreements relating to use of and access to rights-of-way—Interstate System."

(b) The analysis of chapter I of title 23, United States Code, is amended by striking out

"119. Administration of Federal-aid for highways in Alaska." and inserting in lieu thereof the following:

"119. Repealed."

(c) The analysis of chapter I of title 23, United States Code, is amended by striking out

"133. Relocation assistance."

and inserting in lieu thereof the following:

"133. Repealed."

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

Sec. 140. (a) Section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by inserting immediately after subsection (h) the following new subsections:

"(i) The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.

"(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.

"(k) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.

"(l) The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road."

(b) Existing subsections (i), (j), (k), and (l) of section 163 of the Federal-Aid Highway Act of 1973 are relettered as (m), (n), (o), and (p), respectively, including any references to such subsections.

(c) Subsection (m) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of projects authorized by subsections (i), (j), (k), and (l), the Federal share payable on account of such projects shall not exceed 70 per centum and the remaining costs of such projects shall be paid by the State or local governments."

(d) Subsection (o) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "1976, except that" and inserting in lieu thereof the following: "1976, \$6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, \$26,400,000 for the fiscal year ending September 30, 1977, and \$51,400,000 for the fiscal year ending September 30, 1978, except that not more than".

(e) Paragraph (2) of subsection (a) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "an engineering and feasibility study for".

(f) Section 302 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is amended by striking out "\$14,000,000, except that" and inserting in lieu thereof "\$14,000,000, except that not more than".

ACCELERATION OF PROJECTS

Sec. 141. The Secretary of Transportation shall carry out a project to demonstrate the feasibility of reducing the time required from the time of request for project approval through the completion of construction of highway projects in areas that, as a result of recent or imminent change, including but not limited to change in population or traffic flow resulting from the construction of Federal projects, show a need to construct such projects to relieve such areas from the impact of such change. There is authorized to be appropriated out of the Highway Trust Fund to carry out such project not to exceed \$25,000,000.

MULTIMODAL CONCEPT

Sec. 142. Section 134 of the Federal-Aid Highway Act of 1973 is amended by inserting "(a)" immediately following "Sec. 143." and by adding the following new subsection at the end thereof:

"(b) The Secretary of Transportation is authorized and directed to study the feasibility of developing a multimodal concept along the route described in paragraph (1) of subsection (a) of this section, which study shall include an analysis of the environmental impact of such multimodal concept. The Secretary shall report to Congress the results of such a study not later than July 1, 1977."

CARPOOL DEMONSTRATION PROJECTS

Sec. 143. Section 3 of the Emergency Highway Energy Conservation Act, as amended (87 Stat. 1047, 88 Stat. 2289), is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following: "For the purposes of this section, the term 'carpool' includes a vanpool."

(2) Subsection (c) is amended by inserting after "such measures as" the words "providing carpooling opportunities to the elderly and the handicapped," and by inserting after "opportunities," the words "acquiring vehicles appropriate for carpool use,".

(3) Subsection (d) is amended by striking out "(3) and (6)" from the first sentence, and inserting in lieu thereof "(1) and (6)" and by striking out the second sentence.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

Sec. 144. Section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, is amended as follows:

(1) Subsection (a) is amended by striking out "heretofore enacted." and inserting in lieu thereof a period.

(2) The first sentence in subsection (b) is amended by striking out "of not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches." and inserting in lieu thereof "(1) not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area. Such tolls may also be used to pay the cost of constructing new approaches to the Richmond-San Rafael Bridge in the San Francisco Bay Area."

(3) The existing third sentence in subsection (b) which begins "After" is repealed.

EXTENSION OF REPAYMENT

SEC. 145. The first sentence of section 2 of Public Law 94-30 is amended by striking out "before January 1, 1977." and inserting in lieu thereof "January 1, 1979, at a rate of 20 per centum by January 1, 1977, 30 per centum by January 1, 1978, and 50 per centum by January 1, 1979. If a State fails to make any repayment in accordance with the preceding sentence, the entire unpaid balance shall immediately become due and payable."

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

SEC. 146. (a) The Secretary of Transportation is authorized to carry out traffic control signalization demonstration projects designed to demonstrate through the use of technology not now in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving priority to those projects providing coordinated signalization of two or more intersections. Such projects can be carried out on any highway whether on or off a Federal-aid system.

(b) There is authorized to be appropriated to carry out this section of the Highway Trust Fund, not to exceed \$40,000,000 for the fiscal year ending September 30, 1977, and \$40,000,000 for the fiscal year ending September 30, 1978.

(c) Each participating State shall report to the Secretary of Transportation not later than September 30, 1977, and not later than September 30 of each year thereafter, on the progress being made in implementing this section and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the benefits resulting from such projects comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such traffic control signalization. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1978, on the progress being made in implementing this section and an evaluation of the benefits resulting therefrom.

ACCESS RAMPS TO PUBLIC BOAT LAUNCHING AREAS

SEC. 147. Funds apportioned to States under subsections (b) (1), (b) (2), and (b) (6) of section 104 of title 23, United States Code, may

be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior.

DEMONSTRATION PROJECT

SEC. 148. The Secretary of Transportation, acting pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, shall conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the Dallas/Fort Worth Regional Airport. There is authorized to be appropriated to carry out this section \$7,000,000 for the fiscal year ending September 30, 1977.

URBAN SYSTEM STUDY

SEC. 149. The Secretary of Transportation is authorized and directed to conduct a study of the various factors involved in the planning, selection, programming, and implementation of Federal-aid urban system routes which shall include but not be limited to the following:

(1) An analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to State governmental entities.

(2) The status of jurisdiction over roads on the Federal-aid urban system (State, county, city, or other local body having control).

(3) Programming responsibilities under local and State laws with respect to the Federal-aid urban system.

(4) The authority for and capability of local units of government to carry out the necessary steps to process a highway project through and including the plan, specification, and estimate requirement of section 106 of title 23, United States Code, and final construction.

Such study shall be carried out in cooperation with State, county, city, and other local organizations which the Secretary deems appropriate. The study shall be submitted to the Congress within six months of enactment of this section.

INTERSTATE FUNDING STUDY

SEC. 150. (a) The Secretary of Transportation is hereby directed to undertake a complete study of the financing of completion of the Interstate Highway System. Such study should identify and analyze optional financing methods including State bonding authority under

which the Secretary contracts to reimburse the States for up to 90 per centum of the principal and interest on such bonds. The Secretary shall report to the Congress not later than nine months after the date of enactment of this Act the results of the study.

(b) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress his recommendations regarding the need to provide Federal financial assistance for resurfacing, restoration, and rehabilitation of routes on the Interstate System. In arriving at his recommendations, he shall conduct a full and complete study in cooperation and in consultation with the States of alternative means of assuring that the high level of transportation service provided by the Interstate System is maintained. The results of the study shall accompany the Secretary's recommendations. The study shall include an estimate of the cost of implementing any recommended programs as well as an analysis of alternative methods of apportioning such Federal assistance among the States.

ALASKAN ROADS STUDY

SEC. 151. (a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of \$200,000 for the purpose of making the study authorized by subsection (a) of this section.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

SEC. 152. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section or portions thereof of Interstate Route 70 from a point three miles east of Dotsero, Colorado, westerly to No-Name Interchange, approximately 2.3 miles east of Glenwood Springs, Colorado, approximately 17.5 miles in length, to provide for variations from the number of lanes and other requirements of said section 109(b) in accordance with geometric and construction standards whether or not in conformance with said section 109(b) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for preservation of the scenic and historic values of the Glenwood Canyon. The Secretary shall not approve any project for construction under this section unless he shall first have determined that such variations will not result in creation of safety hazards and that there is no reasonable alternative to such project.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

SEC. 153. (a) The Secretary of Transportation shall make an investigation and study for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems. Such study shall include appropriate consultations with the Secretary of the Interior, the Administrator of the Federal Energy Administration, and other appropriate Federal and State officials.

(b) The Secretary shall report the results of such investigation and study together with his recommendations, to the Congress not later than one year after the date of enactment of this Act.

(c) In order to carry out the study, the Secretary is authorized to use such funds as are available to him for such purposes under section 104(a) of title 23, United States Code.

ESTABLISHMENT OF COMMISSION

SEC. 154. (a)(1) There is hereby established a Commission to be known as the National Transportation Policy Study Commission, hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the transportation needs and of the resources, requirements, and policies of the United States to meet such expected needs. It shall take into consideration all reports on National Transportation Policy which have been submitted to the Congress including but not limited to the National Transportation Reports of 1972 and 1974. It shall evaluate the relative merits of all modes of transportation in meeting our transportation needs. Based on such study, it shall recommend those policies which are most likely to insure that adequate transportation systems are in place which will meet the needs for safe and efficient movement of goods and people.

(b) Such Commission shall be comprised of 19 members as follows:

(A) Six members appointed by the President of the Senate from the membership of the Committee on Public Works, Committee on Commerce, and Committee on Banking, Housing and Urban Affairs of the United States Senate;

(B) five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Public Works and Transportation and one member appointed by the Speaker from the membership of the Committee on Interstate and Foreign Commerce; and

(C) seven members of the public appointed by the President.

(c) The Commission shall not later than December 31, 1978 submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(d) Such report shall include the Commission's findings and recommendations with respect to—

(A) the Nation's transportation needs, both national and regional, through the year 2000;

(B) the ability of our current transportation systems to meet the projected needs;

(C) the proper mix of highway, rail, waterway, pipeline, and air transportation systems to meet anticipated needs;

(D) the energy requirements and availability of energy to meet anticipated needs;

(E) the existing policies and programs of the Federal government which affect the development of our national transportation systems; and

(F) the new policies required to develop balanced national transportation systems which meet projected need.

(e) (1) The Chairman of the Commission, who shall be elected by the Commission from among its members, shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national transportation policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Transportation, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the Federal Aviation Administration, the Interstate Commerce Commission, the Civil Aeronautics Board, and the U.S. Army Corps of Engineers.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in national transportation policy including, but not limited to, State and local governments, public and private organizations working in the fields of transportation and safety, industry, education, and labor.

(f) (1) The Commission or, on authorization of the Commission, any Committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) The Commission is authorized to secure from any department, agency, or individual instrumentality of the Executive Branch of the Government any information it deems necessary to carry out its functions under this section and each department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(g) (1) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission, except Members of Congress shall each receive compensation at a rate not in excess of the maximum rate of pay for GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules

of the House of Representatives or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.

(h) (1) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(2) The staff director shall be compensated at a Level 2 of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(i) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

(j) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(k) There are hereby authorized to be appropriated not to exceed \$15,000,000 to carry out this section. Funds appropriated under this section shall be available to the Commission until expended.

LIMITATIONS

SEC. 155. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1976".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$122,000,000 for the fiscal year ending September 30, 1977, and \$137,000,000 for the fiscal year ending September 30, 1978.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$10,000,000 for the three-month period ending September 30, 1976, \$40,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$25,000,000 for the fiscal year ending September 30, 1977, and \$25,000,000 for the fiscal year ending September 30, 1978.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, \$2,500,000 for the three-month period ending September 30, 1976, \$10,000,000 for the fiscal year ending September 30, 1977, and \$10,000,000 for the fiscal year ending September 30, 1978.

(5) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of the Highway Trust Fund, \$180,000,000 for the fiscal year ending September 30, 1977, and \$180,000,000 for the fiscal year ending September 30, 1978.

(6) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending September 30, 1977, and \$50,000,000 for the fiscal year ending September 30, 1978.

(7) For projects for high-hazard locations under section 152 of title 23, United States Code, and for the elimination of roadside obstacles under section 153 of title 23, United States Code, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending September 30, 1977, and \$125,000,000 for the fiscal year ending September 30, 1978.

(8) For carrying out subsection (j) (2) of section 402 of title 23, United States Code (relating to incentives for the reduction of the rate of traffic fatalities), out of the Highway Trust Fund, \$1,875,000 for the three-month period ending September 30, 1976, \$7,500,000 for the fiscal year ending September 30, 1977, and \$7,500,000 for the fiscal year ending September 30, 1978.

(9) For carrying out subsection (j) (3) of section 402 of title 23, United States Code (relating to incentives for reduction of actual traffic fatalities), out of the Highway Trust Fund, \$1,875,000 for the three-month period ending September 30, 1976, \$7,500,000 for the fiscal year ending September 30, 1977, and \$7,500,000 for the fiscal year ending September 30, 1978.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Subsections (b) and (c) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87) are hereby amended to read as follows:

“(b) (1) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects for the elimination of hazards of railway-highway crossings, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, \$125,000,000 for the fiscal year ending September 30, 1977, and \$125,000,000 for the fiscal year ending September 30, 1978. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under Chapter 1 of title 23, United States Code.

“(2) Funds authorized by this subsection shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).

“(c) There is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system \$18,750,000 for the three-month period ending September 30, 1976, \$75,000,000 for the fiscal year ending September 30, 1977, and \$75,000,000 for the fiscal year ending September 30, 1978. Sums apportioned under this section for projects under this subsection shall be subject to all of the provisions of chapter 1 of title 23, United States Code, applicable to highways on the Federal-aid system, except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section.”.

(b) Subsection (d) of section 203 of the Highway Safety Act of 1973 is amended by adding immediately before the first sentence thereof the following new sentence: “50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (1) of section 104 of the Federal-aid Highway Act of 1973 and 50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (2) of section 104 of the Federal-aid Highway Act of 1973.”.

INCENTIVE SAFETY GRANTS

SEC. 204. Subsection (j) (3) of section 402 of title 23, United States Code, is hereby amended to read as follows:

“(3) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have significantly reduced the actual number of traffic fatalities during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared to the average of the actual number of traffic fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the

purposes of this chapter. Such grants shall be in addition to other funds authorized by this section.

(4) No State shall receive from funds authorized for any fiscal year or period by this subsection incentive grants under paragraph (1) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (2) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (3) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period.

(5) Notwithstanding subsection (c) of this section, no part of the sums authorized by this subsection shall be apportioned as provided in such subsection. Sums authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under subsection (c) of this section."

SCHOOL BUS DRIVER TRAINING

SEC. 205. The second subsection (b) of section 406 of title 23, United States Code (relating to authorizations), is relettered as subsection (c), including all references thereto, and the second sentence of such relettered subsection (c) is amended to read as follows: "Not less than \$7,000,000 of the sums authorized to carry out section 402 of this title for each of the fiscal years 1977 and 1978 shall be obligated to carry out this section. All sums authorized to carry out this section shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c)."

TRANSFERABILITY

SEC. 206. (a) The first sentence of subsection (g) of section 104 of title 23, United States Code, is amended by striking out "30 per centum" and inserting in lieu thereof "40 per centum".

(b) The second sentence of such subsection (g) is amended to read as follows: "The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if he has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met."

(c) Subsection (g) of section 104 of title 23, United States Code, is further amended by adding at the end thereof the following new

sentences: "All or any part of the funds apportioned in any fiscal year to a State in accordance with section 203(d) of the Highway Safety Act of 1973 from funds authorized in section 203(c) of such Act, may be transferred from that apportionment to the apportionment made under section 219 of this title if such transfer is requested by the State highway department and is approved by the Secretary after he has received satisfactory assurances from such department that the purposes of such section 203 have been met. Nothing in this subsection authorizes the transfer of any amount apportioned from the Highway Trust Fund to any apportionment the funds for which were not from the Highway Trust Fund, and nothing in this subsection authorizes the transfer of any amount apportioned from funds not from the Highway Trust Fund to any apportionment the funds for which were from the Highway Trust Fund."

PAVEMENT MARKING PROGRAM

SEC. 207. (a) Subsection (c) of section 151 of title 23, United States Code, is amended by striking out "and which are" and all that follows down through and including "Federal-aid system".

(b) Subsection (g) of such section 151 is amended by adding at the end thereof the following: "No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State, and the Secretary shall not submit any such report to Congress after the first year following the completion of the pavement marking program in all States."

HIGHWAY SAFETY PROGRAMS

SEC. 208. (a) The last three sentences of subsection (c) of section 402 of title 23, United States Code, are amended to read as follows: "For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State."

(b) The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of this Act. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of sec-

tion 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 209. Section 404(a)(1) of title 23, United States Code, is amended by deleting "who shall be Chairman," from the first sentence thereof; and by adding immediately after such first sentence the following: "The Secretary shall select the Chairman of the Committee from among the Committee members."

STEERING AXLE STUDY

SEC. 210. The Secretary of Transportation is directed to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. Such investigation shall be conducted in cooperation with representatives of (A) manufacturers of truck tractors and related equipment, (B) labor, and (C) users of such equipment. The Secretary shall report the results of such study to the Congress not later than July 1, 1977.

SAFETY PROGRAM APPORTIONMENT

SEC. 211. The sixth sentence of section 402(c) of title 23, United States Code, is amended by deleting the period at the end and adding the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment."

PENALTY

SEC. 212. Section 402(c) of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula

specified in this subsection not later than 30 days after such determination."

LIMITATIONS

SEC. 213. To the extent that any section of this title provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

And the Senate agree to the same.

LLOYD BENTSEN,
JENNINGS RANDOLPH,
MIKE GRAVEL,
EDMUND S. MUSKIE,
QUENTIN N. BURDICK,
JOHN C. CULVER,
ROBERT T. STAFFORD,
HOWARD H. BAKER, JR.,
JAMES L. BUCKLEY,
PETE V. DOMENICI,
JAMES A. MCCLURE,

Managers on the part of the Senate.

ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
JAMES J. HOWARD,
MIKE McCORMACK,
JAMES V. STANTON,
JOHN B. BREAUX,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,
BUD SHUSTER,

Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8235) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment to the text of the bill struck out all of titles I and II of the House bill and inserted a substitute text for these titles.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees in minor drafting and clarifying changes.

TITLE I

SHORT TITLE

House Bill

Provides that title I of the bill may be cited as the "Federal-Aid Highway Act of 1975."

Senate Amendment

Same as the House bill.

Conference Substitute

Except for the necessary date change, this is the same as the House bill and the Senate amendment.

INTERSTATE SYSTEM AUTHORIZATIONS AND APPORTIONMENTS

House Bill

Provides new authorizations of \$36.09 billion for completion of the Interstate System. The present law contains authorizations only through the fiscal year 1979. Section 102(a) extends authorizations from fiscal year 1979 through fiscal year 1988. This section increases the annual authorization for the Interstate System from \$3.25 billion in existing law for each of the fiscal years 1977, 1978 and 1979, to \$4 billion annually. The additional sum of \$1 billion is authorized for

the three-month period ending September 30, 1976, providing for transition to the new fiscal year.

This section provides for \$4 billion in annual authorizations to carry the Interstate program through to completion in fiscal year 1988, except for the final year.

Paragraph (b) of section 102 provides for apportionment of \$3.25 billion in Interstate System authorization for fiscal year 1977 to be available for obligation on or before January 1, 1976. The remaining \$750 million authorized for fiscal year 1977, will become available for obligation on July 1, 1976. This amount will be available for obligation at the discretion of the Secretary: (1) \$500 million for projects necessary to eliminate gaps and accelerate completion of continuous, connecting segments of the Interstate System, and (2) \$250 million available for projects characterized by unusually high costs and protracted construction period, without regard to the question of connecting segments.

This provision also requires that discretionary funds not obligated during the fiscal year for which authorized be removed from the Secretary's discretion and apportioned in the same manner as the remainder of the \$4 billion.

Any project assisted under this provision would become ineligible for withdrawal for transfer of Interstate mileage or substitution.

These discretionary provisions apply to Interstate authorizations for 1977 and 1978. The limitation on advanced obligation of apportionments, however, applies only to a portion of the transitional quarter apportionment of \$1 billion and a portion of the fiscal year 1977 authorization. Thus, the total \$4 billion authorized for fiscal year 1978 would be available for obligation on or before January 1, 1977.

The bill provides that the remaining three-month transitional period authorization for the Interstate System shall be available for obligation on July 1, 1976.

Senate Amendment

No comparable provision.

Conference Substitute

The Federal-Aid Highway Act of 1973 authorizes \$3.25 billion for the Interstate System for the fiscal years 1978 and 1979 and this provision authorizes \$3.625 billion for each of the fiscal years thereafter through and including fiscal year 1990. The extension of the Interstate program through 1990 does not address the question of source funds for construction during that period. The conferees expect that during the next Congress methods of financing highway construction will be considered.

At least 30 percent of the apportionments made for 1978 and 1979 is to be expended for projects for construction of the intercity portions (including beltways) which will close essential gaps in the System. The States shall make the initial recommendation with respect to projects involving such 30 percent.

The Secretary of Transportation is to report to Congress before October 1, 1976, on these intercity portions of the Interstate System. In reporting to Congress on portions of the Interstate System needed to close essential gaps, the Secretary should consider the connectivity

of the Interstate System with other major transportation networks, including port facilities.

A State not having sufficient projects to meet this 30 percent requirement may, on approval of the Secretary of Transportation, be exempt to the extent of its inability.

Funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956 are prohibited from being obligated for resurfacing, restoring, or rehabilitating any portion of the Interstate System. The costs of these projects are not to be included in the cost estimates submitted for completion of the Interstate System.

Funds provided under section 108(b) of the Federal Aid Highway Act of 1956 for the Interstate System are intended to provide for completion of initial construction of an adequately designed, safe network of limited interstate mileage. Section 102(c) is not to be interpreted to restrict existing administrative policies governing use of such funds to accomplish that purpose.

COST ESTIMATE FOR APPORTIONMENT

House Bill

Approves the use of apportionment factors contained in table 5 of the 1975 Interstate System Cost Estimate (House Public Works and Transportation Committee Print No. 94-14 as revised in House Report Numbered 94-716) for the apportionment of Interstate funds authorized to be appropriated for the transitional period ending September 30, 1976, and for fiscal year 1977.

Senate Amendment

Approves the use of apportionment factors contained in table 5 of the 1975 Cost Estimate (House Committee Print 94-14) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1977 and 1978.

Conference Substitute

Approves the use of the apportionment factors contained in revised table 5 of committee print 94-38 of the House Committee on Public Works and Transportation for fiscal year 1978 apportionment. Funds for the fiscal year 1977 were apportioned in accordance with S. Con. Res. 62 of this Congress.

HIGHWAY AUTHORIZATIONS

House Bill

Provides authorizations out of the Highway Trust Fund for the 3-month transitional quarter and each of the fiscal years 1977 and 1978 for the Federal-aid rural primary system, rural secondary system, urban system, and primary extensions of the urban system (ABCD systems), plus other authorizations for various types of highway programs financed either from the Highway Trust Fund or the general funds of the Treasury. Authorizations for fiscal years 1977 and 1978 for each category are generally identical, with funds provided during the transition quarter of one-fourth of a full fiscal year's authorization.

The basic urban categories (urban system and primary extensions in urban areas) and rural categories (rural primary system and rural

secondary system) would receive an annual authorization level of \$1.2 billion each.

Other trust funded programs would receive authorizations at the same level as in FY 1976. The \$300 million authorized for priority primary routes in fiscal years 1977 and 1978 would be distributed as follows: \$250 million would be apportioned to the States by formula; the remaining \$50 million would not be apportioned but would be made available for obligation to the States at the discretion of the Secretary for use on priority primary route projects of unusually high cost which require long periods of time for their construction. Any part of the \$50 million not used by the end of the fiscal year for which it was authorized would then be apportioned to the States by formula.

The general funded programs in this section would also receive authorizations at about the same level as in FY 1976, except that there is a decrease in authorizations for parkways from \$75 million to \$45 million, and an increase in the authorizations for Guam's highway program from \$2 to \$5 million.

In addition, each State would receive a minimum of one-half of 1 percent of the total Interstate apportionment for the transition period and fiscal years 1977 and 1978, subject to the restriction that the apportionment of the one-half of 1 percent cannot exceed the total cost to complete the Interstate System in that State.

Senate Amendment

Authorizes \$1,550,000,000 for the Federal-Aid primary, community service, Interstate and safer roads systems for the transition quarter ending September 30, 1976. The funds are to be apportioned on January 1, 1976 or the enactment of this Act whichever is later, in the following ratio:

- 50 percent according to the primary system apportionment formula;
- 30 percent according to the secondary system apportionment formula; and
- 20 percent according to the urban extension system apportionment formula.

The formulas referred to are those in existence prior to the enactment of Federal-Aid Highway Act of 1975.

This section also authorizes \$16,250,000 for the transition quarter and \$65,000,000 for each of the fiscal years 1977 and 1978 for control of outdoor advertising and control of junkyards; \$375,000 for the transition quarter and \$1,500,000 for each of the fiscal years 1977 and 1978 for the administrative expenses of the beautification program.

The section authorizes \$50,000,000 for each of the fiscal years 1977 and 1978 for economic growth center development highways; \$2,500,000 for the transition quarter and \$10,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction or reconstruction of roads not on a Federal-aid system, \$6,250,000 for the transition quarter and \$25,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction and reconstruction of roads on a Federal-aid system; and continues the territorial highway program established in the 1970 act with authorizations to the territories.

For fiscal years 1977 and 1978 each State, including Alaska, will receive at least $\frac{1}{2}$ of 1 percent of total apportionments for the Interstate System. Whenever such amount exceeds the cost of completing the system in any State, the excess amount will be added to primary and community service system apportionments for such State in the ratio which the respective amounts bear to each other. Alaska will receive the $\frac{1}{2}$ of 1 percent Interstate money in lieu of the special Alaska Assistance category with the funds to be available for obligation on any Federal-aid system within the State. For this purpose, an additional \$75,000,000 for the fiscal year 1977 and an additional \$125,000,000 for the fiscal year 1978 are authorized.

The sum of \$65,000,000 for each of the fiscal years 1977 and 1978 is authorized to complete projects previously approved under the urban high density traffic program.

The Senate amendment also authorizes funds for the Federal-Aid highway and Federal-aid domain road programs for the fiscal years 1977 and 1978.

For the Federal-aid primary and priority primary systems, \$1,350,000,000; for the Federal-aid community service system, \$1,225,000,000 of which \$475,000,000 to be available for the nonurbanized system and \$750,000,000 to be available for the urbanized system; for the Federal-aid safer roads program, \$425,000,000.

It also authorizes appropriations from the Trust Fund for parkways and Indian reservation roads and bridges. Funds for forest highways and public lands highways are available from the Trust Fund in accordance with the practice established in the Federal-Aid Highway Act of 1970.

Conference Substitute

Authorizes \$1,637,750,000 for the transition quarter ending September 30, 1976, with \$360,000, of this amount to be distributed equally among the territories of the Virgin Islands, Guam, and American Samoa, and the remainder to be apportioned among the States for use at the States' discretion on projects authorized by title 23, United States Code, approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund. Funds will be apportioned to the States on a formula giving 60 percent weight to the existing formula for apportioning primary system funds and 40 percent weight to population in each State as compared to population in all the States. Funds apportioned under this section may not be used for urban public transportation projects authorized under section 142 of title 23, or for projects on the Interstate System except that States which received less than one-half of one percent of the 1977 Interstate apportionment may use these transition funds for Interstate projects.

The remainder of the conference substitute is the same as the House provision except as hereafter noted:

(1) The authorization for the primary system is also to include extensions of that system in urban areas and priority primary routes, and separate authorizations for urban extensions and priority primary routes are deleted. The specific transition quarter authorization is deleted, and the amount is increased to \$1,350,000,000 per year for fiscal 1977 and 1978.

(2) The specific transition quarter authorization is deleted for the secondary system.

(3) The specific transition quarter authorization is deleted for the urban system.

(4) The transition quarter authorization for economic growth center development highways is deleted and the authorization for fiscal years 1977 and 1978 is \$50,000,000 per year.

(5) An additional \$25,000,000 per year for fiscal years 1977 and 1978 is authorized for landscaping and litter removal.

(6) The transition quarter authorization for the control of outdoor advertising is deleted and the authorization for fiscal years 1977 and 1978 is \$25,000,000 per year.

(7) The transition quarter authorization is deleted for control of junk yards.

(8) Transition quarter authorization is deleted for off-system roads.

(9) The transition quarter authorization for access highways is \$3,750,000 and \$15,000,000 per fiscal year is authorized for fiscal years 1977 and 1978.

(10) The provision requiring each State to receive at least one-half of 1 percent of total apportionments for the Interstate System is the same as provided in the Senate amendment for fiscal year 1979 and \$91 million is authorized for fiscal year 1978, except that whenever amounts available under this provision for the Interstate System in a State exceed the estimated cost of completing that State's portion of the Interstate System and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall then be transferred to and added to the amounts last apportioned to such State for the primary, secondary, and urban systems and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they were added.

(11) Funds are also authorized in the same manner provided in the Senate amendment for completion of projects approved under the urban high density traffic program before the date of enactment of this provision.

(12) \$50,000,000 of the amounts authorized for the consolidated primary system for each of the fiscal years 1977 and 1978 is not to be apportioned and is available for obligation at the discretion of the Secretary of Transportation only for projects on priority primary routes of unusually high cost which require long periods of time for construction. Any moneys not obligated before the beginning of the next fiscal year are to be reapportioned at the beginning of such fiscal year for priority primary routes and available for obligation for the same period of time as the apportionment being made on that date for such routes.

In addition to other sums authorized for the Interstate System, the conference substitute authorizes out of the Highway Trust Fund not to exceed \$175,000,000 for fiscal 1978 and \$175,000,000 for fiscal 1979 for obligation only for projects for resurfacing, restoring, and rehabilitating portions of the Interstate System which have been in use for more than 5 years and which are not toll roads. These sums are to be

apportioned in the ratio which lane miles of the Interstate System which have been in use for more than 5 years (other than toll roads) in each State bear to the total of all lane miles of the Interstate System which have been in use for more than 5 years (other than toll roads) in all States.

EXTENSION OF TIME FOR COMPLETION OF INTERSTATE SYSTEM

House Bill

Makes the necessary technical changes in title 23 of the United States Code necessary to carry the Interstate program through to completion in 1988, including the submission of necessary cost estimates.

Senate Amendment

Revises the method of apportionment of Interstate funds for 1978, 1979 and 1980 to provide apportionment of three fourths on the total cost to complete the System in each State and one fourth on the cost to complete routes of national significance as determined by the Secretary, in consultation with the States.

It also provides for submission by January 15, 1979, of cost estimates to complete the Interstate System.

Conference Substitute

This is essentially the same as the House provision except for amendments necessary to take the program through 1990 and to provide for a new cost estimate to be submitted every 2 years beginning with January 2, 1977, through January 2, 1987.

DEFINITIONS

House Bill

The definition of the term "construction" in section 101(a) of Title 23 would be amended to include the "resurfacing" of existing roadways. It would clarify current policy to permit maximum flexibility in the use of Federal funds.

The definition of the term "urban area" is amended to exclude cities in Maine and New Hampshire from the requirement that the boundaries of an urban area encompass the entire urban place designated by the Bureau of the Census.

Senate Amendment

This section amends subsection (a) of section 101 of title 23 U.S. Code to include rehabilitation and restoration under the definition of "construction."

The definition of "rural areas" is modified to include all areas of State not in urban or small areas.

A new definition is added to subsection (a) which defines "small urban area" as an urban place over 5,000 population not within any urbanized area.

A definition of "public road" is added to subsection (a) which defines "public road" to any road maintained by public authority and open to public travel.

Conference Substitute

The conference substitute contains the definition of "urban areas" from the House bill and "public road" from the Senate amendment and amends the definition of "construction" to authorize resurfacing, restoration, and rehabilitation.

The addition of the word "resurfacing" will make clear that Federal-aid funds may be used to restore existing roadway pavements to a smooth, safe, usable condition even though further reconstruction is not feasible. "Resurfacing" may be expected to include strengthening or reconditioning of deteriorated or weakened sections of existing pavement, replacement of malfunctioning joints, pavement undersealing, and similar operations necessary to assure adequate structural support for the new surface course.

The definition as amended, coupled with the Secretary's existing authority on standards, would permit Federal funding of such projects as: resurfacing or widening and resurfacing, of existing rural and urban pavements with or without revision of horizontal or vertical alignment or other geometric features.

This change confirms policy established by the Federal Highway Administration, and evidences no intent to fund normal periodic maintenance activities which remain a State responsibility:

The Conferees understand that the Secretary is in position very shortly to issue the criteria for the location, construction, and reconstruction of the Great River Road as required by the 1973 Federal-Aid Highway Act. They agree that the new definition of construction contained in this Act, which will include resurfacing, restoration, and rehabilitation, will enable funds to be used more extensively for improving and upgrading miles on the existing roadbed. The Great River Road is not meant to be a major roadway along the entire length of both sides of the Mississippi River. It is to be one road that crisscrosses the River several times. The Conferees want to reaffirm that existing roadbed along the Mississippi River should be used where feasible, except where there are significant breaks in the continuity of the Great River Road. Emphasis should be given to using funds for the acquisition of areas of archeological, scientific, or historical importance, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas and other appropriate facilities.

ELIGIBILITY FOR WITHDRAWAL

House Bill

Amends references to the date of enactment of the Interstate mileage transfer provision in existing law (Howard-Cramer transfer). Existing law provides for withdrawal of any Interstate route or portion thereof selected and approved "prior to the enactment of this paragraph." The House amendment would make a Howard-Cramer substitution available to any route on the Interstate System.

Senate Amendment

Amends existing law to provide that any State receiving turnback Interstate mileage for redesignation on the System must construct it on the System and may not request a transfer of this mileage to a transit or non-Interstate highway project.

Conference Substitute

This contains both the provisions of the House bill and the Senate amendment.

INTERSTATE SYSTEM

House Bill

Amends the Interstate transfer provision to allow funding of highway projects on the Federal-aid primary, secondary or urban systems in lieu of a non-essential Interstate link. Provides for the unobligated portions of a State's apportionment to be reduced in the proportion that the cost to complete the withdrawn segment bears to the cost to complete all Interstate routes within the State as reflected in the latest approved cost estimate. This reduction would occur at the time of the Secretary's approval of the withdrawal action. The bill further provides that a State shall not be required to repay Federal monies previously expended on withdrawn Interstate segments as long as the sums were applied when so expended, to a transportation project permissible under title 23, U.S.C.

The bill also provides that the updating-of-cost provision may be applied retroactively. The updating-of-cost may be applied at the time of approval of the substitute project or the date of enactment of this bill, whichever is later.

Finally, the bill makes provision for the retroactive application of the various changes discussed herein to withdrawals approved prior to the enactment of the bill.

Senate Amendment

The Senate amendment is the same as the House bill except that Senate amendment limits Interstate routes eligible for transfer to substitute mass transit or road projects to those designated prior to August 13, 1973 and makes eligible for such transfer portions of Interstate routes which pass through and connect urbanized areas within a State.

Conference Substitute

This is the same as the House bill except that a route or portion thereof on the Interstate System which passes through and connects urbanized areas within a State may be withdrawn as well as those which are within an urbanized area.

The Secretary, before approving any new Interstate designation, must be satisfied that a State does intend to construct an Interstate route and not later request a transfer to a transit project.

ROUTE WITHDRAWALS

House Bill

Amends the Interstate transfer provision, 23 USC 103(e)(2), by providing that the nationwide aggregate of costs of substitute projects shall not exceed the nationwide aggregate of costs of withdrawn routes, with the costs of those routes withdrawn after the 1972 estimate computed on the basis of costs appearing in the 1972 cost estimate adjusted to the date of enactment of this Act or the date of withdrawal, whichever is later, and, in the case of routes withdrawn prior to the 1972 estimate, computed on the basis of the latest cost estimate in which the withdrawn route appears adjusted to the date of enact-

ment of this Act. This amendment is intended to apply to all previous and future withdrawals and also to the withdrawals approved in California on August 30, 1965.

Senate Amendment

No comparable provision.

Conference Substitute

This is the same as the House bill.

MINIMUM APPORTIONMENT

House Bill

Provides that each State receive no less than one-half of one percent of each year's apportionment for Federal-aid primary system extensions in urban areas.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision but the minimum of ½ of 1 percent is incorporated in the provision dealing with consolidated funding for the primary system.

TRANSFERABILITY

House Bill

Provides for increased transferability of funds between categories.

Under existing law, it is possible to transfer up to 40 percent from rural primary to rural secondary and from rural secondary to rural primary. It is also permissible to transfer up to 40 percent back and forth between the two urban categories, urban extensions and the urban system.

This legislation would continue the flexibility in existing law, while permitting additional transfers as follows:

Between rural primary and primary extensions in urban areas, allowing urban-rural or rural-urban transfer within the primary system.

Between rural primary and priority primary (priority primary being both rural and urban in nature).

Between priority primary and urban extensions.

To prevent excessive reduction of funds in any individual category, or the use of any category to simply recycle funds, certain restrictions are provided: (1) no category affected by transfer may be increased or decreased by more than 40 percent in any fiscal year, and (2) no category increased by a transfer from another category may then be reduced by a transfer to another category in any fiscal year.

Senate Amendment

Provide that not more than 30 percent of funds authorized for the primary and nonurbanized systems may be transferred between the two systems.

Conference Substitute

This is similar to the House provision except that transfers between the consolidated primary system and the secondary system remain subject to the 40 per centum limitation while transfers between the

consolidated primary and the urban systems are subject to a 20 percent limitation.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

House Bill

Makes a technical amendment to section 108(c)(2) of title 23, U.S. Code to eliminate erroneous cross-references.

Senate Amendment

Permits the Secretary to allow acquisition of right-of-way more than 10 years in advance of actual construction if reasonable.

Conference Substitute

This is essentially the same as the provisions of the House bill and the Senate amendment.

CERTIFICATION ACCEPTANCE

House Bill

Amends the provision in existing law which has limited the States' ability to make maximum use of authority delegated to them to certify compliance with a number of requirements in existing legislation with respect to non-Interstate projects on Federal-aid systems. The bill would require only that the States have the ability to accomplish the policies and objectives contained in Title 23 and administrative regulations based on Title 23.

Another change, limited to the Federal-aid secondary system, would reinstate an earlier provision of law known as the Secondary Road Plan, permitting the Secretary to accept certification by a State that all requirements had been met under standards and procedures for such projects, if such standards and procedures had been approved by the Secretary.

Senate Amendment

Allows a State to be certified to carry on day-to-day activities of highway program, other than Interstate, if State law and administrative procedures will accomplish policies and objectives of title 23.

Conference Substitute

This is the same as the House bill.

EMERGENCY RELIEF

House Bill

Amends the program of emergency relief whereby funds are authorized for the repair of roads, highways and bridges damaged by natural disasters and other catastrophies. The period of authorization of up to \$100 million a year is extended to July 1, 1976. An additional \$37.5 million is authorized for the transitional quarter and \$150 million is authorized for subsequent fiscal years. The transition quarter for purposes of section 125 is to be deemed a part of fiscal year 1977.

Subsection (b) would waive requirements for concurrence by the Secretary in cases in which the President had declared an emergency to be a major disaster under the Disaster Relief Act of 1974.

Senate Amendment

Amends the emergency relief provision to include the list of disasters set forth in the Disaster Relief Amendments of 1974 and increase the

funds available to the revolving fund to \$150,000,000 from \$100,000,000. This amendment also allows funds to be expended if the President declares a disaster without a concurrent Secretarial determination.

Conference Substitute

This is the same as the House provision except that the authorization for the transition quarter is set at \$25,000,000 and not more than \$100,000,000 is authorized to be expended in any one fiscal year beginning with fiscal year 1977.

BUS WIDTHS

House Bill

Permits the States to increase the maximum permissible width of buses traveling on lanes 12 feet wide or wider on the Interstate System from 96 inches to 102 inches.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

FERRY OPERATIONS

House Bill

Extends to the Commonwealth of Puerto Rico the provision of existing law with respect to Hawaii making ferryboats eligible for Federal assistance including ferries which traverse international waters.

Senate Amendment

Permits use of Federal-aid funds on certain ferryboat routes in Puerto Rico.

Conference Substitute

Same as the House bill.

CONTROL OF OUTDOOR ADVERTISING

House Bill

The definition of "effective control" in subsection (c) of section 131 would be amended to make explicit the types of directional signs to be permitted along Interstate and primary highways. Such signs would include, but not be limited to signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging, natively produced handicraft goods, and would include signs pertaining to natural wonders and scenic and historical attractions.

The bill would establish an upper limit of three on the number of directional signs facing the same direction per mile on the Interstate or primary system. Another amendment would eliminate the distance criterion from section 131(d) to conform to 1974 amendments extending control beyond 660 feet.

The bill would establish a five-year deadline for the removal of any sign prescribed by a State implementing statute, except as determined by the Secretary.

Currently, section 131(f) of title 23 directs the Secretary to provide areas within Interstate rights-of-way on which informational signs may be erected. The bill would, in addition, permit the Secretary to

provide such areas within primary system rights-of-way. However, such signs would be prohibited in suburban or urban areas or as a substitute for those permitted in industrial and commercial areas.

At the end of section 131, the bill would add three new subsections. Subsection (o) would provide that any sign providing the public with specific information in the public interest, which was in existence on June 1, 1972, shall not be required to be removed until the end of 1975 or until the State certifies that there are other means of obtaining the information whichever first occurs. States are directed to give preference in removal to signs voluntarily offered by their owners.

The new subsection (p) would provide for full Federal just compensation for the latest taking to the owner of any sign which, prior to the enactment of this bill, was removed and lawfully relocated, but by virtue of enactment had to be again removed and relocated.

Under the proposed subsection (q)(1), the Secretary is directed to assist States in assuring the motorist adequate directional information concerning available goods and services. He is further directed to consider functional and esthetic factors in developing the national standards for highway signs authorized by section 131 (c) and (f). Paragraph (2) of subsection (q) would list those signs which could be considered to provide directional information about available goods and services. Paragraph (3) would direct the Secretary to encourage the States to defer removing necessary directional information signs of this type which were in place on June 1, 1972, until all other nonconforming signs were removed. Finally, paragraph (4) would permit any facility providing the motorist with goods and services in the interest of the traveling public to continue using one nonconforming sign in each direction on any highway subject to a State statute implementing section 131, provided the sign renders directional information about the facility, it had been in place on June 1, 1972, and it is within 75 miles of the facility or such distance as the State shall establish. A qualifying sign is to remain until the Secretary is satisfied that the information is being provided by one of the enumerated alternatives, or such other alternative as the State deems adequate.

Senate Amendment

Amends section 131(i) of title 23, U.S. Code to authorize a State, subject to the approval of the Secretary to establish travel information systems within the highway right-of-way. The Federal share of the cost of establishing information centers and the newly authorized travel information systems shall be 75 percent.

Conference Substitute

The conference substitute contains the following provisions of the House bill:

(1) Section 131(f) is amended to permit the Secretary to provide areas within the primary system rights-of-way on which informational signs may be erected.

(2) The Secretary may approve the request of a State to permit retention in specific areas defined by the State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the

requirements of section 131(c) if these signs, displays, and devices are in existence on the date of enactment of this provision and where the State demonstrates that these signs, displays, and devices provide directional information about goods and services in the interest of the traveling public and are such that removal would work substantial economic hardship in the defined area.

The conferees emphasize that the State will make the determination of economic hardship throughout the defined area. Neither the States nor the Secretary are to rely on individual claims of economic hardship. The conferees also call attention to the second sentence of section 131(d) of title 23 and fully expect the Federal administrators to abide by that clear mandate.

(3) The United States would be required to pay 100 per centum of the just compensation for the removal the second time of a sign, display, or device lawfully relocated prior to the Federal-Aid Highway Act of 1974 which, as the result of the amendments made by that Act, was thereafter required to be removed.

(4) The proposed subsection (q) in the House bill is contained in the conference substitute except for paragraph (2) which has been deleted.

(5) Section 131(i) of title 23 of the United States Code is revised in accordance with the amendment contained in the Senate amendment to authorize the State to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas and subject to the approval of the Secretary to permit the State to establish information centers and other travel information systems for the purpose of informing the public of places of interest within the State and providing such other information as the State may deem desirable. The Federal share of the cost of establishing an information center or travel information system shall be the percentage provided in section 120 of title 23, United States Code, for a highway project on the Federal-aid system to be served by that center or system.

PRESERVATION OF PARKLANDS

House Bill

Grants authority to the Secretary of Transportation in cooperation with the Secretary of the Interior and appropriate State and local officials to conduct studies as to the most feasible Federal-aid routes to move motor vehicles through or around national parks so as to best serve the needs of the traveling public, but still take into account the national policy of making a special effort to preserve the natural beauty of the areas being traversed.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill. This section is not intended in any way to affect the implementation of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653).

TRAINING PROGRAMS

House Bill

Amends existing law to extend the equal opportunity training programs of 23 U.S.C. 140 through the transition quarter and fiscal years 1977 and 1978, to continue authority of the Secretary to deduct from apportionments up to \$10,000,000 to provide \$2.5 million for the transition quarter. A revision is made to provide that the deduction shall be made from the total of such apportionments rather than from each apportionment made.

Senate Amendment

Makes permanent the authority of the Secretary to deduct up to \$10,000,000 a year for equal opportunity training programs.

Conference Substitute

Same as the Senate amendment except for a provision of \$2,500,000 for the transition quarter.

PUBLIC TRANSPORTATION

House Bill

Requires that fees charged for parking in a facility built to serve public transportation be held to those required to maintain and operate that facility.

Senate Amendment

Mandates that fees at a parking facility constructed with funds authorized under section 142 will not exceed that required for maintenance and operations.

Conference Substitute

Same as the House bill.

SPECIAL BRIDGE REPLACEMENT PROGRAM

House Bill

Changes the Federal share payable on account of bridge replacement from 75 percent to 90 percent.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

DEFINING STATE

House Bill

Amends sections 152 and 153 of title 23, U.S. Code to add a definition of the term "State" to each section defining the term to have the same meaning as it has in section 401 of title 23. This is a clarification of the law.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

HIGHWAYS CROSSING FEDERAL PROJECTS

House Bill

Authorizes the Secretary of Transportation to construct or reconstruct any public highway or highway bridge across any Federal Public works project when there has been a substantial change in the requirements and cost of such highway or bridge since the public works project was authorized and when such increased costs would work an undue hardship upon local interests. Not to exceed \$100,000,000 is authorized to carry out the section, and this amount is to be available for fiscal year 1976 and the succeeding two fiscal years.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill but the conferees intend that not more than \$50,000,000 of the funds authorized by this section shall be appropriated in each of the fiscal years 1977 and 1978.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House Bill

Increases, for projects for bicycle and pedestrian ways, the annual limitation on total obligations from \$40,000,000 to \$45,000,000 and the limitations for any State from \$2,000,000 to \$2,500,000.

Senate Amendment

Makes the technical changes required by the proposed establishment of a community service system.

Conference Substitute

Same as the House bill.

LANDSCAPING AND SCENIC ENHANCEMENT

House Bill

Eliminates the separate funding category of landscaping and scenic enhancement and allows expenditures for this purpose out of normal construction funds.

Senate Amendment

Deletes the separate authorization of money for landscaping and scenic enhancement and makes regular Federal-aid funds eligible for such projects.

Conference Substitute

Same as the House bill.

BRIDGES ON FEDERAL DAMS

House Bill

Increases the authorization for emergency expenditures for bridges on Federal dams under 23 USC 320 from \$27,761,000 to \$50,000,000 from the Highway Trust Fund.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill with the provision that funds appropriated to carry out section 320(d) of title 23, United States Code, shall be appropriated from the Highway Trust Fund for fiscal year 1977 and thereafter.

OVERSEAS HIGHWAY

House Bill

Amends the Federal-Aid Highway Amendments of 1974, which authorized a total of \$109.2 million for reconstruction of a series of bridges linking the Florida Keys to the Florida mainland. That Act also limited obligation to \$25 million. The amendment would permit obligation of the funds at a level of \$35 million annually for Fiscal 1977 and Fiscal 1978, and \$8.75 million for the transition quarter.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

House Bill

Authorizes four projects involving relocation of railroad lines from central city areas (Metairie, Jefferson Parish, Louisiana, Augusta, Georgia, Pine Bluff, Arkansas, Sherman, Texas), in addition to projects authorized in the 1973 Highway Act to eliminate ground level highway crossings. This section authorizes \$6.25 million for the transitional quarter, \$26.4 million for fiscal year 1977, and \$51.4 million for fiscal year 1978 for continuation of work on the existing projects, and initiation of the new ones listed above.

Subsection (d) amends section 302 of the National Mass Transportation Assistance Act of 1974 which authorizes a demonstration project for relocation of railroad lines to provide that not more than $\frac{1}{3}$ of the funds expended for the projects in any fiscal year be out of the Highway Trust Fund.

Senate Amendment

Modifies the railroad-highway grade crossing demonstration program by making the authorized funds available until expended.

Conference Substitute

Same as the House bill and the Senate amendment except that the projects authorized in this bill shall have a Federal share not to exceed 70 per centum with the remainder paid by State and local governments and an amendment is made to section 163(a)(2) of the Federal-Aid Highway Act of 1973 to eliminate "an engineering and feasibility study for".

ACCELERATION OF PROJECTS

House Bill

Requires the Secretary to carry out a project to demonstrate the feasibility of reducing the time required to complete a highway project in areas severely impacted as a result of recent or imminent change in

population or traffic flow resulting from the construction of federal projects.

Senate amendment

No comparable provision.

Conference Substitute

Same as the House bill.

MULTIMODAL CONCEPT

House Bill

The Secretary of Transportation is directed to study the feasibility and environmental impact of a multimodal concept in constructing a route between Brunswick, Georgia, to Kansas City, Missouri, and report to Congress by July 1, 1977.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

It is the intent of the conferees that in carrying out the feasibility study, the Secretary should solicit views from officials of States which would be affected by development of such a corridor and from representatives of regional commissions in the affected area.

RIDESHARING PROGRAMS

House Bill

Authorizes \$75 million out of the Highway Trust Fund for the purpose of conducting ridesharing programs involving motor vehicles with a seating capacity of at least eight and no more than 15 individuals to transport groups of individuals on a regularly scheduled basis. Under this program, funds are to be apportioned by specified formula to States and shall provide for ridesharing for workers, senior citizens, and handicapped persons, and developmental projects to encourage ridesharing in rural and in urban areas.

The Federal share of any project shall not exceed 80 per centum of the cost of the project and the Federal share for operating expenses not recoverable in revenues is not to exceed 50 per centum.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision in view of the conference substitute provisions on carpooling.

CAR POOLS

House Bill

Amends the Emergency Highway Energy Act, which established Federal assistance for carpool program as a temporary measure, by removing its termination date, thereby making the program permanent.

Senate Amendment

Expands the carpool program to make it permanent and to include van pools and the purchase of vehicles within the program.

Conference Substitute

Same as the Senate amendment expanded to include carpooling opportunities for the elderly and handicapped and to provide that funds for these programs may come from the consolidated primary as well as the urban system apportionments.

EFFECTIVE DATE

House Bill

Provides that the adjustment on updating of cost procedures for determining amounts available for substitute projects under sections 103(e)(2) and 103(e)(4) of title 23 shall be effective on August 13, 1973, that date of enactment of the 1973 Highway Act.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

House Bill

Would permit the combination, for toll purposes, of existing crossings of San Francisco Bay with any public transportation system in the vicinity of Bay Area toll bridges, and allow the continuation of tolls past the scheduled amortization of the crossings to permit the repayment of financing costs from that source.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill with an additional authority to use the tolls to pay the costs of constructing new approaches to the Richmond-San Rafael Bridge.

EXTENSION OF REPAYMENT

House Bill

Amends section 2 of Public Law 94-30 relating to repayment of increases in the Federal share of project costs made during the period February 12, 1975, to September 30, 1975. This repayment must be made before January 1, 1977. The bill extends that date until January 1, 1979. It requires that 20 percent of the repayment must be paid by January 1, 1977, and an additional 30 percent must be paid by January 1, 1978, and the remaining 50 percent must be paid by January 1, 1979.

Senate Amendment.

No comparable provision.

Conference Substitute

Same as House bill.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROGRAM

House Bill

Authorizes the Secretary of Transportation to carry out traffic control signalization demonstration projects to demonstrate increasing the capacity of existing roads, conserving fuel, decreasing traffic congestion, improving air and noise quality, with priority to projects providing coordinated signalization. Progress reports are required and \$75,000,000 per year for fiscal years 1977 and 1978 is authorized.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill except that these demonstration projects must be designed to demonstrate the value of traffic control signalization through the use of technology not now in general use and the authorization is set at \$40,000,000 each fiscal year.

ACCESS RAMPS

House Bill

Declares it the intent of Congress that if a bridge is to be constructed, reconstructed, replaced, repaired or otherwise altered, the project should provide for reasonable access to the water traversed by such bridge.

Senate Amendment

Provides that highway funds may be used for construction of ramps to public boat launching areas from bridges under construction on the Federal-aid systems. The approval of the Secretary shall be made in accordance with guidelines established by the Secretary of Transportation and the Secretary of Interior.

Conference Substitute

Essentially the same as the House bill and Senate amendment.

DEMONSTRATION PROJECT—AUTOMATED GUIDEWAY TRANSIT SYSTEM

House Bill

Requires the Secretary of Transportation, pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, to conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the Dallas/Fort Worth Regional Airport.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill except the authorization is at \$7,000,000 for fiscal year 1977.

The conferees intend that this is a research and development program to be achieved by DOT contract with the original prime contractor of the AIRTRANS system, and it is not to be construed as any part of a DOT "grant" to the Dallas/Fort Worth Regional Airport.

URBAN SYSTEM STUDY

House Bill

Requires the study of key factors leading to the implementation of urban system projects. The study must include, as a minimum, an analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to state governmental entities.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

LIMITATIONS

House Bill

This section is required to conform to requirements of the Concurrent Resolution on the Budget for fiscal year 1976. Limitations on advance authority under this Act are as follows:

1. For projects on the Interstate System, \$583 million for the three month period ending September 30, 1976, and \$3,300,000 for the fiscal year ending September 30, 1977.

2. All other sums (other than for the Interstate System) which are authorized out of the Highway Trust Fund for the three month period ending September 30, 1976.

In addition, other sections of this title providing new budget authority under which outlays are made from the general fund shall be effective only in such amounts as are provided in appropriations acts.

Senate Amendment

Provides that outlays which are to be made from the general funds in the Treasury (not the Highway Trust Fund) shall be effective for any fiscal year only in such amounts as are provided in annual appropriation Acts.

Conference Substitute

Same as the Senate amendment.

FEDERAL-AID SYSTEMS

House Bill

No comparable provision.

Senate Amendment

Establishes a new Federal-Aid community service system which includes the urbanized system (formerly the urban system) and the non-urbanized system (formerly secondary system). The nonurbanized system would consist of collector routes and any other routes of local

importance after June 30, 1976. This system can include what were formerly off-system roads if they are of local significance.

The urbanized system, after June 30, 1976, shall consist of arterial and collector routes. This system is to be designated by local officials with concurrence of the State Highway Department if it provides 50 percent or more of the required local matching funds.

Conference Substitute

No comparable provision.

APPORTIONMENTS

House Bill

No comparable provision.

Senate Amendment

Changes the apportionment for the primary system to a formula which is weighted two-thirds to the existing primary formula and one-third to the ratio of population in all urban areas. This reflects the change in the Federal-aid primary system to include urban extensions. The apportionment date for primary funds is changed to October 1 of each year to conform to the new fiscal year.

The apportionment formula for the nonurbanized system includes the existing secondary system formula and a change reflects the addition of small urban area population to the population ratio portion of the formula. The urbanized system apportionment formula would be based solely on the ratio of population in urbanized areas of each State to total urbanized area population. The apportionment of funds for the community service system is also to be made on October 1 of each year.

Conference Substitute

Same as the Senate provision with respect to the consolidated primary system. The apportionment date for all apportionments (other than for the Interstate System) is changed to October 1 of the fiscal year for which authorized. For the Interstate System the apportionment date is to be October 1 of the year preceding the fiscal year for which the funds are authorized. The Secretary is to advise each State at least 90 days before the beginning of the fiscal year of the amount that will be apportioned under this section, except that in the case of the Interstate System, such notification will be 90 days before the apportionment. Conforming amendments are made to sections 104(f)(1) and (3).

The Conference substitute also provides that, except for the Interstate System, funds authorized for the transition quarter and for fiscal year 1977 are to be apportioned on July 1, 1976, except as otherwise provided in section 104.

PROGRAMS

House Bill

No comparable provision.

Senate Amendment

Modifies the selection of urbanized system projects to require the concurrence of State officials only if they provide 50 percent of the required local matching funds.

Conference Substitute

No comparable provision.

CONSTRUCTION ESTIMATES

House Bill

No comparable provision.

Senate Amendment

Changes the allowance for construction engineering from 10 percent to 15 percent of Interstate project costs.

Conference Substitute

Same as the Senate amendment.

AVAILABILITY OF SUMS APPORTIONED

House Bill

No comparable provision.

Senate Amendment

Makes a conforming amendment to section 118 of title 23, U.S. Code for the new Interstate apportionment formula made effective in fiscal year 1978.

Conference Substitute

The conference substitute amends section 118(b) of title 23, United States Code, to provide that sums apportioned to each Federal aid system (other than the Interstate System) are to be available for expenditure for 3 years after the close of the fiscal year for which such sums are authorized. Thereafter they lapse. Sums apportioned to the Interstate System remain available for 2 years after the close of the fiscal year for which authorized. Sums remaining unexpended there-after lapse and are reapportioned among the other States except for funds apportioned for resurfacing, restoration and rehabilitation which lapse and are not reapportioned.

Conforming amendments are made to section 203 of title 23 and funds authorized by section 104, and by titles I and II for the transition quarter are to be treated for periods of availability as funds authorized for fiscal year 1977.

FEDERAL SHARE PAYABLE

House Bill

No comparable provision.

Senate Amendment

Makes technical changes relative to proposed establishment of the new community service system.

Conference Substitute

No comparable provision.

PAYMENT TO STATES FOR CONSTRUCTION

House Bill

No comparable provision.

Senate Amendment

Amends section 121(d) of title 23, U.S. Code necessary because of the new allowance of 15 percent for construction engineering.

Conference Substitute

Same as the Senate amendment.

TRANSPORTATION PLANNING IN CERTAIN AREAS

House Bill

No comparable provision.

Senate Amendment

Requires an annual public hearing to review the planning process, plans and programs for transportation in urbanized areas as carried out by the section 134 of title 23, U.S. Code planning organizations.

Conference Substitute

No comparable provision.

TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

House Bill

No comparable provision.

Senate Amendment

Provides that traffic operation improvement programs may be carried out on any Federal-aid system, not just in urban areas.

Conference Substitute

Same as the Senate amendment.

SPECIAL URBAN HIGH DENSITY

House Bill

No comparable provision.

Senate Amendment

Repeals the authorization of the special urban high density program.

Conference Substitute

Same as the Senate amendment.

PRIORITY PRIMARY

House Bill

No comparable provision.

Senate Amendment

Confirms the priority primary program to its inclusion in the primary system for apportionment of funds.

Conference Substitute

Same as the Senate amendment.

FEDERAL-AID SAFER ROADS SYSTEM

House Bill

No comparable provision.

Senate Amendment

States would be required to have a program to improve safety features of highways and their surroundings. These programs would be in accordance with standards promulgated by the Secretary.

Each State would be required to conduct surveys and identify potential safety hazards on public roads in the State and to begin to correct identified deficiencies in a systematic manner. Whenever a State is without legal authority to construct or maintain a project pursuant to this section, it would be required to enter into a formal agreement with local officials to carry out such functions.

Sums authorized for the program created by this section would be apportioned 75 percent on the basis of each State's total population and 25 percent on the basis of public road mileage in each State. The Federal share for projects on the safer roads system would be 90 percent. Before sums authorized for this program are apportioned, 3¼ percent would be deducted to finance highway safety research.

Whenever the Secretary determined that a State is not making reasonable progress in carrying out the requirements of this section, he would cease approving highway construction projects in the State. The Secretary would have to make his determination on the record and after notice to the State and opportunity for a hearing. If the State failed to come into compliance before the beginning of the next fiscal year, it would lose 10 percent of the construction funds apportioned under section 104, title 23, United States Code, unless the Secretary determines that application of the penalty was not in the public interest. Funds withheld from apportionment to a State would be reapportioned to the other States.

Sections 152, 153, and 405 of title 23, United States Code, pertaining to specific highway safety construction programs, and section 203 of the Federal-Aid Highway Act of 1973, pertaining to hazards at railroad-highway grade crossings, would be repealed.

Conference Substitute

The conference substitute revises section 219 of title 23 of the United States Code to combine the provisions of that section as it presently exists with those of section 405 of such title and repeals such section 405. Funds for the Safer-Off System Roads program are to be apportioned October 1 of each fiscal year in the following manner: two-thirds according to the existing off-system formula and one-third in the ratio which the population in urban areas in each State bears to the total population in urban areas of all States.

Funds authorized for Safer Off-System roads are to be used essentially to improve the safety and capacity of existing roads. Because funds are limited, projects financed under this program, where feasible, should be low-cost improvements and whenever possible, provide significant safety benefits.

APPORTIONMENTS OR ALLOCATIONS

House Bill

No comparable provision.

Senate Amendment

Amends the authorization of the Forest highways program to provide that the apportionment of funds be made on October 1 of each year.

Conference Substitute

Same as the Senate amendment.

RESEARCH AND PLANNING

House Bill

No comparable provision.

Senate Amendment

Expands and clarifies research and planning activities. With respect to State use of planning funds, the provision expands use to include planning for all forms of transportation planning, not just highways.

Conference Substitute

No comparable provision.

RURAL BUS DEMONSTRATION

House Bill

No comparable provision.

Senate Amendment

Makes the sums currently authorized for the rural bus demonstration program available for two years after the year for which authorized.

Conference Substitute

Same as the Senate amendment.

INTERSTATE FUNDING STUDY

House Bill

No comparable provision.

Senate Amendment

Directs the Secretary of Transportation to study methods available for completing the Interstate System and to report to the Congress within nine months of enactment of this Act.

Conference Substitute

Same as the Senate amendment with an additional requirement of a study and report on resurfacing, restoration, and rehabilitation of the Interstate System.

ALASKAN ROADS STUDY

House Bill

No comparable provision.

Senate Amendment

Authorizes the Secretary of Transportation to study the cost of repairing roads in Alaska damaged because of pipeline construction. \$200,000 is authorized to carry out the study which must be concluded within three months after completion of the pipeline.

Conference Substitute

Same as the Senate amendment except that the study must also determine the responsibility for repairing the damage to these highways.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

House Bill

No comparable provision.

Senate Amendment

Authorizes the Secretary of Transportation, upon application of the Governor of Colorado, to approve construction of a portion of Interstate Route 70 with variations from certain requirements for Interstate construction approximately 17.5 miles in length between Dotsero and Glenwood Springs, Colorado.

Conference Substitute

Same as the Senate amendment except that the Secretary is not to approve any variation unless he shall first have determined that such variation will not create any safety hazard and there is no reasonable alternative.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

House Bill

No comparable provision.

Senate Amendment

Require a study by the Secretary of Transportation of need for special Federal aid in constructing or reconstructing highways needed for transporting coal or other uses in order to promote solution of Nation's energy problems.

Conference Substitute

Same as the Senate amendment.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

House Bill

No comparable provision.

Senate Amendment

Establishes a 25-member National Transportation Policy Study Commission to study and evaluate the transportation demand and needs and the merits of various modes of transportation in meeting these demands and needs. The Commission is to recommend programs and policies that will meet the transportation needs and demands of the Nation. This is to be reported within 2 years after enactment. The Commission is given the necessary authority and staff to carry out its functions.

Conference Substitute

Conference substitute establishes a National Transportation Policy Study Commission. There are 19 members and the Commission is to make a study of transportation needs and of the resources, requirements, and policies of the United States to meet these needs. Based upon this study, it is to recommend policies most likely to insure that adequate transportation systems are in place which will meet the needs or safe and efficient improvement of goods and people.

TITLE II

SHORT TITLE

House Bill

Provides that title II may be cited as the "Highway Safety Act of 1975."

Senate Amendment

Provides that title II may be cited as "The Highway Safety Amendments of 1975".

Conference Substitute

Except for the necessary date change, this is the same as the House provision.

HIGHWAY SAFETY

House Bill

Authorizes \$150,000,000 for fiscal years 1977 and 1978 to carry out section 402 of title 23 of the National Traffic Highway Safety Administration. Authorizes \$65,000,000 per fiscal year for those fiscal years for carrying out section 403 of title 23 for that Administration. Authorizes \$35,000,000 per fiscal year for those fiscal years for carrying out section 402 of title 23 by the Federal Highway Administration and \$10,000,000 per fiscal year for those fiscal years for carrying out sections 307(a) and 403 of title 23 by that Administration. In each instance an authorization is made for the three-month period ending September 30, 1976, which is one-quarter of the amount authorized for the ensuing fiscal year.

Senate Amendment

Authorizes \$105,000,000 for fiscal year 1977 and \$115,000,000 for fiscal year 1978 to carry out section 402, title 23, United States Code. Authorizes \$6,500,000 for the transition period and \$35,000,000 for the fiscal year 1977 and \$40,000,000 for the fiscal year 1978 to carry out section 403 of title 23.

Conference Substitute

Authorizes \$122,000,000 for fiscal year 1977 and \$137,000,000 for fiscal year 1978 to carry out section 402 of title 23 of the United States Code by the National Traffic Highway Safety Administration. Authorizes \$10,000,000 for the interim quarter and \$40,000,000 for fiscal year 1977 and \$50,000,000 for fiscal year 1978 to carry out section 403 of such title by such Administration. Authorizes \$25,000,000 per fiscal year for fiscal years 1977 and 1978 for carrying out section 402 of such title by the Federal Highway Administration. Authorizes \$2,500,000 for the interim quarter and \$10,000,000 per fiscal year for fiscal years 1977 and 1978 for carrying out sections 307(a) and 403 of such title by such Administration.

FURTHER SAFETY AUTHORIZATIONS

House Bill

Authorizes \$75,000,000 per fiscal year for the fiscal years 1977 and 1978 for pavement marking projects, and the same amount for projects for high-hazard locations and for the elimination of roadside obstacles. \$18,750,000 is also provided for the interim period for each of the latter two categories. \$7,500,000 per fiscal year is authorized for the fiscal years 1977 and 1978 and \$1,875,000 for the interim period is authorized for incentive grants for the reduction of the rate of traffic fatalities and a like amount for the reduction of actual traffic fatalities. \$7,500,000 is authorized for the fiscal years 1977 and 1978 and \$1,875,000 for the interim period for school bus driver training.

Senate Amendment

No comparable provision.

Conference Substitute

Authorizes \$50,000,000 per fiscal year for fiscal years 1977 and 1978 for pavement markings under section 151 of title 23 of the United States Code. Authorizes \$125,000,000 per fiscal year for such fiscal years for projects for highway hazard locations and elimination of roadside obstacles under sections 152 and 153 of title 23 of the United States Code. Authorizes \$1,875,000 for the interim period and \$7,500,000 per fiscal year for the fiscal years 1977 and 1978 to carry out incentive grant programs under section 402(j)(2) of section 402 of title 23 of the United States Code and the same amount for the same fiscal years for such programs under section 402(j)(3) of such title.

BRIDGE RECONSTRUCTION AND REPLACEMENT

House Bill

Authorizes \$250,000,000 per fiscal year for the fiscal years 1977 and 1978 and \$62,500,000 for the interim period for bridge reconstruction and replacement under section 144 of title 23, United States Code.

Senate Amendment

Authorizes \$31,250,000 for the transition quarter and \$125,000,000 for each of the fiscal years 1977 and 1978 for replacing hazardous bridges.

Conference Substitute

Authorizes \$180,000,000 per fiscal year for the fiscal years 1977 and 1978 for bridge reconstruction and replacement under section 144 of title 23 of the United States Code.

RAIL-HIGHWAY CROSSINGS

House Bill

Authorizes the appropriation out of the Highway Trust Fund of \$37,500,000 for the three-month period ending September 30, 1976, and \$150 million for each of fiscal years 1977 and 1978 for projects for the elimination of hazards of railway-highway crossings on any Federal-aid system (other than the Interstate System) under section 203 of the Highway Safety Act of 1973.

This section would also amend section 203 of the Highway Safety Act of 1973 to authorize the appropriation out of the General Fund of \$18,750,000 for the three-month period ending September 30, 1976, and \$75 million for each of fiscal years 1977 and 1978 for projects for elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system. Funds authorized for off-system railway-highway crossings shall be apportioned in the same manner as funds authorized for crossings on a Federal-aid system.

Senate Amendment

No comparable provision.

Conference Substitute

This is the same as the House bill except for the elimination of the authorization for the interim quarter and the authorization of \$125,-

000,000 per fiscal year for the fiscal years 1977 and 1978 for the elimination of hazards of railway-highway crossings on any Federal-aid system (other than the Interstate System).

INCENTIVE SAFETY GRANTS

House Bill

Amends subsection (j) of section 402 of title 23 to authorize additional incentive grants of up to 25 percent of a State's apportionment under section 402 for a fiscal year or period to those States which have significantly reduced the actual number of traffic fatalities during the calendar year.

It also amends subsection (j) to make it clear that the funding limitation of 25 percent of each State's apportionment is to be applied individually to each of the three types of grants authorized by section 402(j); that Federal funds are obligated upon award of such funds to a State; that contract authority is provided with respect to such funds; that the funds are not apportioned among the States; and that no project or program approval is required for the sums awarded.

Senate Amendment

No comparable provision.

Conference Substitute

The same as the House bill.

SCHOOL BUS DRIVER TRAINING

House Bill

Amends section 406 of title 23, U.S. Code to make technical and clarifying amendments.

Senate Amendment

The period of time for obligation of funds provided by the Federal-Aid Highway Act of 1973 to train persons to drive school buses would be extended until September 30, 1978.

Conference Substitute

This is the same as the House bill except that the funds for this program of not less than \$7,000,000 per fiscal year are to come from those authorized to carry out section 402 of title 23 of the United States Code.

TRANSFERABILITY

House Bill

Amends subsection (g) of section 104 of title 23 to authorize the transfer of up to 40 percent (instead of the existing 30 percent) of the funds apportioned in any fiscal year to a State in accordance with sections 144, 152, and 153 of title 23, and section 203 of the Highway Safety Act of 1973 to the apportionment of any other such section if requested by the State highway department and approved by the Secretary as being in the public interest.

This section would also authorize the Secretary to approve the transfer to up to 100 percent of the apportionment under one such section to the apportionment of any other such sections if, in addition to the transfer being requested by the State highway department and

approved by the Secretary as being in the public interest, the Secretary has received satisfactory assurances from the State that the purposes of the programs from which such funds are to be transferred have been met. Such assurances would no longer be necessary in order to approve transfers of up to 40 percent of any such apportionment.

Senate Amendment

No comparable provision.

Conference Substitute

Essentially the same as the House bill.

In addition, section 104(g) is amended to provide that Highway Trust Fund money may not be transferred to any program for which general fund money is available and vice versa. Also funds apportioned under section 203(d) of the Highway Safety Act of 1973 to carry out projects for which funds are authorized in section 203(c) of such Act which cannot be used for such projects may be transferred for use pursuant to section 219 of title 23, United States Code.

PAVEMENT MARKING PROGRAM

House Bill

Amends section 151 of title 23, U.S. Code to eliminate the requirement that priority for pavement marking projects be given to those on the Federal-aid secondary system and those which are not on any system. It also clarifies the reporting requirements.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

HIGHWAY SAFETY PROGRAMS

House Bill

Amends section 402 of title 23 by prohibiting the Secretary from requiring that a State adopt or enforce a motorcycle law requiring motorcycle operators or passengers 18 years of age or older to wear a safety helmet when operating or riding a motorcycle.

Eliminates the penalty contained in section 402(c), providing for the withholding of 10 percent of the section 104 Federal-aid highway construction apportionments, which is imposed on a State for failure to implement a highway safety program approved by the Secretary.

Amends section 402 to make it clear that section 402 confers broad discretionary authority upon the Secretary with respect to approval of State highway safety programs, and that the Secretary is not compelled to require every State to comply with every uniform standard, or with every element of the uniform standard.

It also would require the Secretary to conduct, in cooperation with the States, an evaluation of the adequacy and appropriateness of all existing highway safety program standards, and report his findings and recommendations to the Congress on or before December 31, 1976. Until such report is submitted, the Secretary would be

prohibited from withholding funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with section 402.

Senate Amendment

No comparable provision.

Conference Substitute

Similar to the House bill except the report is required on or before July 1, 1977.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

House Bill

Amends section 402(a)(1) of title 23 to delete the requirement that the Secretary or a departmental officer appointed by him serve as chairman of the National Highway Safety Advisory Committee.

Senate Amendment

Same as the House bill.

Conference Substitute

Same as the House bill and the Senate amendment.

LIMITATION ON OBLIGATION

House Bill

Prohibits any funds authorized by any provision of this title for fiscal year 1977 from being obligated prior to July 1, 1976.

Senate Amendment

No comparable provision.

Conference Substitute

No comparable provision.

STEERING AXLE STUDY

House Bill

Requires the Secretary to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. The investigation shall be conducted in cooperation with representatives of manufacturers of truck tractors and related equipment, labor, and users of such equipment. The Secretary would be required to report the results of such study to the Congress not later than July 1, 1977.

Senate Amendment

No comparable provision.

Conference Substitute

Same as the House bill.

LIMITATIONS

House Bill

Provides that to the extent that any section of this title provides new or increased contract authority under which outlays will be made

from the general fund, such new or increased authority shall be effective only in such amounts as are provided in appropriations acts. All authorizations out of the Trust Fund for the interim period ending September 30, 1976, shall be apportioned as if such apportionments were for fiscal 1977.

Senate Amendment

Provides that to the extent that any section of this title provides new or increased contract authority under which outlay will be made from the general fund, such new or increased authority shall be effective only in such amounts as are provided in appropriation acts.

Conference Substitute

Same as the Senate amendment.

UNIFORM STANDARDS

House Bill

No comparable provision.

Senate Amendment

Section 402(a) of title 23, United States Code, is amended to remove the provision for uniform standards pertaining to highway-related safety measures from the State safety grant program.

Section 402(a) is further amended by requiring that the Secretary, upon the request of a State, waive application of a uniform standard or portion thereof in order to permit the State to undertake an alternative safety measure. If the Secretary determined that the State's alternative measure did not have a potential for reducing deaths, injuries and property damage equal to or better than that resulting from implementation of the standard, he could deny the State's request. The Secretary is not required to waive any standard or portion thereof which pertains to alcohol in relation to highway safety or to the generation or collection of data useful in the highway safety program. Disposition of a State's request must be made on the record after notice to the State and opportunity for a hearing.

Conference Substitute

No comparable provision.

REDUCTION OF APPORTIONMENT

House Bill

No comparable provision.

Senate Amendment

Apportionments to the Virgin Islands, Guam, and American Samoa for the State safety grant program would be reduced from one-half of one percent of the total amount apportioned to one-third of one percent.

Conference Substitute

Same as the Senate amendment.

PENALTY

House Bill

No comparable provision.

Senate Amendment

The penalty for failure to implement an acceptable State safety grant program would be reduction of from 50 to 100 percent of a State's apportionment for the grant program, the amount of the reduction depending upon the gravity of the State's failure as determined by the Secretary. Funds withheld would be reapportioned to the other States if the noncomplying State failed to correct its deficiencies prior to the end of the fiscal year for which funds were withheld.

The Secretary is not to require a State safety program to require the wearing of a safety helmet by motorcycle operators or passengers 18 years of age or older.

Conference Substitute

Same as the Senate amendment except that the provision relating to motorcycle operator helmets is contained in an earlier provision.

AMENDMENT OF STANDARDS

House Bill

No comparable provision.

Senate Amendment

The Secretary would be authorized to amend the Federal uniform standards, consistent with other requirements of the Highway Safety Act, so long as he followed the procedures of the Administrative Procedures Act and provided an opportunity for oral presentation and written submissions.

Conference Substitute

No comparable provision.

TOCKS ISLAND LAKE, PENNSYLVANIA, NEW JERSEY, NEW YORK

The Public Works Appropriation Act for fiscal year 1976 included \$2.5 million for the Tocks Island Lake project and \$2,100,000 for the transition quarter. The Statement of Managers in the Conference Report on this legislation (House Report No. 94-711) contained the provision that not to exceed \$500 thousand is to be used for the continued planning and design of the relocation of Pennsylvania Route 209, and the use of the remaining funds is subject to action by the authorizing committees. The floor debate on the Conference Report indicated that what was contemplated was not legislative action, but some assurance from the House Public Works and Transportation Committee and the Senate Public Works Committee that the remaining funds should be used. The Conferees, accordingly, wish to state on behalf of their respective committees that it is their desire that the remaining funds be

expended on the continued design and initiation of construction on the relocation of Pennsylvania Route 209. If at any subsequent time the Tocks Island project is deauthorized it would automatically follow that these funds would no longer be available.

LLOYD BENTSEN,
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 JOHN B. BREAUX,
 WILLIAM H. HARSHA,
 JAMES C. CLEVELAND,
 BUD SHUSTER,

Managers on the part of the House.



CONSIDERATION OF H.R. 8235

DECEMBER 15, 1975.—Referred to the House Calendar and ordered to be printed

Mr. MURPHY of Illinois, from the Committee on Rules
submitted the following

REPORT

[To accompany H. Res. 929]

The Committee on Rules, having had under consideration House Resolution 929, by a nonrecord vote report the same to the House with the recommendation that the Resolution do pass.



PROVIDING FOR THE CONSIDERATION OF THE
CONFERENCE REPORT ON H.R. 8235

APRIL 12, 1976.—Referred to the House Calendar and ordered to be printed

Mr. MADDEN, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 1141]

The Committee on Rules, having had under consideration House Resolution 1141, by a nonrecord vote, report the same to the House with the recommendation that the resolution do pass.

○

THE FEDERAL-AID HIGHWAY ACT OF 1975

REPORT
OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE

TOGETHER WITH
INDIVIDUAL VIEWS
TO ACCOMPANY
S. 2711



NOVEMBER 20 (legislative day, NOVEMBER 18), 1975.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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(II)

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(III)

FEDERAL-AID HIGHWAY ACT OF 1975

NOVEMBER 20 (legislative day, NOVEMBER 18), 1975.—Ordered to be printed

Mr. BENTSEN, from the Committee on Public Works,
submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany S. 2711]

The Committee on Public Works, reports an original bill (S.2711) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and recommends that the bill do pass.

GENERAL STATEMENT

In 1973, Congress passed landmark highway legislation, extending the highway program for three years and allowing, for the first time, urban highway funds to be used, at local option, for transit purposes. In 1974, the Federal-Aid Highway Amendments responded to issues raised by the energy crisis. That measure also resolved outstanding issues relating to the highway beautification program.

The bill reported by the Committee is an interim measure which the Committee believes lays the groundwork for development of a comprehensive, long-range bill during the 95th Congress. A major issue to be resolved is the future form of financing for the Federal-aid highway program. These are serious questions which are the province of the House Ways and Means Committee and the Senate Finance Committee, which have jurisdiction over revenue matters.

Meanwhile, it is imperative that the highway program proceed. The Committee proposal of a two-year extension will carry the country through a period of uncertainty without disrupting highway

programs in the States and contributing to additional unemployment in the hard-pressed construction industry.

The Committee bill concentrates on giving added flexibility to the States by consolidating a number of existing narrow categorical programs. It seeks to expedite completion of the Interstate System by establishing a new Interstate apportionment formula, and it maintains a level of expenditures consistent with fiscal responsibility.

The Committee has reduced the number of highway programs by either repealing or consolidating 11 categories into broader programs. This follows suggestions by the Administration and testimony by several witnesses that the highway program, with more than 35 special purpose programs, has become administratively unwieldy and inefficient. The Committee believes that its effort to consolidate will allow State and local highway officials to have a stronger voice in choosing their own transportation priorities. It is the intention of the Committee that these authorities be free, within the limits of law, to determine which projects they will pursue and that they not be hampered in this regard by restrictions or priorities imposed by the executive branch.

The Committee adopted a new formula for the apportionment of Interstate funds which allows half of these funds to be directed to Interstate "Routes of National Significance," consisting primarily of unfinished intercity routes, with the remaining half being apportioned on the basis of the existing Interstate formula. With increased emphasis on completing essential, non-controversial Interstate segments, the Committee believes the Interstate program can be considerably expedited. The bill directs the Secretary of Transportation to conduct a study to examine various methods by which further acceleration of Interstate construction can be achieved. The Secretary is to report his findings to the Congress within nine months so as to further general understanding of the available options for completing the system.

The Committee bill also sets a level of authorizations which is prudent and realistic. In several instances, program authorizations have been reduced from their 1976 levels. The bill authorizes approximately \$500 million less than was authorized in fiscal year 1976, while preserving adequate funding levels for the programs deemed to be of high priority. The Committee recognizes that high inflation rates in recent years have substantially reduced the buying power. Increased authorizations, however, were not possible because of the relatively static level of financial resources for the program.

The bill makes the necessary adjustments to conform authorization periods to the establishment of a new fiscal year calendar for the Federal government.

The structural changes in the bill as reported are aimed at simplifying the highway program, establishing priorities for highway construction and rehabilitation, and setting a level of expenditures consistent with the efforts of the Administration and the Congress to keep Federal spending within manageable levels.

HEARINGS

The Subcommittee on Transportation conducted ten days of hearings on the future of the highway program in Washington, Minot, North Dakota, and Albany, New York. Each day of hearings was

devoted to a specific area of concern: rural transportation, forest roads and trails, urban transportation, the Federal Role in the highway program, highway safety, procedural requirements affecting highway construction, and National transportation policy. In addition, testimony was received on the Administration highway bill from Department of Transportation witnesses and from other witnesses speaking to those sections of the Administration bill which affected their particular area of interest.

Testimony was received from Government leaders, environmentalists, industry representatives, and private citizens. Witnesses discussed among themselves their points of agreement and disagreement and their remarks were addressed to the place of the highway program in an integrated transportation system. From this thorough review, involving over one hundred witnesses, members of the Committee were able to focus specifically on individual issues. The record of the hearings runs to over 1,800 pages.

MAJOR PROVISIONS

REORGANIZATION OF FEDERAL-AID SYSTEMS AND CHANGES IN APPORTIONMENT

Each Federal-aid system can be classified according to the level of government having the dominant interest in that system. The National System of Interstate and Defense Highways is a nationwide system serving interstate transportation of goods and people. It is the backbone of our national highway network. Completion of the system is of paramount Federal interest.

The Federal-aid primary system, under existing law as of June 30, 1976, will consist of routes important to statewide and regional travel, as well as interstate transportation. While there is a Federal interest in this category, its efficient operation will most directly benefit statewide and intrastate transportation.

The Secondary and Urban systems are designated by local and State officials and are made up of routes deemed important to local transportation. With respect to these systems, the local interest is dominant.

While recognizing that the division of interests among levels of government is not precise, the Committee has reorganized the existing systems in order to place primary responsibility for each system with the government most closely associated with and affected by that system.

The Primary system remains as it is defined in present law, with the State, acting through its State highway or transportation agency, having responsibility for designating routes and setting program and project priorities.

The Secondary and Urban systems are subsumed under the heading of Community Service system, but continue to exist as separate sub-categories now called the Nonurbanized and Urbanized systems, respectively. In addition to changing the names of these systems, the division between communities eligible for Nonurbanized funds and those eligible for Urbanized funds has been set at a level of 50,000 population. Currently, the Urban system includes communities with 5,000 or more population while the Secondary system is located in areas having less than 5,000 people.

The bill provides that no State shall receive less than one-half of one percent of funds apportioned for the Urbanized system. It further provides that States which receive the minimum one-half percent may use these funds in small urban areas, that is, in areas having population between 5,000 and 50,000, as well as in urbanized areas. These funds may be used in small urban areas for any projects permitted under section 142 (a), title 23, United States Code. This provision was included in order to allow a State which has few or no urbanized areas to use Urbanized system funds in other urban communities of significant size in that State.

Beginning July 1, 1976, State and local officials may designate as part of the Nonurbanized System any public road which is considered to be of local importance and which is not on another Federal-aid system. The Committee expanded the type of routes eligible for the Nonurbanized system in order to provide greater flexibility to State and local officials in setting local priority. The Committee bill repeals the separate Off-System Roads program.

In an effort to counter the proliferation of categories which restrict State flexibility in administering the highway program and which impose unnecessary procedural and bookkeeping requirements, the Committee authorized a single sum of money to be apportioned to States for use at their discretion for regular Primary projects in urban or rural areas or for projects on the Priority Primary system. This consolidation of funding gives States more effective control in setting priorities for work to be done anywhere on the Primary system.

The apportionment formula for Primary system funds is based two-thirds on the existing formula for rural Primary apportionments and one-third on the existing formula for apportionment of funds for extensions of Primary routes into urban areas. This formula was chosen because it closely approximates the distribution of funds for all Primary system projects under existing law.

Apportionment of funds for the new Nonurbanized category is similar to the formula for the old Secondary system except that the population component is now based on population in areas under 50,000 rather than in areas under 5,000.

Distribution of funds for the Urbanized System is based on population in areas of over 50,000 in each State, rather than in areas over 5,000, as in current law. The authorizations contained in the bill are at approximately the same level as provided for fiscal year 1976 by the Federal Aid Highway Act of 1973.

A table showing the distribution of funds authorized for the Primary, Nonurbanized, and Urbanized systems follows:

DISTRIBUTION OF FUNDS PROVIDED BY SENATE DRAFT, PRIMARY— $\frac{2}{3}$ RURAL PRIMARY, $\frac{1}{3}$ URBAN EXTENSION FORMULA, NONURBANIZED— $\frac{1}{3}$ AREA, $\frac{1}{3}$ NONURBANIZED POPULATION, $\frac{1}{3}$ POST ROAD MILEAGE URBANIZED—URBANIZED POPULATION)

[Thousands of dollars]

State	Primary (\$1, 325, 000)	Nonurbanized (\$475, 000)	Urbanized (\$750, 000)	Total (\$2, 550, 000)
Alabama.....	\$24, 546	\$10, 047	\$7, 882	\$42, 475
Alaska.....	46, 911	24, 950	3, 619	75, 490
Arizona.....	16, 107	6, 597	6, 507	29, 211
Arkansas.....	17, 314	8, 106	3, 619	29, 039
California.....	81, 227	16, 665	91, 522	189, 414
Colorado.....	19, 396	7, 872	8, 005	35, 273
Connecticut.....	12, 841	2, 865	12, 596	28, 303
Delaware.....	5, 404	2, 292	3, 619	11, 315
Florida.....	33, 041	9, 281	26, 595	68, 917
Georgia.....	31, 445	12, 719	10, 589	54, 733
Hawaii.....	6, 035	2, 292	3, 619	11, 946
Idaho.....	11, 113	5, 630	3, 619	20, 362
Illinois.....	52, 404	14, 282	44, 801	111, 487
Indiana.....	30, 079	11, 228	13, 464	54, 771
Iowa.....	25, 107	11, 404	4, 734	41, 245
Kansas.....	23, 082	10, 695	4, 418	38, 195
Kentucky.....	21, 715	8, 907	6, 301	36, 923
Louisiana.....	21, 360	7, 854	10, 010	39, 224
Maine.....	8, 812	4, 157	3, 619	16, 588
Maryland.....	17, 350	4, 666	14, 553	36, 569
Massachusetts.....	20, 984	3, 806	24, 364	49, 154
Michigan.....	45, 545	13, 828	32, 248	91, 621

DISTRIBUTION OF FUNDS PROVIDED BY SENATE DRAFT, PRIMARY— $\frac{2}{3}$ RURAL PRIMARY, $\frac{1}{3}$ URBAN EXTENSION FORMULA, NONURBANIZED— $\frac{1}{3}$ AREA, $\frac{1}{3}$ NONURBANIZED POPULATION, $\frac{1}{3}$ POST ROAD MILEAGE URBANIZED—URBANIZED POPULATION)—Continued

[Thousands of dollars]

State	Primary (\$1, 325, 000)	Nonurbanized (\$475, 000)	Urbanized (\$750, 000)	Total (\$2, 550, 000)
Minnesota.....	30, 759	12, 597	10, 984	54, 340
Mississippi.....	18, 959	8, 926	3, 619	31, 504
Missouri.....	33, 463	12, 993	14, 484	60, 940
Montana.....	17, 103	8, 766	3, 619	29, 488
Nebraska.....	17, 760	8, 266	3, 619	29, 645
Nevada.....	10, 726	5, 176	3, 619	19, 521
New Hampshire.....	5, 418	2, 292	3, 619	11, 329
New Jersey.....	24, 984	3, 238	34, 169	62, 391
New Mexico.....	14, 604	7, 222	3, 619	25, 445
New York.....	73, 072	14, 572	81, 197	168, 841
North Carolina.....	33, 186	13, 868	7, 685	54, 739
North Dakota.....	12, 405	6, 404	3, 619	22, 428
Ohio.....	49, 763	14, 565	37, 380	101, 708
Oklahoma.....	22, 038	9, 683	5, 897	37, 618
Oregon.....	18, 125	7, 735	5, 532	31, 392
Pennsylvania.....	56, 949	17, 294	39, 270	113, 513
Rhode Island.....	6, 674	2, 292	4, 189	13, 155
South Carolina.....	17, 486	7, 360	4, 065	28, 911
South Dakota.....	13, 248	6, 773	3, 619	23, 640
Tennessee.....	26, 359	10, 686	8, 741	45, 786
Texas.....	74, 573	27, 558	39, 299	141, 430
Utah.....	11, 433	4, 841	4, 122	20, 396
Vermont.....	4, 637	2, 292	3, 619	10, 548
Virginia.....	26, 533	9, 367	13, 497	49, 397
Washington.....	21, 499	7, 757	11, 296	40, 552
West Virginia.....	12, 403	5, 340	3, 619	21, 362
Wisconsin.....	29, 486	11, 627	11, 617	52, 730
Wyoming.....	10, 088	5, 355	3, 619	19, 062
District of Columbia.....	2, 236	-----	4, 253	6, 489
Puerto Rico.....	11, 037	3, 447	6, 094	20, 578
Total.....	1, 278, 824	458, 446	723, 863	2, 461, 133

The Committee gave consideration to providing funds for Economic Growth Center Development highways through the apportionments for the Primary and Nonurbanized systems. This consolidation was not adopted because of the belief that the Economic Growth Center program is directed toward goals that would not be achieved in the context of the regular highway program. The purpose of the Economic Growth Center category is to provide a better road system in areas which have a potential for economic development but which at present are not able to compete with more developed areas for limited regular road funds. In the next several years Congress will be defining a national transportation policy. It is the Committee's view that one element in this policy may well be that transportation is to serve orderly economic development in rural and smaller urban communities. Continuation of the Economic Growth Center Development program at this time is thus desirable as it affords an opportunity to examine the potential for such an approach to transportation policy.

DEFINITION OF CONSTRUCTION

The Committee recommends the definition of the term "construction" in Section 101(a) of Title 23 be expanded to include "rehabilitation" and "restoration" of existing roadways. This change is intended to clarify existing policy on use of Federal-aid funds for making improvements on highways already in place. It will allow maximum flexibility in the use of Federal funds to meet priority needs determined by responsible State officials.

The term "reconstruction" under present law, could be construed to limit the use of Federal-aid funds to projects involving major bridge replacements, complete rebuilding of the pavement, projects to provide additional traffic capacity, to improve alignment, or to upgrade the roadway type.

The words "rehabilitation and restoration" make clear that Federal-aid funds may be used for improvements on existing highways to restore them to their original safe, useable condition. Such work might include cutting out and replacing deteriorated sections of existing pavement; strengthening or replacing weakened base course areas; replacing malfunctioning pavement joints, raising the grade through areas of settlement; reworking, conditioning and recompacting existing materials; and pavement undersealing when necessary to restore structural capability. It also includes the modification of highway elements on existing or restored roadways to provide for the function or level of service needed to satisfy current and future requirements. If traffic volume has increased over original specifications, physical form may not provide for the service level intended by the original design. Rehabilitation might include added pavement courses of traffic lanes to serve current needs. Similarly, added elements may be necessary to incorporate design or safety standards adopted since construction of the original pavement. This change ratifies the rules and procedures established by the Federal Highway Administration.

ROUTE AND PROJECT SELECTION BY RESPONSIBLE LOCAL OFFICIALS

Under present law, selection of routes and projects on the urban highway system are made by responsible local officials with the concurrence of the State Highway Department. The Committee bill amends this provision by allowing responsible local officials to carry out these responsibilities without State concurrence when the locality puts up 50% or more of the funds required to match the Federal share of urbanized system programs.

Testimony during the hearings revealed that of the \$1.78 billion authorized under the urban system program for the fiscal years 1972 through 1975, only \$635 million had been obligated as of May 31, 1975. Moreover, only about \$40 million of urban system money have been transferred to only three mass transit projects.

The cities and the States differ on reasons for the lag in the urban program. The cities claim that State highway departments try to impose their own priorities on local areas. They also suggest that red tape at the State level has held up urban projects for inordinate periods of time. The States respond that the urban program is new and that the major reason for the delay is that cities have not yet developed the expertise to process their projects expeditiously.

Without resolving this debate, the Committee believes that an urbanized system program which has such a profound effect on the configuration of cities, should, where feasible, be under the control of local officials.

In 1970 the Federal-aid urban system was established, channeling Federal funds for the first time to construction and improvement of city streets. In 1973, the highway act provided that one-half of one percent of the funds authorized to be appropriated for the Federal-aid

systems should be available exclusively for carrying out the required planning process in urbanized areas.

The growing role of the cities in the planning process and the 1973 increase of 800 percent in urbanized system funds is a recognition by the Congress that the role of the cities in the highway program has to be augmented.

It is well to recognize that the Committee bill affects individual decisions on route and project selection. If, on any project, the urbanized area puts up more than 50 percent of the funds to carry out programs of projects in an urbanized area, it can decide questions of route selection and project priorities without State concurrence. If the State puts up more than 50 percent of the local share for the program of projects in an urbanized area, State concurrence in route selection and programming is required.

The Committee emphasizes that the language of this bill does not in any way affect the requirements of Section 134 that "a continuing comprehensive transportation planning process (be) carried on cooperatively by States and local communities." The Committee will monitor the process carefully to assure that broad goal of an integrated Federal-aid system is maintained.

Aside from the continuing requirements of Section 134 for cooperation between local and State officials, the States will retain the control of funds to be distributed to urbanized areas of fewer than 200,000 persons. The principal effect of this amendment will lie within the larger urbanized areas, which will have the capability and the expertise to make these local decisions for themselves.

MODIFICATION OF INTERSTATE TRANSFER

The Federal-Aid Highway Act of 1973 provided for the withdrawal of Interstate segments in urban areas upon the request of State and local officials. Under the provision, the funds made available by the withdrawal of the segment were to be used for a mass transit project within the same urban area.

The Committee recognizes that the transfer provision did not adequately address the transportation needs of all urbanized areas having Interstate segments eligible for withdrawal. Use of the transferred funds solely for mass transit purposes is not appropriate for many urbanized areas.

The purpose of this section is to encourage local officials to undertake alternative transportation projects if eventual completion of an approved Interstate segment is unlikely. The Committee believes that by providing the Secretary with the flexibility to approve a combination of projects, more urbanized areas will take advantage of the transfer provision. The funds necessary to complete the withdrawn segment may be transferred by the Secretary to a project on the Federal-aid primary or community service systems. This provision assures that Federal assistance will be available for a highway project if the locality feels that such a project is superior to a transit project in meeting its transportation needs. The Federal share for such a highway project shall be that applicable to projects on the primary and community service systems.

Under the current law, if an Interstate segment is withdrawn, the full amount of the cost to complete a withdrawn segment is deducted from the apportionment to the State in which it is located. The effect of this requirement could be to wipe out a State's entire apportionment for the fiscal year in which the transfer is made, as well as in subsequent fiscal years if the cost to complete the withdrawn segment involves a large sum of money. The Committee believes this requirement places an undue restriction on the Interstate program in those States electing to substitute a transit or highway project for a controversial or nonessential Interstate segment.

In order to correct this problem, this bill modifies the provision to provide that the State's apportionment be reduced only by the ratio the cost of the withdrawn segment bears to the total cost to complete the Interstate System in that State. This will make available sufficient funds for obligation so that the State can continue work on its Interstate System. This provision is also applicable to those substitute projects which were approved for transfer prior to the enactment of the Act and for which funds remain unobligated.

The Committee believes that these proposed changes will make the Interstate transfer provision more acceptable to the urban areas with controversial Interstate segments and thus assist these areas in providing the transportation system which best satisfies their needs and objectives.

INTERSTATE APPORTIONMENT FORMULA

While eighty-seven percent of the mileage of the Interstate System is now open to traffic, less than one-third meets current design standards.

Authorizations for the Interstate System contained in the Federal-Aid Highway Act of 1973, were based on a 1972 cost estimate which projected it would require \$33,000,000,000 to complete that system. Three years later, the States have obligated an additional \$10,600,000,000 for construction. The adjusted 1975 cost estimate projects the cost of completing the System at \$40,000,000,000.

Since the beginning of the Interstate program, Congress have provided that funds be allocated on an equitable basis which would facilitate simultaneous completion in all States. Because of many factors such simultaneous completion will not occur.

Over nineteen years of experience has shown that there are two distinct types of routes on the System. Routes of national significance are those which connect major population centers and which serve primarily to channel interstate traffic through or around such centers and are essential to a national connected system. Routes of local significance are those that principally serve local or regional needs and are primarily used as commuter roads.

Rather than apportion authorizations based upon the relative cost of completing all Interstate routes in each State, the Committee recommends that interstate funds be apportioned on a dual basis:

1. Fifty percent of the funds will be apportioned in the ratio that each State's estimated cost to complete nationally significant routes designated by the Secretary, in cooperation with the States, bears to the total cost of completing such routes nationwide. The Committee intends that the State's have significant input in deciding what routes are of national significance. It is recommended

that each state initially designate those interstate routes within its boundaries which it believes would qualify as routes of national significance. The final designation will be made by the Secretary of Transportation. Sums apportioned to the States on the basis of national significance may only be used on such routes.

2. Fifty percent of the funds will be apportioned in the ratio that the estimated cost of completing the system in each State bears to the estimated cost to complete the system in all States. The States may use these funds for construction of any designated Interstate routes within the State.

APPORTIONMENT DATE

In 1974 the Congress enacted the Congressional Budget and Impoundment Control Act to provide a mechanism for a more orderly Congressional review of the entire Federal budget. As a result of this legislation, the Congress must establish targets for both outlays and budget authority for each fiscal year in the First and Second Concurrent Resolutions on the Budget.

Because the funds authorized for the non-Interstate portions of the Federal-aid highway program are apportioned, and thus available for obligation in the year preceding the year for which authorized, the budget authority target must include such funds even though they are authorized for the succeeding fiscal year. Under current law, the budget authority target that would be set by the Budget Committee might bear little relationship to the actual funding requirements of the highway program.

To correct this situation, the apportionment date for the Federal-aid primary system, community service system, and safer roads program is changed to October 1 of each year. Funds apportioned are thus available for obligation on this first day of the fiscal year for which authorized rather than one year in advance. The States will be given notice 90 days in advance of the apportionment of the amounts that they will receive.

Conversion to the new apportionment date is accomplished by authorizing \$1.55 billion for the transition quarter ending September 30, 1976. These funds are to be apportioned to the States on January 1, 1976 or on the date of enactment of this Act for use on the primary system, community service system, Interstate system, and safer roads program at the election of the State. Funds will be apportioned to the States 50 percent on the basis of the primary formula, 30 percent on the basis of the secondary formula, and 20 percent on the basis of the urban extension formula as these formulas existed prior to the enactment of the Federal-Aid Highway Act of 1975. The Committee believes that this authorization and the flexibility of being able to use the funds on any Federal-aid program will allow the States to maintain a highway program which meets their needs until the funds authorized for Fiscal Year 1977 are apportioned on October 1, 1976.

With respect to the Interstate System, the apportionment date is changed to October 1 of the year preceding the fiscal year for which the funds are authorized. In the past, Interstate funds could be apportioned up to eighteen months in advance of the beginning of the fiscal year for which authorized. The Committee feels that to maintain

continuity in the Interstate construction program funds must continue to be apportioned before the fiscal year in which they are authorized. Because of the varying rates at which States have moved forward with their Interstate construction programs, an apportionment of my amount less than a full years authorization would not allow those States which have moved ahead more rapidly to maintain construction at current levels. The table set forth below indicates the relative position of the various States with respect to Interstate obligations:

OBLIGATIONS IN RELATION TO FISCAL YEAR APPORTIONMENT AS OF SEPT. 30, 1975

State	Percent of fiscal year apportionment obligated							
	1974		1975		1976		197	
	Percent	Rank	Percent	Rank	Percent	Rank	Percent	Rank
Alabama					79	17		
Alaska								
Arizona			73	37				
Arkansas					88	6		
California					71	22		
Colorado					41	32		
Connecticut	7	47						
Delaware			14	44				
Florida					51	30		
Georgia					72	21		
Hawaii					70	23		
Idaho					87	8		
Illinois			31	42				
Indiana					87	9		
Iowa					87	10		
Kansas					57	28		
Kentucky					85	14		
Louisiana					26	35		
Maine					64	26		
Maryland			15	43				
Massachusetts	31	46						
Michigan					66	24		
Minnesota			40	41				
Mississippi					93	2		
Missouri					89	5		
Montana					54	29		
Nebraska					91	3		
Nevada					87	11		
New Hampshire					63	27		
New Jersey	89	45						
New Mexico					74	19		
New York	4	49						
North Carolina					49	31		
North Dakota					31	34		
Ohio			99	36				
Oklahoma					80	16		
Oregon			64	38				
Pennsylvania					66	25		
Rhode Island	4	50						
South Carolina					88	7		
South Dakota					98	1		
Tennessee					86	13		
Texas					83	15		
Utah					74	20		
Vermont					76	18		
Virginia					35	33		
Washington			58	39				
West Virginia					87	12		
Wisconsin			57	40				
Wyoming					90	4		
District of Columbia	7	48						
Puerto Rico								
U.S. average					7			
States	6		9		35			

The Committee recognizes that those highway programs for which contract authority from the general fund of the Treasury as authorized are subject to the requirements of section 401 of the Congressional Budget and Impoundment Control Act. Nothing in the bill changes

the requirements of the Congressional Budget and Impoundment Control Act.

HIGHWAY SAFETY

Three elements are usually included in any analysis of highway safety: the car, the driver, and the highway. The Public Works Committee has responsibility for Federal legislation dealing with the latter two elements.

The Highway Safety Act of 1966 required States to establish highway safety programs in accordance with standards promulgated by the Secretary. The standards were to be expressed in terms of performance and were to deal with driver and pedestrian performance, highway design and maintenance, and collection of data which would be valuable in identifying problems and developing measures to improve highway safety. Grants were provided to States and, through States, to local communities to assist in preparing and implementing State safety programs.

Initially, a bureau was created within the Federal Highway Administration (FHWA) to administer the program established by section 402 of title 23, United States Code (the so-called "402" program). The Highway Safety Act of 1970 created the National Highway Traffic Safety Administration (NHTSA) separate from FHWA to administer those standards not dealing with highway-related aspects of the program. FHWA retained responsibility for these highway-related standards.

In the Highway Safety Act of 1973, new emphasis was placed on safety features of the highway itself. Three new safety construction categories—for railroad-highway crossings, high hazard locations, and elimination of roadside obstacles—were created, and States were required to conduct surveys to identify and begin to correct hazards in each category. In addition, a pavement marking demonstration program and a new safety construction program were authorized for routes not on Federal-Aid systems. A total of \$400 million was authorized for these programs for fiscal year 1976.

During hearings on 1975 highway legislation, the Transportation Subcommittee heard testimony criticizing two major aspects of the Federal safety program: (1) alleged lack of commitment by States and FHWA to incorporating the latest safety features in new construction and to correcting hazards on existing roads; and (2) NHTSA's insistence on State compliance with standards which establish detailed procedural rather than performance criteria and which have not been demonstrated to produce safety benefits.

With respect to the first criticism, the Committee wishes to emphasize that FHWA should insist that new highway construction assisted by Federal funds incorporate the latest safety features generally recognized as desirable.

The Committee has combined the separate safety construction categories into one program which should permit a State to correct highway safety hazards of whatever nature according to priorities determined by the State. This should facilitate progress in the elimination of existing highway safety deficiencies, and, the Committee hopes, lead to more expeditious commitment of safety construction funds.

There was criticism from the States about confusion in the administration of the "402" Safety grant program because of shared NHTSA-FHWA responsibility. As a result of this criticism, the Committee believes it advisable to consolidate all provisions for highway-related safety activity under the Federal-aid safer roads system and leave NHTSA with sole responsibility for the driver-oriented and data collection standards under section 402. It is expected that NHTSA and FHWA will work closely to coordinate efforts in the safety area and that FHWA will administer standards required under the Safer Roads System as it did those standards for which it was responsible under section 402.

In dividing the highway-related standards from the others, the Committee felt it was desirable to tie sanctions for non-compliance with each category of standards specifically to the program under which the standards are promulgated. Thus, under the Committee bill, there will no longer be a possible 10% reduction in a State's highway construction apportionments because of failure to comply with a driver-related or data collection standard. The penalty for noncompliance with the latter type of standard would be loss of from 50%-100% of a State's safety grant funds. A State's failure to make reasonable progress in correcting existing hazards on or near the highway or to comply with highway design and maintenance standards, however, would result first, in the Secretary's refusal to approve any new construction project in the State until the failure were corrected. If the failure continued from one fiscal year to the next, the Secretary would reduce the State's construction apportionments by 10%. The Secretary currently has the authority to refuse to approve any single project which did not incorporate acceptable safety features. The Committee hopes that the possibility of a sanction for failure to incorporate safety-oriented planning into the ongoing State highway program will encourage all States to consider safety as important a consideration in highway planning and construction as traditional engineering objectives.

The Committee has responded to criticism of the administration of the safety standards by giving the States a larger role in planning and carrying out their individual driver-oriented safety programs. The Committee recognizes that benefits from specific measures designed to improve driver performance are difficult, and in some instances impossible, to quantify. Some of the Federal standards, however, are of questionable value when compared to other steps a State may wish to take. Because of doubt surrounding the efficacy of some standards, and because the States have contributed from 97.3% to 98.2% of the funds expended over the last four years for the 402 program, the Committee believes that States should be given greater latitude in determining how best to spend their funds. The bill, therefore, which would require the Secretary to waive implementation of a standard or a part of a standard when a State proposes an alternative safety measure unless the Secretary can demonstrate that the alternative does not have potential for reducing deaths, injuries and property damage resulting from highway accidents equal to that which would be realized by applying the standard. The alternative would not have to be related to the standard for which a waiver is requested, but the State would have to present a detailed plan showing the manner in which safety benefits were expected to be realized.

In permitting States to experiment with alternatives to the national standards, the Committee recognizes that there are certain activities for which uniform national requirements are generally acknowledged as desirable. These pertain to requirements for generation and collection of data which can be used in devising and assessing the benefits of measures to improve highway safety.

Without a good data base, progress in the safety program will be difficult, if not impossible. For this reason, the Committee does not require the Secretary to waive a standard or element of a standard which pertains to statistics useful to the national highway safety program. The Secretary may, of course, permit States to deviate from national standards where he believes proposed experimentation may be productive and not contrary to the national interest.

The Committee also believes that there is a need to continue programs designed to reduce the number of intoxicated drivers and so would not require waiver of the Federal standards dealing with this safety problem.

The Committee also considered the incentive grant programs created by the Highway Safety Act of 1973. State representatives have questioned the value of the incentive programs, noting the lack of agreement on appropriate bases for measuring progress and making awards, limited funds available for the grants, and inability of States to plan ahead for expenditure of uncertain sums. Given these questions about the efficacy of the program, the Committee felt that authorizations should be focused on the regular State safety grant program and did not provide funds for the incentive programs. The Committee may wish to consider an incentive approach to highway safety in future legislation.

With respect to the Highway Safety Research and Development program, witnesses before the Subcommittee testified that while FHWA has solicited research proposals from the States, NHTSA has instituted no such practice. Further, it was stated that MHTSA conducts its research program with little or no participation from the States, that is, from those who are closest to day-to-day safety problems. The Committee is not recommending any change in the language of section 403 of Title 23, at this time but would urge NHTSA to begin to structure its research program so as to incorporate State safety officials at all levels.

FEDERAL AGENCY MAINTENANCE RESPONSIBILITY

The Committee on Public Works has noticed the efforts of the Department of the Air Force to place on a basis not subject to question, the federal responsibility for maintenance of general access roads to missile site construction projects. The Committee on Public Works encourages the Federal Highway Administration to work closely with the Department of the Air Force to find means of directing funds under 23 USC 210(h), or other sections of law, or through new legislative proposals if necessary, through the states to counties, organized townships, municipalities, and other public bodies for the purpose of reimbursing those public bodies for damage caused to general access roads by the operation of vehicles during the construction, renovation or deactivation of a classified military installation or ballistic or anti-ballistic missile facility.

It is the view of the Committee that the study by the Department of the Air Force and the Federal Highway Administration shall include but not be limited to consideration of payments on the basis of road mileage affected and lump sum payments for each site involved in a construction, renovation or deactivation project, provided that their findings shall not serve to diminish amount of payments presently enjoyed by affected states, counties, organized townships and municipalities.

SECTION-BY-SECTION ANALYSIS OF FEDERAL-AID HIGHWAY ACT OF 1975

TITLE I

Section 101. Short title

Provides that this Title may be cited as the "Federal Aid Highway Act of 1975".

Section 102. Authorization of use of cost estimate for apportionment of Interstate Funds

This section approves the use of apportionment factors contained in table 5 of the 1975 Cost Estimate (House Committee Print 94-14) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1977 and 1978. (See following table.)

TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1977 AND 1978 FISCAL YEAR AUTHORIZATIONS

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama.....	552,089	496,880	2.422
Alaska.....			
Arizona.....	605,321	570,576	2.781
Arkansas.....	153,147	137,832	.672
California.....	1,165,922	1,066,702	5.200
Colorado.....	526,367	479,362	2.337
Connecticut.....	792,411	713,170	3.477
Delaware.....			
Florida.....	773,957	696,561	3.396
Georgia.....	618,815	556,934	2.715
Hawaii.....	297,644	267,880	1.306
Idaho.....	100,018	92,317	4.50
Illinois.....	978,777	880,899	4.294
Indiana.....	213,974	192,577	.939
Iowa.....	254,345	228,911	1.116
Kansas.....	324,818	292,336	1.425
Kentucky.....	462,600	416,340	2.030
Louisiana.....	880,576	792,518	3.863
Maine.....	64,033	57,630	.281
Maryland.....	991,467	892,320	4.350
Massachusetts.....	10,693	9,624	.047
Michigan.....	640,956	576,860	2.812
Minnesota.....	579,389	521,450	2.542
Mississippi.....	171,549	154,394	.753
Missouri.....	409,370	368,433	1.796
Montana.....	218,433	199,189	.971
Nebraska.....	10,587	9,528	.046
Nevada.....	114,638	108,906	.531
New Hampshire.....	160,149	144,134	.703
New Jersey.....	642,596	578,336	2.819
New Mexico.....	209,349	193,522	.943
New York.....	848,621	759,260	3.701
North Carolina.....	487,824	439,042	2.140
North Dakota.....	2,973	2,676	.013
Ohio.....	653,816	588,434	2.869
Oklahoma.....	98,014	88,213	.430
Oregon.....	627,741	579,279	2.824
Pennsylvania.....	935,824	842,242	4.106
Rhode Island.....	136,333	122,700	.598
South Carolina.....	158,818	142,936	.697
South Dakota.....	48,216	48,891	.214

TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1977 AND 1978 FISCAL YEAR AUTHORIZATIONS—Continued

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Tennessee.....	547,826	493,043	2.403
Texas.....	1,005,854	905,269	4.413
Utah.....	261,522	246,484	1.202
Vermont.....	86,264	77,638	.378
Virginia.....	1,160,999	1,044,899	5.094
Washington.....	741,663	672,243	3.277
West Virginia.....	528,489	475,640	2.319
Wisconsin.....	211,542	190,388	.928
Wyoming.....	92,459	85,580	.417
District of Columbia.....	1,130,593	1,017,534	4.960
Total.....	22,684,382	20,513,512	100.000

Section 103. Authorizations

This section authorizes \$1,550,000,000 for the Federal-Aid primary, community service, Interstate and safer roads systems for the transition quarter ending September 30, 1976. The funds are to be apportioned on January 1, 1976 or the enactment of this Act whichever is later, in the following ratio:

- 50 percent according to the primary system apportionment formula;
- 30 percent according to the secondary system apportionment formula; and
- 20 percent according to the urban extension system apportionment formula.

The formulas referred to are those in existence prior to the enactment of Federal-Aid Highway Act of 1975.

Section 104. Authorizations

This section authorizes funds for the Federal-Aid highway and Federal-aid domain road programs for the fiscal years 1977 and 1978.

For the Federal-aid primary and priority primary systems, \$1,350,000,000; for the Federal-aid community service system, \$1,225,000,000 of which \$475,000,000 to be available for the nonurbanized system and \$750,000,000 to be available for the urbanized system; for the Federal-aid safer roads program, \$425,000,000.

The bill authorizes appropriations from the Trust Fund for parkways and Indian reservation roads and bridges. Funds for forest highways and public lands highways are available from the Trust Fund in accordance with the practice established in the Federal-Aid Highway Act of 1970. Authorizations for these highways are as follows:

Category	Transition quarter	1977	1978
Forest highways.....	\$8.25	\$33	\$33
Public lands highways.....	4.0	16	16
Forest development roads and trails.....	35.9	140	140
Public lands development roads and trails.....	2.5	10	10
Park roads and trails.....	7.5	30	300
Parkways.....	12.5	50	50
Indian reservation roads and trails.....	20.75	83	83

This section also authorizes \$16,250,000 for the transition quarter and \$65,000,000 for each of the fiscal years 1977 and 1978 for control of outdoor advertising and control of junkyards; \$375,000 for the transition quarter and \$1,500,000 for each of the fiscal years 1977 and 1978 for the administrative expenses of the beautification program.

The section authorizes \$50,000,000 for each of the fiscal years 1977 and 1978 for economic growth center development highways; \$2,500,000 for the transition quarter and \$10,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction or reconstruction of roads not on a Federal-aid system, \$6,250,000 for the transition quarter and \$25,000,000 for each of the fiscal years 1977 and 1978 for Great River Road construction and reconstruction of roads on a Federal-aid system; and continues the territorial highway program established in the 1970 act with authorization to the territories in the following amounts:

Category	Transition quarter	1977	1978
Virgin Islands.....	\$1.25	\$5	\$5
Guam.....	.50	2	2
American Samoa.....	.25	1	1

For fiscal years 1977 and 1978 each State, including Alaska, will receive at least 1/2 of 1 percent of total apportionments for the Interstate System. Whenever such amount exceeds the cost of completing the system in any State, the excess amount will be added to primary and community service system apportionments for such State in the ratio which the respective amounts bear to each other. Alaska will receive the 1/2 of 1 percent Interstate money in lieu of the special Alaska Assistance category with the funds to be available for obligation on any Federal-aid system within the State. For this purpose, an additional \$75,000,000 for the fiscal year 1977 and an additional \$125,000,000 for the fiscal year 1978 are authorized.

The sum of \$65,000,000 for each of the fiscal years 1977 and 1978 is authorized to complete projects previously approved under the urban high density traffic program.

Section 105. Definitions

This section amends subsection (a) of section 101 to include rehabilitation and restoration under the definition of "construction."

The definition of "rural areas" is modified to include all areas of State not in urban or small areas.

A new definition is added to subsection (a) which defines "small urban area" as an urban place over 5,000 population not within any urbanized area.

A definition of "public road" is added to subsection (a) which defines "public road" to any road maintained by public authority and open to public travel.

Section 106. Federal-aid systems

This section begins consolidation of Federal-Aid categories by establishing a new Federal-Aid community service system which includes the urbanized system (formerly the urban system) and the non-urbanized system (formerly secondary system). The nonurbanized system would consist of collector routes and any other routes of local importance after June 30, 1976. This system can include what were formerly off-system roads if they are of local significance.

The urbanized system, after June 30, 1976, shall consist of arterial and collector routes. This system is to be designated by local officials with concurrence of the State Highway Department if it provides 50 percent or more of the required local matching funds.

This section amends the Interstate transfer provision to allow funding of highway projects on the Federal-aid primary or secondary systems in lieu of a non-essential Interstate link. The provision also provides that a State will not have its entire Interstate apportionment lost if a transfer is approved, but rather the apportionment will be reduced by the ratio of cost to complete the transferred Interstate segment to the cost to complete the entire system in the State making the transfer.

Further, any State receiving turnback Interstate mileage for redesignation on the system may not request a transfer of this mileage to a transit or highway project.

Section 107. Apportionments

This section changes the apportionment for the primary system to a formula which is weighted two-thirds to the existing primary formula and one-third to the ratio of population in all urban areas. This reflects the change in the Federal-aid primary system to include urban extensions. The apportionment date for primary funds is changed to October 1 of each year to conform to the new fiscal year.

The apportionment formula for the nonurbanized system includes the existing secondary system formula and a change reflects the addition of small urban area population to the population ratio portion of the formula. The urbanized system apportionment formula would be based solely on the ratio of population in urbanized areas of each State to total urbanized area population. The apportionment of funds for the community service system is also to be made on October 1 of each year.

Interstate funds for 1978, 1979 and 1980 are apportioned one-half on the total cost to complete the System in each State and one-half on the cost to complete routes of national significance as determined by the Secretary, in consultation with the States. The apportionment of Interstate funds will be made on October 1 of the year preceeding the fiscal year for which they are authorized.

Not more than 30 percent of funds authorized for the primary and nonurbanized systems may be transferred between the two systems.

Section 108. Programs

The section modifies the selection of urbanized system projects to require the concurrence of State officials only if they provide 50 percent of the required local matching funds.

Section 109. Construction Estimate

Changes the allowance for construction engineering from 10 percent to 15 percent of Interstate project costs.

Section 110. Advance acquisition of right-of-way

Permits the Secretary to allow acquisition of right-of-way more than 10 years in advance of actual construction if reasonable.

Section 111. Certification acceptance

Allows a State to be certified to carry on day-to-day activities of highway program, other than Interstate, if State law and administrative procedures will accomplish policies and objectives of title 23.

Section 112. Availability of sums apportioned

This is a confirming amendment for the new Interstate apportionment formula made effective in fiscal year 1978.

Section 113. Federal share payable

This section makes technical changes relative to establishment of the new community service system.

Section 114. Payment to States for construction

Makes the changes necessary because of the new allowance of 15 percent for construction engineering.

Section 115. Emergency relief

This section amends the emergency relief provision to include the list of disasters set forth in the Disaster Relief Amendments of 1974 and increase the funds available to the revolving fund to \$150,000,000 from \$100,000,000. This amendment also allows funds to be expended if the President declares a disaster without a concurrent Secretarial determination.

Section 116. Ferry operations

This section permits use of Federal-aid funds on certain ferryboat routes in Puerto Rico.

Section 117. Transportation planning in certain areas

This provision requires an annual public hearing to review the planning process, plans and programs for transportation in urbanized areas as carried out by the section 134 planning organizations.

Section 118. Traffic operations improvements programs

This section emphasizes that traffic operation improvement programs may be carried out on any Federal-aid system, not just in urbanized areas.

Section 119. Additions to Interstate System

This section is a technical amendment to correct a reference to subsection (e).

Section 120. Equal employment opportunities

This section increases funds available for highway construction training to not to exceed \$10,000,000 in any fiscal year.

Section 121. Public Transportation

This section mandates that fees at a parking facility constructed with funds authorized under section 142 will not exceed that required for maintenance and operations.

Section 122. Special bridge replacement

This section authorizes \$31,250,000 for the transition quarter and \$125,000,000 for each of the fiscal years 1977 and 1978 for replacing hazardous bridges. Priority should be given to replacing those bridges with the greatest danger of failing. The Committee takes special note of the 10th Street Bridge project in Great Falls, Montana, which requires approximately \$2.5 million of Federal funds.

Section 123. Special urban high density

This section repeals the authorization of the special urban high density program.

Section 124. Priority primary

This section conforms this program to its inclusion in the primary system for apportionment of funds.

Section 125. Urban system allocations

This is a conforming amendment to the designation of urbanized system in section 103(c)(2)(b).

Section 126. Federal-aid safer roads system

States would be required to have a program to improve safety features of highways and their surroundings. These programs would be in accordance with standards promulgated by the Secretary.

Each State would be required to conduct surveys and identify potential safety hazards on public roads in the State and to begin to correct identified deficiencies in a systematic manner. Whenever a State is without legal authority to construct or maintain a project pursuant to this section, it would be required to enter into a formal agreement with local officials to carry out such functions.

Sums authorized for the program created by this section would be apportioned 75 percent on the basis of each State's total population and 25 percent on the basis of public road mileage in each State. The Federal share for projects on the safer roads system would be 90 percent. Before sums authorized for this program are apportioned, 3¾ percent would be deducted to finance highway safety research.

Whenever the Secretary determined that a State is not making reasonable progress in carrying out the requirements of this section, he would cease approving highway construction projects in the State. The Secretary would have to make his determination on the record and after notice to the State and opportunity for a hearing. If the State failed to come into compliance before the beginning of the next fiscal year, it would lose 10 percent of the construction funds apportioned under section 104, title 23, United States Code, unless the Secretary determines that application of the penalty was not in the public interest. Funds withheld from apportionment to a State would be reapportioned to the other States.

Sections 152, 153 and 405 of title 23, United States Code, pertaining to specific highway safety construction programs, and section 203 of the Federal-Aid Highway Act of 1973, pertaining to hazards at railroad-highway grade crossings, would be repealed.

Section 127. Apportionments or allocations

This section amends the authorization of the Forest highways program to provide that the apportionment of funds be made on October 1 of each year.

Section 128. Bicycle transportation and pedestrian walkways

This section makes the technical changes required by the establishment of the new community service system.

Section 129. Off-system roads

This section repeals the off-system roads category.

Section 130. Research and planning

This section expands and clarifies research and planning activities. With respect to State use of planning funds, the provision expands use to include planning for all forms of transportation planning, not just highways.

Section 131. Landscaping and scenic enhancement

This section deletes the separate authorization of money for landscaping and scenic enhancement and makes regular Federal-aid funds eligible for such projects.

Section 132. National Highway Institute

This section makes the technical change required by the establishment of the new community service system.

Section 133. Carpool demonstration projects

This section expands the carpool program to include van pools with the program.

Section 134. Rural bus demonstration

This section makes the sums currently authorized for the Rural Bus Demonstration program available for two years after the year for which authorized.

Section 135. Access ramps to public boat launching areas

This section provides that primary or community service system funds may be used for construction of ramps to public boat launching areas from bridges under construction on the two systems. The approval of the Secretary shall be made in accordance with guidelines established by the Secretary of Transportation and the Secretary of Interior.

Section 136. Interstate funding study

This section directs the Secretary of Transportation to study methods available for completing the Interstate System and to report to the Congress within nine months of enactment of this Act.

Section 137. Alaskan roads study

This section authorizes the Secretary of Transportation to study the cost of repairing roads in Alaska damaged because of pipeline construction. \$200,000 is authorized to carry out the study which must be concluded within three months after completion of the pipeline.

Section 138. Railroad-highway crossing demonstration

This section modifies the railroad-highway grade crossing demonstration program by making the authorized funds available until expended.

TITLE II

Section 201

This title would be cited as "The Highway Safety Amendments of 1975".

Section 202

Section 402(a) of title 23, United States Code, would be amended to remove the provision for uniform standards pertaining to highway-related safety measures from the State safety grant program.

Section 402(a) would be further amended by requiring that the Secretary, upon the request of a State, waive application of a uniform standard or portion thereof in order to permit the State to undertake an alternative safety measure. If the Secretary determined that the State's alternative measure did not have a potential for reducing deaths, injuries and property damage equal to or better than that resulting from implementation of the standard, he could deny the State's request. The Secretary is not required to waive any standard or portion thereof which pertains to alcohol in relation to highway safety or to the generation or collection of data useful in the highway safety program. Disposition of a State's request must be made on the record after notice to the State and opportunity for a hearing.

Section 203

Apportionments to the Virgin Islands, Guam, and American Samoa for the State safety grant program would be reduced from one-half of one percent of the total amount apportioned to one-third of one percent.

Section 204

The penalty for failure to implement an acceptable State safety grant program would be reduction of from 50 to 100 percent of a State's apportionment for the grant program, the amount of the reduction depending upon the gravity of the State's failure as determined by the Secretary. Funds withheld would be reapportioned to the other States if the noncomplying State failed to correct its deficiencies prior to the end of the fiscal year for which funds were withheld.

Section 205

The Secretary would be authorized to amend the Federal uniform standards, consistent with other requirements of the Highway Safety Act, so long as he followed the procedures of the Administrative Procedures Act and provided an opportunity for oral presentations and written submissions.

Section 206

The Secretary would be permitted to appoint the Chairman of the National Highway Safety Advisory Committee from among the entire Committee membership rather than have the Secretary or his appointee from the Department of Transportation automatically serve as Chairman.

Section 207

The period of time for obligation of funds provided by the Federal-Aid Highway Act of 1973 to train persons to drive school buses would be extended until September 30, 1978.

Section 208

Authorizations for the State safety grant program under section 402 of title 23, United States Code, would be \$105,000,000 for fiscal year 1977 and \$115,000,000 for fiscal year 1978.

Authorizations for highway safety research and development under section 403 would be \$6,500,000 for the transition period ending September 30, 1976, \$35,000,000 for the fiscal year 1977, and \$40,000,000 for fiscal year 1978.

COST OF LEGISLATION

Section 252(a)(1) of the Legislative Reorganization Act of 1970, requires publication in this report of the Committee's estimate of the costs of reported legislation, together with estimates prepared by any Federal agency.

The total cost of this bill is \$9,573,850,000, for the transition quarter and fiscal years 1977 and 1978. Of this amount \$3,901,700,000 would be authorized for fiscal year 1977 and \$3,966,500,000 for fiscal year 1978. In addition \$1,705,625,000 is provided for the quarter from July 1 to September 30, 1976.

\$1,649,250,000 provided for the transition quarter would come from the Highway Trust Fund and \$56,375,000 from general revenues of the Treasury. For fiscal year 1977, \$3,462,000,000 would come from the Highway Trust Fund and \$339,700,000 from general revenues of the Treasury. For fiscal year 1978, \$3,512,000,000 would come from the Highway Trust Fund and \$354,500,000 from general revenues of the Treasury. Authorizations for the Interstate System for fiscal years 1977, 1978, and 1979 were provided in the Federal Aid Highway Act of 1973.

The following is a tabular summary of funds authorized for fiscal years 1977 and 1978.

FEDERAL-AID HIGHWAY ACT OF 1975

[In millions of dollars]

Highway program	Highway trust fund		General fund	
	1977	1978	1977	1978
Primary.....	1,325	1,325		
Nonurbanized.....	475	475		
Urbanized.....	750	750		
Minimum 1/5 percent interstate.....	75	125		
Safer roads system.....	425	425		
Urban high density.....	65	65		
Forest highways.....	33	33		
Public lands highways.....	16	16		
Forest development roads and trails.....			140	140
Public lands development roads and trails.....			10	10
Park roads and trails.....			30	30
Parkways.....	50	50		
Indian reservation roads.....	83	83		
Highway beautification and junkyards.....	65	65		
Administrative expenses.....			1.5	1.5
Territorial roads.....			8	8
Special bridge replacement.....	125	125		
Great river road.....	25	25	10	10
Economic growth centers.....	50	50		
Alaskan Highway study.....			2	
Safety grants (402).....			105	115
Safety research (403).....			35	40
Total.....	3,462	3,512	339.7	354.5

ROLLCALL VOTES DURING COMMITTEE CONSIDERATION

During the Committee's consideration of this bill, one rollcall vote was taken. Pursuant to section 133 of the Legislative Reorganization Act of 1970 and the Rules of the Committee on Public Works, that vote is announced here.

On November 11, 1975, Senator Culver proposed an amendment to include authorization for the Great River Road of \$8,750,000 for the transition quarter and \$35,000,000 for each of the fiscal years 1977 and 1978. The amendment was adopted, 4-3, with Senators Randolph, Gravel, Burdick and Culver voting in the affirmative and Senators Bentsen, Buckley and Stafford voting in the negative.

The vote of the Committee to report the bill, taken on November 13, was unanimous, by voice.

AGENCY VIEWS

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., November 13, 1975.

HON. JENNINGS RANDOLPH,
*Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.*
HON. HOWARD H. BAKER, JR.,
*U.S. Senate,
Washington, D.C.*

GENTLEMEN: We are pleased to provide you with the Department's views on the proposed Federal-Aid Highway Act of 1975 developed by the Senate Subcommittee on Transportation.

In July, President Ford transmitted the Administration's proposals to the Congress. That legislation dealt principally with four issues.

First, it directly confronted the questions surrounding the future of the Highway Trust Fund and future highway excise tax levels. It proposed that the Trust Fund be extended, but targeted future Trust Fund revenues exclusively for the construction of the Interstate System. All other Federal assistance for highways would be financed out of the general fund, which in the future would receive the revenues generated by two cents of the tax on gasoline. Finally, one cent of the gas tax would be repealed in any State increasing its own taxes by a like amount.

Second, our proposal examined the operation of the Interstate program in light of its present status. It recommended that the program's operation be modified to expedite completion of those Interstate routes of national significance.

Third, the proposal reexamined the structure of the other Federal-aid highway programs with an eye toward increasing the flexibility afforded State and local officials. In this area, it recommended a large-scale consolidation of the numerous categorical grant programs.

Fourth, the Administration bill attempted to provide reasonable funding levels giving attention to the Nation's transportation needs and their relative priority within the overall Federal budget. In conjunction with a determination of reasonable program levels, the Administration bill recommended a restructuring of the fiscal operations of the highway program to bring them more into line with the procedures generally followed under the Budget Control Act.

During the Subcommittee's hearings on the future of the highway program, all of these issues were addressed at length. In the Subcommittee's deliberations on a bill, many options were carefully examined. While the Subcommittee did not adopt the Administration's recommendations in every case, they did not avoid any of the major issues that confront the program. For this, they are to be commended.

We are gratified that the Subcommittee endorsed the approach we recommended regarding the revisions in the operation of the Interstate program. We believe that with more than 87 percent of the mileage of that System now open to traffic, more emphasis should be placed upon the completion of routes of national significance. This objective would be achieved if the prioritization of routes recommended by the Subcommittee is adopted by the Congress. We would like to emphasize that if this provision is included in the legislation, we intend to work closely with the States to implement it.

We also note that the Subcommittee adopted the changes recommended by the Department regarding the implementation of the Interstate transfer provision. This important option provided by the Congress in the 1973 Highway Act has already been used in a number of urbanized areas. The modifications included in the Subcommittee's proposal would make transfers much easier to implement and provide State and local officials with a wide range of options.

The Subcommittee honestly addressed the problems resulting from the proliferation of categorical grant programs. Upwards of thirty separate grant programs were reduced to fewer than ten. While this is a substantial improvement over the existing situation, the Subcommittee's bill should be modified to eliminate authorizations for economic growth center highways and the Great River Road, all of which are eligible for funding out of the regular Federal-aid programs. There are far too many grant programs now in existence and these two, in particular, should be terminated.

Given the jurisdiction of the Public Works Committee, the bill reported does not attempt to reform the present system of collecting and earmarking highway excise taxes. We would hope that the future of the Trust Fund and the present system of earmarked highway excise taxes will be carefully reviewed by the Congress in the near future. It is our continued belief that the Federal-aid highway program can only be improved if the linkage between highway excise tax revenues and Federal-aid highway authorization levels is ended. While the Senate Public Works Committee cannot initiate any changes in the tax laws, Committee action should not preclude changes by continuing to make authorizations out of the Trust Fund. We would recommend that the Committee seriously consider shifting the authorizations for the non-Interstate programs from the Trust Fund to the general fund.

The last major highway issue addressed by the Subcommittee was the determination of responsible program levels. While the proposed level of authorizations is less than that included in the 1973 Highway Act, we are still concerned that it exceeds the program level recommended by the Administration. Moreover, we are deeply concerned that the Subcommittee did not fully adjust the fiscal structure of the program and conform it with the procedures generally followed under the Budget Control Act. Currently, the highway program operates very much like a revolving fund. Authorizations are available for obligation prior to the year for which they are authorized. Thus, fiscal year 1976 authorizations were made available in 1975 and added to the already large pool of funds then available from 1975 and prior years. When confronted with the fact that potential obligations for 1976 could exceed \$13 billion if the present fiscal structure was maintained,

the Senate at the request of yourself and Senator Baker, included an obligation ceiling on the highway program in the DOT Appropriations Act. Subsequently, this limitation was overwhelmingly accepted by the House.

With 1977 legislation now under consideration, the Committee has the ideal opportunity to modify the fiscal structure of the program in such a way as to bring the annual authorization level into conformance with responsible annual program levels and reduce the need for obligation ceilings in the future. This could be accomplished by amending Title 23 to make authorizations available on the first day of the fiscal year for which they are authorized. The Subcommittee has taken a major step in this direction by withdrawing the advance availability of all but the Interstate authorization. Taking this approach one step further and withdrawing the advance availability for the Interstate program as well would bring total authorizations in line with desirable annual program levels as reflected by Congressional acceptance of the Public Works Committee's proposed obligation ceiling.

If the Committee reconsiders this question and does decide to eliminate the advance availability feature in the current law, there would be a need to develop an interim funding proposal to insure that the transition to the new system does not result in any serious program dislocations. We are prepared to work with the Committee to develop such a proposal on an expedited basis.

If the Committee is unable to accept the Administration's recommendation regarding the advance availability of authorizations, then we strongly urge that the Committee include in the bill an obligation ceiling for fiscal year 1977.

In addition to the major highway questions discussed above, there are a number of items in Title I of the Subcommittee bill that should be reconsidered by the full Committee.

First, the Subcommittee proposal amends Title 23 to eliminate the role of the State in the development and approval of the program of projects for the Federal-aid urban system. As drafted, the proposed language is unworkable in most areas eligible for assistance under the Federal-aid urban system. There are upwards of 275 urbanized areas, and only those 106 areas with populations in excess of 200,000 have earmarked funding. The funding for the majority of urbanized areas, those under 200,000 population, is cooperatively worked out between State and local officials. Thus, to the extent that this provision would eliminate the State's role in the development of a program of projects in areas under 200,000 population, it is unworkable.

While the amendment could technically work in those areas larger than 200,000 population, its impact would be counterproductive. In recent years, Federal laws and regulations have been changed to strengthen the role of local officials in the transportation decision-making process. The dominant role of the State has been replaced by a partnership of State and local officials. The Subcommittee proposal would weaken that partnership by establishing one process for decision-making with respect to projects on the Interstate and Primary Systems and another process for projects on the Urban System. While we recognize that the process is not working smoothly in every area, we believe that the major changes made in the statute over the past

few years are being implemented as quickly as possible. We urge the Committee to strike the proposed amendment to section 105(d).

Second, the Administration's proposal recommended that the certification acceptance provision be expanded to cover all Federal requirements which apply to highway projects, not merely those included in Title 23. The States have been conducting a Federally assisted highway program for more than 50 years. Over the past few years, new Federal requirements have increased their workload at a time when the burden of Federally imposed red tape should have been reduced. The certification acceptance provision was a step in that direction. We would hope that the full Committee would see fit to review our proposal and take a much needed step to reduce red tape.

Third, we would recommend that the Committee modify the Section 134 planning requirements to focus on the problems of energy conservation, more efficient use of our existing transportation network, and the short-range as well as long-range impacts that transportation projects will have on major urban centers. The Subcommittee proposal would amend Section 134 to strengthen public participation in the planning process. We would recommend that in addition, those modifications included in the Administration's proposal could be reconsidered.

Regarding the highway safety programs, the Subcommittee proposal again confronts the major problems facing the program. The consolidation of the construction safety activities and the expanded flexibility provided in the State and Community Highway Safety Programs are commendable. We do, however, have three problems with the Subcommittee's proposed Highway Safety Amendments of 1975.

The waiver provision in the Administration's proposal would afford States on an individual basis the opportunity of undertaking alternative measures in lieu of the existing standards requirement. The alternative measures would have to have equal or greater potential for significantly improving highway safety. This proposal is intended to provide a mechanism for the States to identify their most pressing problems and submit alternative measures, together with indications of expected results, that are most workable and effective within their specific political and demographic parameters. In contrast, the Subcommittee proposal would shift the burden to the Secretary to show how a State's deviation from the national norm would not be at least equal in its potential safety benefit to those standards in the national program.

The differences in these two proposals go to the heart of the Secretary's responsibility to set and maintain highway safety standards for the benefit of the entire American public, an increasingly mobile constituency passing from State to State by motor vehicle. Under the Subcommittee proposal, he would be duty-bound to undertake a continuous round of arduous public proceedings, attempting to show in considerable local detail what may be an evidentiary impossibility for either party. As a result, the Secretary might be required to engage in wholesale granting of waivers regardless or relative merit of the waived standards and the alternative measures.

Even with the waiver authority instances of non-compliance may be anticipated. The Administration's proposal (Section 5 of S. 2176) would make the sanctions of withholding safety and construction

grants (currently 100 percent and 10 percent) more flexible, allowing the Secretary to take into account the nature and extent of non-compliance with program standards in withholding from 50 to 100 percent of the 402 grants and 5 to 10 percent of construction funds. This degree of flexibility, together with the Administration's proposal for expanded waiver authority, would permit the Secretary to enter into substantive dialogue with the States to achieve the most effective highway safety programs on a problem-oriented basis.

Sections 124 and 204 of the Subcommittee proposal would further segregate the administration of highway safety programs at the State level by subjecting one part of the State's highway safety program to one kind of Federal sanction and the other part to another kind of sanction. The sanction for non-compliance with the roadway elements of a program is much more severe in that no construction projects shall be approved during the time the Secretary determines that a State is not making "reasonable progress" on the programs authorized by 23 USC 151, while sanctions for non-compliance with driver and vehicle highway safety standards permit only withholding of 402 funds which is virtually no leverage to assure compliance with national program.

The Subcommittee proposal effectively terminates the highway safety incentive program by not providing the authority proposed in the Administration bill which would permit some DOT discretion in setting "fatality reduction" incentive grant criteria and would authorize these grants at \$15 million for FY 1977 and \$20 million for FY 1978.

Congress had provided this new category of highway safety assistance to the States in 1973, and with two years of experience, the Department has found it to hold great potential for providing needed innovation and even competitiveness in the State's highway safety programming. The discretionary feature and authorizations proposed by the Administration seek to realize this safety potential, and the Department continues to strongly support the continuation of this program.

In addition, the Subcommittee did not adopt our recommendation to rescind old unobligated balances in the 402 program. We continue to believe this fiscally responsible step would facilitate smooth transition to the new program and funding concept embodied in both the Subcommittee and Administration highway safety proposals.

On balance, the Subcommittee has produced an excellent proposal meriting serious consideration. They directly address the major questions bearing on the future of the highway program and attempt to define an appropriate Federal role. Of course, the Congress will ultimately have to come to grips with the questions surrounding the future of the Highway Trust Fund. We would hope that the Committee will address the points raised above, but particularly the issue of the advance availability of authorizations. Taking the Subcommittee's recommendation on advance availability only one step further would provide the program with a sensible fiscal structure once and for all.

We appreciate the opportunity to provide you with our views on the Subcommittee's proposal and look forward to working with you in the future. We will be providing the Committee staff with a number of additional comments of a more technical nature.

Sincerely,

WILLIAM T. COLEMAN, JR.

COMMITTEE VIEWS

The Federal-aid highway program is the method by which the Federal government participates in the continuing development of highway transportation in the United States. As with any activity serving a dynamic, constantly changing society, the Federal-aid program must be regularly revised. In developing this bill, the Committee drew on the recommendations contained in a number of proposals introduced in the Senate and on its own extensive involvement in the program, as well as on the views and recommendations of concerned government agencies at the Federal, State, and local level, private organizations, and individual citizens. The bill, as reported, makes important modifications in the program necessary to maintain the Federal-aid program as an effective response to the highway transportation needs of the United States.

This report sets forth in detail the reasons and purposes for the major changes recommended in the legislation. These individual presentations clearly describe what is intended for the future of the program and the public purposes toward which it is directed. These new programs, as well as the modification of older facets of Federal-aid highway legislation, are presented to the Senate to meet real problems faced by States, communities, and people. It is for the reasons stated that the Committee recommends passage of the bill.

INDIVIDUAL VIEWS OF MR. BUCKLEY

This bill has continued unchanged the special provision whereby each state, even after it has completed its interstate program, will receive at least one half of one percent of the total annual apportionments to all states for the Interstate program.

At a total program level of \$3 billion per annum, this minimum apportionment rule means that each state will receive at least \$15 million, even if it has no more Interstate mileage to build.

The reason advanced in the past for this minimum apportionment has been that under the normal apportionment formula, each state's share of Interstate funds would gradually diminish as it neared completion of its Interstate mileage. This would mean that annual state funding levels would decrease before completion to such levels that it would not be feasible to carry out a construction program at commensurately reduced levels of construction activity.

It has been argued that the more sensible approach would be to allow each state to fund its Interstate program for a sustained higher rate of construction pending completion, at which time construction funding for Interstates would be abruptly terminated (rather than gradually diminished).

This reasoning begs the point of the criticism that this rule continues Interstate apportionments to states which no longer have Interstate mileage to construct.

It makes sense to apportion Interstate funds to maintain programs at feasible levels of construction activity and expenditure. It does not make sense to continue funding after the reason for funding no longer exists.

In a view which I submitted in the Public Works Committee's Report accompanying S. 502, the Federal Aid Highway Act of 1973, I gave my reasons for opposing this same minimum one half per cent apportionment rule in that Act. I stated that the Interstate system was established as a national system of highways designated pursuant to established criteria and having a definite limit in terms of mileage. This Interstate program was not established so that it could be perpetuated and supplanted by a Federal-to-state pipeline of funds after Interstate construction had ceased.

I would add at this juncture that this provision penalizes, and slows Interstate construction in, those states which still have mileage to complete. As more and more states complete their Interstate mileage the amount of money which will be required to fund the one half per cent minimum apportionment rule will grow—taking money away from states still striving to complete their Interstate mileage.

The one-half percent formula is precisely the kind of formula I have spoken about which distributes federal funds to states like New York in such a way as to discriminate against them. Here, the problem is compounded because the guarantee of funds would be going to many

states which have already completed or nearly completed their interstate systems. States which are rural have had a relatively easier time using their federal funds than those states with a highly urban population concentration. Under the Committee's formula those states which have had the easiest time building roads will be among the ones which will benefit under this provision at the expense of those who have had a more difficult time completing their systems.

On the floor of the Senate Chamber on March 15, 1973 I co-sponsored an amendment which would have limited the minimum one half per cent Interstate apportionments to those states which had Interstate mileage to complete. At that time the Senate agreed to a substitute amendment expressing the sense of Congress that the minimum apportionment rule "is an interim provision to be reconsidered at the expiration of this authorization."

Now is the time to reconsider this inequitable and unwise minimum apportionment rule and I intend to offer an amendment deleting this provision from the Bill as reported by the Committee.

This provision penalizes states striving to complete their Interstate programs by giving them a decreasing share of Interstate funding.

This provision apportions funds ostensibly for Interstate construction but in reality to be expended on projects having no systematic connection to the Interstate program.

This provision serves no national policy objective neither does it apportion funds on the basis of proven local needs but according to an arbitrary formula having no basis in relevant funding criteria.

There is no consideration expressed in the provision for the equities of the various states' competing claims for highway funding.

The provision diverts funds away from programs which would serve proven needs, needs answerable only by increased expenditure on non-expressway modes of transportation.

For these reasons I oppose inclusion in the Federal Aid Highway Act of 1975 of any provision to continue allocation of one half of one per cent of Interstate construction funds to states which have completed their Interstate construction.

JAMES L. BUCKLEY.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

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INTRODUCTION

The Federal-Aid Highway Act of 1973 was a major legislative enactment in our national highway and transportation programs. Legislation was enacted by the Federal-Aid Highway Amendments of 1974 providing additional authorizations and other measures necessary because of the energy crisis.

The pressing transportation needs at which these acts were directed still confront the Congress and were addressed in the hearings held this year by this Committee. The Committee bill was developed against the comprehensive background of long and wide-ranging studies called for by the Federal-Aid Highway Act of 1973 and the Federal-Aid Highway Amendments of 1974.

Among the major questions addressed is the future financing method for the Federal-Aid highway program due to the fact that the Highway Trust Fund will terminate on October 1, 1977. This bill will extend the Highway Trust Fund for two years and provide other changes in highway programs to permit flexibility in arriving at transportation decisions.

One of the Committee's major objectives was to expedite completion of the Interstate System begun in 1954 with token authorizations (\$25 million). The funding for the Interstate System accelerated rapidly upon enactment of the Federal-Aid Highway Act of 1956 when it was estimated that the system could be completed by 1972 at a cost (in Federal funds) of \$25 billion. In years subsequent to 1956, the effects of increased mileage, design changes, and cost escalation continued to increase the cost to complete the system at about the same rate as obligations.

At the present rate of authorizations, obligations, and chronic inflation of costs, the Committee is concerned that the ultimate completion date of the Interstate System is still a number of years in the future. Accordingly, the Committee has attempted in this bill to expedite completion of the Interstate System by increasing the authorizations for the Interstate System from their present levels to \$4 billion annually through to completion in fiscal year 1988, except for the final year. Also, the Committee has taken into consideration possible inflation by building into the authorizations through 1988 an inflation factor of 7 percent a year to accommodate projected increases in construction costs.

A discretionary amount has been provided by this bill to permit the Secretary to fund important and pressing projects necessary for completion of continuous sections of the Interstate System and for projects of unusually high costs, which require long periods of time for their construction.

The Committee has also attempted to provide increased flexibility in the exercise of the Interstate substitution provisions enacted in the Federal-Aid Highway Act of 1973 by permitting the withdrawal of an Interstate segment and the substitution for not only a mass transit project but also other highway projects eligible under section 103 of title 23 of the United States Code.

The Committee, recognizing the importance of the primary system, has provided an amendment with respect to priority primary authorizations which will set aside a portion of the priority primary apportionment as a discretionary fund for the Secretary to be used only for projects of unusually high cost requiring long periods of time for their construction.

This provision will improve the Nation's network of non-Interstate arterial highways. The Federal-aid primary system, which encompasses principal and minor arterials, provides support to and protection of the investment in the Interstate System.

The Committee has continued its efforts to simplify highway procedures and has included in the bill an amendment to further simplify the certification acceptance procedures of 23 U.S.C. 117.

The bill also evidences a continued interest of the Committee in roads not on the Federal-aid system by continuing the off-system authorizations under 23 U.S.C. 219 and by a provision permitting improvements to railway-highway grade crossings off the system. The off-system emphasis is necessary as we look towards the effect of the realignment of Federal-aid systems called for by the 1973 Highway Act.

Safety continues to be a principal concern of the highway program and Title II of this bill attempts to authorize special efforts through an increase in funding and in the scope of the existing safety program, by increased transferability of funds, by additional incentive grants to States significantly reducing traffic fatalities, and by certain new studies.

The bill makes adjustments to authorizations necessary because of the establishment of a new fiscal year calendar for the Federal Government.

The three titles of this bill would respectively first provide conventional highway program authorizations revised in scope and concept to meet current needs with certain new major provisions; second, provide new and comprehensive highway safety efforts to reduce the annual toll of death, injury, and destruction on our highways and streets; and third, amend the Highway Trust Fund legislation to permit continuation of the Interstate program and other highway transportation programs with assured sources of funding.

MAJOR PROVISIONS

HIGHWAY AUTHORIZATIONS

This bill provides authorizations out of the Highway Trust Fund for the 3 month transitional quarter and each of the fiscal years 1977 and 1978 for the Federal-aid rural primary system, rural secondary system, urban system, and primary extensions of the urban system (ABCD systems), plus other authorizations for various types of highway programs financed either from the Highway Trust Fund or the general funds of the Treasury. Authorizations for fiscal years 1977 and 1978 for each category are generally identical, with funds pro-

vided during the transition quarter of one-fourth of a full fiscal year's authorization.

The basic urban categories (urban system and primary extensions in urban areas) and rural categories (rural primary system and rural secondary system) would receive an annual authorization level of \$1.2 billion each; restoring the 50-50, rural-urban balance established in the 1973 Highway Act.

In keeping with the objective of maximum flexibility in the use of Federal-aid for highways, increased transferability of funds between categories is being provided. Under existing legislation, it is possible to transfer up to 40 percent of the funds between the rural primary and rural secondary, or between the urban primary extensions and urban system categories. Beginning July 1, 1976, similar transfers will be permitted between the rural primary, urban primary extensions, and priority primary categories. Certain restrictions are provided to prevent excessive reductions in any one category, or the use of these provisions to simply recycle funds.

Other trust funded programs in this section would receive authorizations at the same level as in FY 1976. However, the \$300 million authorized for priority primary routes in fiscal years 1977 and 1978 would be distributed differently than in the past. Only \$250 million would be apportioned to the States by formula; the remaining \$50 million would not be apportioned but would be made available for obligation to the States at the discretion of the Secretary for use on priority primary route projects of unusually high cost which require long periods of time for their construction. Any part of the \$50 million not used by the end of the fiscal year for which it was authorized would then be apportioned to the states by formula. The types of routes envisioned that the Secretary might proceed with this discretionary authority are those such as in Louisiana from I-220 in Shreveport to Lafayette with a connecting route from Monroe to Alexandria, and in New York the Elm-Oak arterial in Buffalo, New York and Route 219 in New York State.

The general funded programs in this section would also receive authorizations at about the same level as in FY 1976. The only change is a decrease in authorizations for parkways from \$75 million to \$45 million, and an increase in the authorizations for Guam's highway program from \$2 to \$5 million.

Also provided is a guarantee that each State would receive a minimum of one-half of 1 percent of the total Interstate apportionment for the transition period and fiscal years 1977 and 1978, subject to one restriction. Apportionment of the one-half of 1 percent cannot exceed the total cost to complete the Interstate System in any one recipient State. This limitation represents a change from existing law enacted in the 1973 Highway Act which permits States to receive the one-half percent regardless of the cost to complete, with any excess proportionately added to the State's non-Interstate apportionment. As more States near Interstate completion, retention of the 1973 Highway Act provision would unduly inflate the already considerable cost to complete the Interstate System.

To conform to Budget Control Act requirements as they relate to both programs receiving general fund financing and Highway Trust

Fund financing, the Committee has imposed certain restrictions limiting contract authority for new or increased authorizations. In the case of programs funded from other than the Highway Trust Fund, contract authority is limited to such amounts as are provided in appropriation acts. For programs funded from the Highway Trust Fund, the Committee has limited to \$4.9 billion the amount of Interstate System and non-Interstate System funds that may be obligated prior to July 1, 1976, from new authorizations.

DEFINITIONS

The definition of the term "construction" in section 101(a) of Title 23 would be amended to include the "resurfacing" of existing roadways. It would clarify current policy to permit maximum flexibility in the use of Federal funds.

The term "reconstruction" in the present law carries the connotation of major rebuilding of all roadway elements to provide added traffic capacity, improve alignment, and to upgrade the roadway type to meet current standards.

The addition of the word "resurfacing" will make clear that Federal-aid funds may be used to restore existing roadway pavements to a smooth, safe, usable condition even though further reconstruction is not feasible. "Resurfacing" may be expected to include strengthening or reconditioning of deteriorated or weakened sections of existing pavement, replacement of malfunctioning joints, pavement undersealing, and similar operations necessary to assure adequate structural support for the new surface course.

The definition as amended, coupled with the Secretary's existing authority on standards, would permit Federal funding of such projects as: resurfacing or widening and resurfacing, of existing rural and urban pavements with or without revision of horizontal or vertical alignment or other geometric features.

This change confirms policy established by the Federal Highway Administration, and evidences no intent to fund normal periodic maintenance activities which remain a State responsibility:

In Sec. 106, the proposed change in the definition of urban area to exclude the State of New Hampshire was incorporated to address a problem apparently unique to that State. Because of a combination of restrictions in existing law, Census Bureau determinations and the structure of municipal boundaries in that State, rural funds cannot be expended in certain de facto rural areas while urban funds can be so expended.

The problem stems from that fact that the entire State is blanketed by municipalities—towns and cities—since the county is not a unit of general-purpose government. Many small towns and cities have practically identical characteristics, consisting of a built-up core surrounded by extensive rural countryside. For the purposes of rural-urban distinction, only the built-up urban area of towns is considered urban. In the case of cities, however, the entire land area is considered urban. This creates an anomalous situation in the allocation of urban versus rural highway funds tied to Census definitions.

The limited transferability among categories provided elsewhere in this bill is inadequate to meet the problems created for New Hamp-

shire where, for example, a critically needed and costly by-pass through a rural area of the city of Keene has been long delayed for lack of adequate urban funds. The amendment, totally consistent with the intent of existing law, is intended to remedy such problems.

INTERSTATE SYSTEM AUTHORIZATIONS AND APPORTIONMENTS

H.R. 8235 as reported provides new authorizations of \$36.09 billion for completion of the Interstate System. The present law contains authorizations only through the fiscal year 1979. This section extends authorizations from fiscal year 1979 through fiscal year 1988. This section increases the annual authorization for the Interstate System from \$3.25 billion in existing law for each of the fiscal years 1977, 1978 and 1979, to \$4 billion annually. The additional sum of \$1 billion is authorized for the three month period ending September 30, 1976, providing for transition to the new fiscal year.

This section provides for \$4 billion in annual authorizations to carry the Interstate program through to completion in fiscal year 1988, except for the final year.

New with this legislation is a built-in inflation factor of seven percent a year to accommodate projected increases in construction costs.

Paragraph (b) of section 102 provides for apportionment of \$3.25 billion in Interstate System authorization for fiscal year 1977 to be available for obligation on or before January 1, 1976. This conforms to the existing law of making apportionments available on or before January 1 preceding the fiscal year for which authorized.

Rather than make the entire \$4 billion available for apportionment at that time, advance contract authority was limited to the lesser amount to avoid excessive budget authority and excessive impact on outlays actually occurring during fiscal 1976 in contravention of the second budget resolutions.

Section 104 of the bill provides a guarantee that each State receive a minimum of one-half of one percent of total Interstate apportionments for the transition period and fiscal years 1977 and 1978, subject to one restriction. Apportionment of the half-percent could not exceed the total cost to complete the Interstate System in any recipient State.

In the absence of the one-half percent minimum, a State nearing completion of its Interstate highways would be entitled on a strictly percentage basis to such a small amount of apportionment as to unduly postpone its completion, when the one-half percent would accelerate such completion. As increasing numbers of States approach completion, it would create a dampening effect on completion of the national system. This would be counter to the objective of providing flexibility to facilitate completion.

Limitation of the one-half percent entitlement to only that portion necessary for completion represents a change from existing law enacted as part of the 1973 Highway Act, which permits States to receive the one-half percent irrespective of the cost to complete, with any excess proportionately added to the State's non-Interstate apportionments. Again, as many States near Interstate completion, retention of the provision permitting transfer to other Federal-aid systems of Interstate apportionments in excess of actual cost to complete

would unduly inflate the already considerable cost to complete the Interstate System.

It should be noted that the one-half percent minimum would apply to the apportionment for the transition quarter and fiscal years 1977 and 1978, excluding the \$750 million discretionary portion.

Another significant change is contained in subsection (b) which deals with the remaining \$750 million authorized for fiscal year 1977, which will become available for obligation on July 1, 1976, and thus avoid affecting the fiscal year 1976 budget authority and outlays. Rather than being apportioned, as is normally the case, this amount will be available for obligation at the discretion of the Secretary: (a) \$500 million for projects necessary to eliminate gaps and accelerate completion of continuous, connecting segments of the Interstate System, and (b) \$250 million available for projects characterized by unusually high costs and protracted construction period, without regard to the question of connecting segments.

This provision of a discretionary portion of Interstate funds reflects an attempt to accommodate the interests of the Administration and others in accelerating completion of the basic system, with priority accorded elimination of gaps. To provide an incentive for the Secretary to proceed with obligations on the basis of this provision, this paragraph also requires that discretionary funds not obligated during the fiscal year for which authorized be removed from the Secretary's discretion and apportioned in the same manner as the remainder of the \$4 billion.

On the theory that assistance under this provision implies a certain priority status to a project, any project so assisted would become ineligible for withdrawal for transfer of Interstate mileage or substitution.

These discretionary provisions apply to Interstate authorizations for 1977 and 1978. The limitation on advanced obligation of apportionments, however, applies only to a portion of the transitional quarter apportionment of \$1 billion and a portion of the fiscal year 1977 authorization. Thus, the total \$4 billion authorized for fiscal year 1978 would be available for obligation on or before January 1, 1977.

The bill provides that the remaining three month transitional period authorization for the Interstate System shall be available for obligation on July 1, 1976.

This bill approves the use of apportionment factors contained in table 5 of the 1975 Interstate System Cost Estimate (House Public Works and Transportation Committee Print No. 94-14 as revised in this report) for the apportionment of Interstate funds authorized to be appropriated for the transitional period ending September 30, 1976, and for fiscal year 1977.

REVISED TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1977 AND 1978 FISCAL YEAR AUTHORIZATIONS

[Dollar amounts in thousands]

[Adjusted to reflect (1) all system withdrawals and additions through Nov. 1, 1975; (2) the full cost of all sec. 103(e)(2) system additions; (3) the redistribution of lapsed 1973 fiscal year funds; and (4) the reduction of unobligated apportionments resulting from the approval of sec. 103(e)(4) substitute transit projects]

State	Estimated Federal-aid and State matching funds required to complete system	Estimated Federal share of funds required to complete system	Apportionment factors (percent)
Alabama	\$544,416	\$499,974	2.357
Alaska			
Arizona	598,111	563,778	2.712
Arkansas	150,327	135,294	.651
California	1,293,147	1,183,100	5.691
Colorado	518,755	472,429	2.272
Connecticut	860,932	775,159	3.728
Delaware			
Florida	835,444	751,900	3.617
Georgia	640,104	576,094	2.771
Hawaii	293,798	264,419	1.272
Idaho	98,399	90,823	.437
Illinois	960,467	864,420	4.158
Indiana	209,484	188,536	.907
Iowa	250,386	225,348	1.084
Kansas	320,328	288,295	1.387
Kentucky	457,118	411,406	1.979
Louisiana	869,305	782,374	3.763
Maine	62,075	55,868	.269
Maryland	911,611	820,450	3.946
Massachusetts	66,687	60,019	.289
Michigan	627,680	564,912	2.717
Minnesota	570,750	513,675	2.471
Mississippi	168,226	151,403	.728
Missouri	402,244	362,020	1.741
Montana	214,665	195,753	.942
Nebraska	10,026	9,023	.043
Nevada	112,906	107,261	.516
New Hampshire	158,516	142,664	.686
New Jersey	666,454	599,808	2.885
New Mexico	205,994	190,419	.916
New York	1,139,749	1,026,867	4.939
North Carolina	481,043	432,939	2.082
North Dakota	2,385	2,147	.010
Ohio	642,405	578,164	2.781
Oklahoma	95,318	85,787	.413
Oregon	618,553	570,800	2.745
Pennsylvania	917,564	825,808	3.972
Rhode Island	208,880	187,996	.904
South Carolina	155,761	140,185	.674
South Dakota	46,891	42,685	.205
Tennessee	542,672	488,404	2.349
Texas	988,841	889,957	4.281
Utah	257,378	242,578	1.167
Vermont	84,847	76,363	.367
Virginia	1,144,867	1,030,380	4.956
Washington	728,428	660,247	3.176
West Virginia	519,937	467,943	2.251
Wisconsin	207,205	186,485	.897
Wyoming	90,416	83,689	.402
District of Columbia	1,037,931	934,273	4.494
Total	22,989,426	20,790,321	100.000

A new cost estimate is required to be submitted to the Congress within ten days subsequent to July 1, 1976, and, upon approval by the Congress, shall be used for making apportionments for fiscal year 1978.

TRANSFERABILITY

This Section provides for increased transferability of funds between categories.

Under existing law, it is possible to transfer up to 40 percent from rural primary to rural secondary and from rural secondary to rural primary. It is also permissible to transfer up to 40 percent back and forth between the two urban categories, urban extensions and the urban system.

This legislation would continue the flexibility in existing law, while permitting additional transfers as follows:

Between rural primary and primary extensions in urban areas, allowing urban-rural or rural-urban transfer within the primary system.

Between rural primary and priority primary (priority primary being both rural and urban in nature).

Between priority primary and urban extensions.

To prevent excessive reduction of funds in any individual category, or the use of any category to simply recycle funds, certain restrictions are provided: (1) no category affected by transfer may be increased or decreased by more than 40 percent in any fiscal year, and (2) no category increased by a transfer from another category may then be reduced by a transfer to another category in any fiscal year.

ELIGIBILITY FOR WITHDRAWAL

This Section amends references to the date of enactment of the Interstate mileage transfer provision in existing law (Howard-Cramer transfer). Existing law provides for withdrawal of any Interstate route or portion thereof selected and approved "prior to the enactment of this paragraph." This amendment would make a Howard-Cramer substitution available to any route on the Interstate System.

MODIFICATION OF INTERSTATE TRANSFER PROVISIONS

The Federal-Aid Highway Act of 1973, permitted the States in cooperation with local officials to substitute mass transportation projects for Interstate highway projects in urbanized areas where it was found that a mass transit project would more effectively meet their citizens' transportation needs.

Under existing law, transfer monies can be applied only to substitute mass transit projects. This bill will permit a State to use transfer monies for mass transit or highway projects, so long as those projects are selected by local officials and serve the urbanized area in which the withdrawn Interstate route was located.

A number of States encountered problems under the reduction of apportionments language in the existing Interstate transfer provision. Under existing law, when a State elects to use the Interstate transfer provision, it is required to reduce its Interstate apportionments by

an amount equal to the amounts obligated for substitute projects. This bill provides for the unobligated portions of a State's apportionment to be reduced in the proportion that the cost to complete the withdrawn segment bears to the cost to complete all Interstate routes within the State as reflected in the latest approved cost estimate. This reduction would occur at the time of the Secretary's approval of the withdrawal action. The bill further provides that a State shall not be required to repay Federal monies previously expended on withdrawn Interstate segments as long as the sums were applied when so expended, to a transportation project permissible under title 23, U.S.C.

This bill makes clear that the updating-of-cost provision may be applied retroactively. The bill further provides that the updating-of-cost may be applied at the time of approval of the substitute project or the date of enactment of this bill, whichever is later.

Finally, the bill makes provision for the retroactive application of the various changes discussed herein to withdrawals approved prior to the enactment of this bill.

ROUTE WITHDRAWALS

This section of the bill amends the Interstate transfer provision, 23 USC 103(e)(2), commonly referred to as the Howard-Cramer amendment, by providing that the nationwide aggregate of costs of substitute projects shall not exceed the nationwide aggregate of costs of withdrawn routes, with the costs of those routes withdrawn after the 1972 estimate computed on the basis of costs appearing in the 1972 cost estimate adjusted to the date of enactment of this Act or the date of withdrawal, whichever is later, and, in the case of routes withdrawn prior to the 1972 estimate, computed on the basis of the latest cost estimate in which the withdrawn route appears adjusted to the date of enactment of this Act. This amendment is intended to apply to all previous and future Howard-Cramer withdrawals and also to the withdrawals approved in California on August 30, 1965.

MINIMUM APPORTIONMENT

This section provided that each State receive no less than one-half of one percent of each year's apportionment for Federal-aid primary system extensions in urban areas.

CERTIFICATION ACCEPTANCE

This section amends the provision in existing law which has limited the States' ability to make maximum use of authority delegated to them to certify compliance with a number of requirements in existing legislation with respect to non-Interstate projects on Federal-aid systems. The existing provision prescribing that States establish requirements at least equivalent to those in Title 23 has been interpreted by some as imposing the requirement that their legislatures enact laws identical to the Federal legislation. Therefore, to achieve the original purpose of the State Certification provision, the legislation would require only that the States have the ability to accomplish the policies and objectives contained in Title 23 and administrative regulations based on Title 23.

Another change, limited to the Federal-aid secondary system, would reinstate an earlier provision of law known as the Secondary Road Plan, permitting the Secretary to accept certification by a State that all requirements had been met under standards and procedures for such projects, if such standards and procedures had been approved by the Secretary. This would eliminate a number of specific approval steps retained in the law with respect to the more major categories of primary, urban system and urban extensions.

Nothing in this section in anyway affects or changes the responsibility or obligation of the Secretary of Transportation under any Federal law including the National Environmental Policy Act of 1969, section 4(f) of the Department of Transportation Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Act of April 11, 1968, and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

EMERGENCY RELIEF

This section amends the program of emergency relief whereby funds are authorized for the repair of roads, highways and bridges damaged by natural disasters and other catastrophies. The period of authorization of up to \$100 million a year is extended to July 1, 1976. An additional \$37.5 million is authorized for the transitional quarter and \$150 million is authorized for subsequent fiscal years. The transition quarter for purposes of section 125 is to be deemed a part of fiscal year 1977.

Subsection (b) would waive requirements for concurrence by the Secretary in cases in which the President had declared an emergency to be a major disaster under the Disaster Relief Act of 1974.

BUS WIDTHS

This section would permit the States to increase the maximum permissible width of buses traveling on lanes 12 feet wide or wider on the Interstate System from 96 inches to 102 inches. At the present time 102-inch buses are being used extensively in urban mass transportation on narrow city streets yet they are prohibited from using the wider, safer lanes of the Interstate System. This amendment would remove that prohibition. This provision has passed the House three times. This is a permissive provision under which the States would be allowed, but not required, to enact their own legislation to permit operation of wider buses within their boundaries.

FERRY OPERATIONS

This section extends to the Commonwealth of Puerto Rico the provision of existing law with respect to Hawaii making ferry boats eligible for Federal assistance including ferries which traverse international waters.

HIGHWAY BEAUTIFICATION

The reported bill provides authorizations of \$12.5 million for the interim quarter and \$50 million for each of the Fiscal Years 1977 and 1978 for the control of outdoor advertising. \$375 million for the interim quarter and \$15 million for each of the Fiscal Years 1977 and 1978 for the control of junkyards. The bill eliminates the separate

funding category of landscaping and scenic enhancement and allows expenditures for this purpose out of normal construction funds.

The definition of "effective control" in subsection (c) of section 131 would be amended to make explicit the types of directional signs to be permitted along Interstate and primary highways. Such signs would include, but not be limited to signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging natively produced handicraft goods, and would include signs pertaining to natural wonders and scenic and historical attractions.

The bill would establish an upper limit of three on the number of directional signs facing the same direction per mile on the Interstate or primary system. Another amendment would eliminate the distance criterion from section 131 (d) to conform to 1974 amendments extending control beyond 660 feet.

The bill would establish a five-year deadline for the removal of any sign prescribed by a State implementing statute, except as determined by the Secretary.

Currently, section 131 (f) of title 23 directs the Secretary to provide areas within Interstate rights-of-way on which informational signs may be erected. The bill would, in addition, permit the Secretary to provide such areas within primary system rights-of-way. However, such signs would be prohibited in suburban or urban areas or as a substitute for those permitted in industrial and commercial areas.

At the end of section 131, the bill would add three new subsections. Subsection (o) would provide that any sign providing the public with specific information in the public interest, which was in existence on June 1, 1972, shall not be required to be removed until the end of 1975 or until the State certifies that there are other means of obtaining the information whichever first occurs. States are directed to give preference in removal to signs voluntarily offered by their owners.

The new subsection (p) would provide for full Federal just compensation for the latest taking to the owner of any sign which, prior to the enactment of this bill, was removed and lawfully relocated, but by virtue of enactment had to be again removed and relocated.

Under the proposed subsection (q) (1), the Secretary is directed to assist States in assuring the motorist adequate directional information concerning available goods and services. He is further directed to consider functional and esthetic factors in developing the national standards for highway signs authorized by section 131 (c) and (f). Paragraph (2) of subsection (q) would list those signs which could be considered to provide directional information about available goods and services. Paragraph (3) would direct the Secretary to encourage the States to defer removing necessary directional information signs of this type which were in place on June 1, 1972, until all other nonconforming signs were removed. Finally, paragraph (4) would permit any facility providing the motorist with goods and services in the interest of the traveling public to continue using one nonconforming sign in each direction on any highway subject to a State statute implementing section 131, provided the sign renders directional information about the facility, it had been in place on June 1, 1972, and it is within 75 miles of the facility or such distance as the State shall establish. A qualifying sign is to remain until the Secretary is satisfied that

the information is being provided by one of the enumerated alternatives, or such other alternative as the State deems adequate.

PRESERVATION OF PARKLANDS

This section grants authority to the Secretary of Transportation in cooperation with the Secretary of the Interior and appropriate State and local officials to conduct studies as to the most feasible Federal-aid routes to move motor vehicles through or around national parks so as to best serve the needs of the traveling public, but still take into account the national policy of making a special effort to preserve the natural beauty of the areas being traversed.

For instance, it has been called to the Committee's attention the situation that has developed in the Redwood National Park. A major north-south highway, U.S. Route 101, traverses that park from Crescent City in Del Norte County through Orick, Humboldt County, California. The volume of through and park user traffic has grown to such proportions that other methods of handling the traffic must be considered. In addition to the obvious safety hazard caused by slow moving sight-seer traffic and faster moving through traffic, the impact on scenic beauty and ecology must be taken into account. By conducting such a study or studies, the Secretary will be able to develop definitive data in support of appropriate standards as to whether widening of some existing routes, construction of by-passes or a combination of both is warranted in such situations.

TRAINING PROGRAMS

This is a conforming amendment to extend the equal opportunity training programs of 23 U.S.C. 140 through the transition quarter and fiscal years 1977 and 1978, to continue authority of the Secretary to deduct from apportionments up to \$10,000,000 to provide \$2.5 million for the transition quarter. A revision is made to provide that the deduction shall be made from the total of such apportionments rather than from each apportionment made.

PUBLIC TRANSPORTATION

This section requires that fees charged for parking in a facility built appurtenant to public transportation be held to those required to maintain and operate that facility, and corrects a technical error in existing law.

SPECIAL BRIDGE REPLACEMENT PROGRAM

In the Federal-Aid Highway Act of 1970 the Congress provided separate funding for a program beginning in fiscal year 1972 for replacement of significantly important bridges on any of the Federal-aid highway systems that are unsafe because of structural deficiencies, physical deterioration or functional obsolescence. The program has not been funded at a level commensurate with its importance. For the period covering fiscal years 1972-76, a total of \$475 million has been authorized for this program.

The committee recommends that funding for the bridge replacement program be funded at an annual authorization level of \$250 million.

This would provide \$512,500,000 for this program for the 27-month period from July 1, 1976, to September 30, 1978. The bill also changes the Federal share payable on account of bridge replacement from 75 percent to 90 percent. This would put the Federal share for bridge replacement on a par with the safety construction programs such as high location and elimination of roadside obstacles.

HIGHWAY CROSSING—FEDERAL PROJECTS

This section authorizes the Secretary of Transportation to construct or reconstruct any public highway or highway bridge across any Federal Public works project when there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized and when such increased costs would work an undue hardship upon local interests. Not to exceed \$100,000,000 is authorized to carry out the section, and this amount is to be available for fiscal year 1976 and the succeeding two fiscal years.

This section is intended to apply to water resources development projects, such as those of the Corps of Engineers, which were authorized some time ago under policies different than those existing today and on which construction has not yet been completed. In the past, where the project required relocation or alteration of highway bridges, or construction of new bridges, it was sometimes required that this work be a non Federal responsibility—especially in Corps of Engineers navigation projects. Since then, however, the policy has changed and necessary relocations or alterations and necessary new bridges are a Federal responsibility. Section 126 provides a means whereby these earlier authorized projects can be brought substantially in line with present day policy.

The Committee wishes to emphasize that the section is not intended to apply to local flood protection type projects where non Federal responsibility for road relocations is specified by general law such as the provisions of the 1936 Flood Control Act relating to requirements of local cooperation for Corps of Engineers local flood protection projects.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

This section increases, for projects for bicycle and pedestrian ways, the annual limitation on total obligations from \$40,000,000 to \$45,000,000 and the limitations for any State from \$2,000,000,000 to \$2,500,000.

BRIDGES ON FEDERAL DAMS

This section increases the authorization for emergency expenditures for bridges on Federal dams under 23 USC 320 from \$27,761,000 to \$50,000,000.00 from the Highway Trust Fund. The additional funding provided under this section is intended to finance the following projects: \$8.85 million for the Wilkes T. Thrasher Bridge in Chattanooga, Tennessee; \$3 million for Lock and Dam 13 near Fort Smith, Arkansas, and \$5 million for the Greenup Dam located on the Ohio River about five miles downstream from Greenup, Kentucky.

\$6.4 million was authorized under the 1973 Federal Aid Highway Act for the widening of the Wilkes T. Thrasher Bridge in Chatta-

nooga, Tennessee. These funds are to be used to fund the construction of a permanent detour bridge required in connection with the widening of the Thrasher Bridge. However, the Federal Government will pay no more for the permanent detour bridge than the cost in present dollars for the construction of a temporary detour bridge. The State of Tennessee is to pay the difference between the cost of a permanent bridge which the State wishes to construct, and the temporary structure which would be the responsibility of the Federal Government.

The Greenup Dam, located on the Ohio River about five miles downstream from Greenup, Kentucky, was constructed during the 1954-1962 period for the purpose of navigation improvement on the Ohio River. The dam was designed and constructed so as to accommodate a two-lane highway bridge. This provision will provide for a tripartite agreement between the States of Ohio, Kentucky, and the Corps of Engineers covering design and construction of the bridge, in accordance with section 320 of title 23, USC.

OVERSEAS HIGHWAY

This section amends the Federal-Aid Highway Amendments of 1974, which authorized a total of \$109.2 million for reconstruction of a series of bridges linking the Florida Keys to the Florida mainland. That Act also limited obligation to \$25 million. The amendment would permit obligation of the funds at a level of \$35 million annually for Fiscal 1977 and Fiscal 1978, and \$8.75 million for the transition quarter. All funding is still within the total of \$109.2 million initially authorized.

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

This section authorizes four projects involving relocation of railroad lines from central city areas (Metairie, Jefferson Parish, Louisiana, Augusta, Georgia, Pine Bluff, Arkansas, Sherman, Texas), in addition to projects authorized in the 1973 Highway Act to eliminate ground level highway crossings. This section authorizes \$6.25 million for the transitional quarter, \$26.4 million for fiscal year 1977, and \$51.4 million for fiscal year 1978 for continuation of work on the existing projects, such as Lafayette, Indiana, and initiation of the new ones listed above.

Subsection (d) amends section 302 of the National Mass Transportation Assistance Act of 1974 which authorizes a demonstration project for relocation of railroad lines to provide that not more than $\frac{2}{3}$ of the funds expended for the projects in any fiscal year be out of the Highway Trust Fund.

ACCELERATION OF PROJECTS

This section is intended to demonstrate the feasibility of reducing the time required to complete a highway project in areas severely impacted as a result of recent or imminent change in population or traffic flow resulting from the construction of federal projects.

The Federal Highway Administration estimates that the typical highway project, from request for project approval through completion of construction, now requires seven to eight years largely due to the complexities of new federal requirements mandated by Congress over the last twenty years. Further complicating the procedure is the

federal/state relationship in a highway project, whereby portions of dozens of individual projects may be under preparation in six or more separate units of a state highway department.

While these procedures and requirements are essential to protecting individual rights, the environment, and the federal/state relationship, they are barriers to an orderly and expeditious project procedure in areas that, due to the population and traffic changes resulting from a nearby project, demonstrate a need for a project to relieve the impact of such changes.

An example of the type of project the Committee envisions would be suitable to demonstrate the feasibility of accelerating highway projects is the proposed Everett by-pass project in Everett, Bedford County, Pennsylvania. More than 17 million vehicles annually exit at the Pennsylvania Turnpike exchanges and the I-70 interchange at Breezewood, providing access to the Everett area, via I-70 and I-270 from the Washington-Baltimore area, and the Pennsylvania Turnpike and U.S. Route 30 from Pittsburgh, Harrisburg, Philadelphia and the eastern seaboard.

An additional two million vehicles annually are anticipated due to the Federal construction of the Raystown Dam and Lake located 20 miles north of Everett. The only route available for vehicles traveling from the above locations north to Raystown is state route 26 which runs north, crossing U.S. route 30 at a stop light in the center of Everett, Pennsylvania.

Even though the Federal Raystown Recreational complex is only partially complete, the small community of Everett is experiencing massive traffic jams. When Raystown is completed in 1978, it will be the largest lake in Pennsylvania. The traffic congestion will be greatly intensified and deter the travelling public from the surrounding states and eastern seaboard from taking advantage of the 68 million dollar Raystown complex.

A seven or eight year highway project to accommodate the needs of the area as a result of Raystown would be insufficient and not address the short-term impact created by the federal project.

This project, in addition to demonstrating the feasibility of accelerating projects with the defined characteristics of the new section, would serve as a model for all federal-aid highway projects for streamlining managerial considerations and reducing the overall project time.

MULTIMODAL CONCEPT

The Secretary of Transportation is directed to study the feasibility and environmental impact of a multimodal concept in constructing a route between Brunswick, Georgia, to Kansas City, Missouri, and report to Congress by July 1, 1977.

RIDESHARING PROGRAMS

The Emergency Highway Energy Conservation Act and the 1974 Highway Act Amendments highlighted the importance of carpooling programs as an effective approach to energy conservation. In many areas where public transportation is either unavailable or inadequate, ridesharing may be the only realistic alternative to the driver-only automobile trip.

Currently, there are some 86 projects in 29 States and Puerto Rico (representing 83 urbanized areas) that have taken advantage of these Acts and are providing support and promotion for carpooling activities in the urban areas. These projects represent almost \$10 million in Federal assistance.

The concept of carpooling is an attractive alternative to supplying conventional transit in low-density areas because it eliminates the high labor costs. The problem with carpooling is that there has to be a person or persons willing to use their personal auto to transport others. There are also the related problems of small vehicle size, driver reliability, and compatibility among the riders.

Consequently, ridesharing programs using larger, van-type vehicles, often sponsored by an employer or a public organization have gained increased attention.

This section, therefore, expands our national energy conservation efforts and authorizes \$75 million out of the Highway Trust Fund for the purpose of conducting ridesharing programs involving motor vehicles with a seating capacity of at least eight and no more than 15 individuals to transport groups of individuals on a regularly scheduled basis. Under this program, funds are to be apportioned by specified formula to States and shall provide for ridesharing for workers, senior citizens, and handicapped persons, and developmental projects to encourage ridesharing in rural and in urban areas.

The Federal share of any project shall not exceed 80 per centum of the cost of the project and the Federal share for operating expenses not recoverable in revenues is not to exceed 50 per centum.

CAR POOLS

This section amends the Emergency Highway Energy Act, which established Federal assistance for carpool program as a temporary measure, by removing its termination date, thereby making the program permanent.

EFFECTIVE DATE

This section of the bill clarifies the effective date of amendments. This section provides that the adjustment on updating of cost procedures for determining amounts available for substitute projects under sections 103(e)(2) and 103(e)(4) of title 23 shall be effective on August 13, 1973, that date of enactment of the 1973 Highway Act.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

This amendment would permit the combination, for toll purposes, of existing crossings of San Francisco Bay with any public transportation system in the vicinity of Bay Area toll bridges, and allow the continuation of tolls past the scheduled amortization of the crossings to permit the repayment of financing costs from that source.

EXTENSION OF REPAYMENT

This section amends section 2 of Public Law 94-30 relating to repayment of increases in the Federal share of project costs made

during the period February 12, 1975, to September 30, 1975. Under present law this repayment must be made before January 1, 1977. This amendment extends that date until January 1, 1979. It requires that 20 percent of the repayment must be paid by January 1, 1977, and an additional 30 percent must be paid by January 1, 1978, and the remaining 50 percent must be paid by January 1, 1979.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROGRAM

There are within the United States approximately 221,000 signalized intersections of which over 50% are ten years old or older. In view of changing population patterns, normal equipment life, technological advancement and changes in driving habits, equipment in service more than ten years should be reviewed for obsolescence and subject to replacement for maximum efficiency.

The objective of this program is to test, through actual demonstration, the numerous variables which show the best way to attack the traffic control signalization problem. This demonstration is intended to treat approximately 20,000 intersections and based on data received in testimony, it is estimated that each modernized or coordinated intersection would result in a reduction of 2,000 stops per day, which in turn results in a fuel savings (per intersection) of 7,300 gallons per year. If all 20,000 intersections were modernized or coordinated, then over the ten-year useful life of the equipment, it is estimated that there would be a savings in excess of 1,500,000,000 gallons of fuel. Further, testimony indicates that for each modernized or coordinated intersection, there would be a reduction of 18,250 lbs, or carbon monoxide per intersection per year and a further reduction of 36.5 lbs. of hydrocarbon emissions per intersection per year.

Of equal, if not more important, significance is the savings of human lives resulting from the installation of modern traffic equipment. Further, limited studies indicate that modernization and coordination of intersection controls can achieve a 45% decrease in travel time while also increasing road capacity by 25%.

The Committee has requested the Secretary of Transportation to submit a report to the Congress not later than January 1, 1978, on the progress being made on the implementation of this program and evaluation of the benefits resulting therefrom. The Committee recognizes that the implementation of this demonstration program utilizing applied research on approximately 10% of the signalized intersections in the United States is certainly a desirable and reasonable objective.

The Committee, therefore, recommends for each of fiscal year 1977 and 1978, \$75,000,000.00 to be authorized for this program.

DEMONSTRATION PROJECT—AUTOMATED GUIDEWAY TRANSIT SYSTEM

The Dallas/Fort Worth (DFW) Airport is a highly decentralized facility which relies on extensive lines of communication and transportation to coordinate activities occurring over thousands of acres of land and involving a daily population of 100,000, including 18,000 employees. The ground transportation system at DFW Airport is the first of its kind in that it includes an Automated Guideway Transit system known as Airtrans.

The new technology represented by the Airtrans system may hold special applicability for built up areas such as established central business districts where there is undesirable congestion, minimal available right-of-way, and established travel patterns.

The improvement and further development of the Automated Guideway Transit concept should be evaluated in order to determine its potential for contributing to the resolution of our critical national concern for environmental enhancement, petroleum conservation, and urban transportation.

This section would permit the Secretary of Transportation, pursuant to his authority under Section 6 of the Urban Mass Transportation Act of 1964, to conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the DFW Regional Airport.

URBAN SYSTEM STUDY

The 1973 Highway Act greatly increased the involvement of responsible local officials. Because of the great effect of the urban system programs, the Committee feels that a study is in order to assess the urban system processes.

This section requires the study of key factors leading to the implementation of urban system projects. The study must include, as a minimum, an analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to state governmental entities.

LIMITATIONS

This section is required to conform to requirements of the Concurrent Resolution on the Budget for fiscal year 1976. Although the Resolution has not yet been finalized, it is expected to contain new budget authority of \$4.9 billion for the current fiscal year. Accordingly, limitations on advance authority under this Act are as follows:

1. For projects on the Interstate System, \$583 million for the three month period ending September 30, 1976, and \$3,300,000 for the fiscal year ending September 30, 1977.

2. All other sums (other than for the Interstate System) which are authorized out of the Highway Trust Fund for the three month period ending September 30, 1976.

In addition, other sections of this title providing new budget authority under which outlays are made from the general fund shall be effective only in such amounts as are provided in appropriations acts.

TITLE II

HIGHWAY SAFETY ACT OF 1975

Substantial progress has been made since the Highway Safety Act was enacted in 1966. The highway fatality rate per 100 million miles

of vehicle travel at that time was 5.7. The fatality rate has declined to an estimated 3.6 in 1974. Annual highway fatalities in 1966 were over 50,000 and climbing. The number of fatalities in 1974 were 45,534, a decline of more than 9,500 from the previous year's total. As gratifying as this progress is, we are convinced that the dramatic reductions in 1974 are largely attributable to the national 55 mile-per-hour speed limit and reduced highway travel rather than being indicative of aggressive implementation by the States of highway safety construction and State and community highway safety programs. Indeed, the progress of the States in implementing the categorical highway safety programs established by the Highway Safety Act of 1973 has been woefully slow and inadequate. This Committee believes that the highway safety construction improvement programs established by the 1973 Act hold great potential for pay-off in terms of lives saved. Comprehensive surveys to identify highway hazards, coupled with improved accident data collection and analysis, are prerequisite to the success of these programs. State efforts to utilize available funds authorized under 23 U.S.C. 402 to conduct and maintain such surveys and collect and analyze data, in the absence of other available funds should be increased.

Section 203 of the Highway Safety Act of 1970 amended section 402(b) (1) (A) of title 23 by requiring that the Governor of the State shall be responsible for the administration of the State highway safety program "through a State agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program." Many States have chosen to administer their highway safety programs through a State agency other than the State highway department. This has raised problems in coordinating implementation of the highway-related safety standards under section 402 with the State's highway safety construction program for which the State highway department is responsible under longstanding Federal and State laws and regulations. State highway departments have had more than a half century of experience in developing and coordinating State highway safety construction programs. The Committee believes that the overall management of the safety program in a State would be improved if the State highway department were assigned responsibility for administering that part of the section 402 highway safety program which implements the highway-related standards because of the interrelationship between that program and the highway safety construction program. It is our intention that section 402(b) (1) (A) be interpreted in a manner which will not preclude those States which have chosen to administer their highway safety programs through a State agency other than the State highway department from administering the highway-related safety program standards through the State highway department.

HIGHWAY SAFETY AUTHORIZATIONS

Commencing with the Highway Safety Act of 1970, appropriations of funds for carrying out the Highway Safety Act of 1966 have been authorized separately for those functions to be administered through the Federal Highway Administration and those administered through the National Highway Traffic Safety Administration. The Commit-

tee wishes to make it clear that Congress intended in 1970, and we do intend today, that such separately authorized funds be separately apportioned to the States. Separate authorizations and apportionments mandate assurance of a balanced program.

RAIL-HIGHWAY CROSSINGS

This section authorizes the appropriation out of the Highway Trust Fund of \$37,500,000 for the three-month period ending September 30, 1976, and \$150 million for each of fiscal years 1977 and 1978 for projects for the elimination of hazards of railway-highway crossings on any Federal-aid system (other than the Interstate System) under section 203 of the Highway Safety Act of 1973.

This section would also amend section 203 of the Highway Safety Act of 1973 to authorize the appropriation out of the General Fund of \$18,750,000 for the three-month period ending September 30, 1976, and \$75 million for each of fiscal years 1977 and 1978 for projects for elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system. Funds authorized for off-system railway-highway crossings shall be apportioned in the same manner as funds authorized for crossings on a Federal-aid system.

INCENTIVE SAFETY GRANTS

This section would amend subsection (j) of section 402 of title 23 to authorize additional incentive grants of up to 25 percent of a State's apportionment under section 402 for a fiscal year or period to those States which have significantly reduced the actual number of traffic fatalities during the calendar year.

It also amends subsection (j) to make it clear that the funding limitation of 25 percent of each State's apportionment is to be applied individually to each of the three types of grants authorized by section 402(j); that Federal funds are obligated upon award of such funds to a State; that contract authority is provided with respect to such funds; that the funds are not apportioned among the States; and that no project or program approval is required for the sums awarded.

SCHOOL BUS DRIVER TRAINING

This section makes technical amendments to section 406 of title 23.

TRANSFERABILITY

This section would amend subsection (g) of section 104 of title 23 to authorize the transfer of up to 40 percent (instead of the existing 30 percent) of the funds apportioned in any fiscal year to a State in accordance with sections 144, 152, and 153 of title 23, and section 203 of the Highway Safety Act of 1973 to the apportionment of any other such section if requested by the State highway department and approved by the Secretary as being in the public interest.

This section would also authorize the Secretary to approve the transfer to up to 100 percent of the apportionment under one such section to the apportionment of any other such sections if, in addition to the transfer being requested by the State highway department and ap-

proved by the Secretary as being in the public interest, the Secretary has received satisfactory assurances from the State that the purposes of the program from which such funds are to be transferred have been met. Such assurances would no longer be necessary in order to approve transfers of up to 40 percent of any such apportionment.

PAVEMENT MARKING DEMONSTRATION PROGRAM

Pavement marking with reflectorized center and edgelines particularly on rural roads is a recognized safety improvement which in a number of controlled tests has demonstrated high benefit to cost results in the savings of death and severe injury and direct economic losses. Reflectorized centerlines delineate and separate lanes of traffic and indicate safe passing zones on two-lane roads. Reflectorized edgelines delineate the right hand edge of the roadway and with centerlines provide a clear picture at night of the alignment of the road and the path a driver must follow.

The Highway Safety Act of 1973 established a national program, the Pavement Marking Demonstration Program, to correct such deficiencies. The original objective as indicated in the 1973 report was to mark 800,000 miles of roads with centerlines and 500,000 miles of roads with edgelines. The Committee has received testimony that indicates that the objectives originally intended to be accomplished will be only 48% complete upon obligation of the existing remaining apportionment. It is estimated that at the close of fiscal year 1976 384,000 miles of roadway will have been centerlined and 240,000 miles of roadway will have been edgeline. It was further estimated that there is an additional need to edgeline approximately 40,000 road miles on the Federal-Aid Primary System. The total cost to complete this demonstration program, including the additional 40,000 miles on the Federal-Aid Primary System, is estimated to be \$224,000,000.00. The Committee, therefore, recommends that this program be extended in order that these objectives be accomplished and the demonstration be brought to an orderly conclusion. For each of fiscal years 1977 and 1978, \$75,000,000.00 would be authorized for this program.

HIGHWAY SAFETY PROGRAMS

Subsection (a) of this section would amend section 402 of title 23 by prohibiting the Secretary from requiring that a State adopt or enforce a motorcycle law requiring motorcycle operators or passengers 18 years of age or older to wear a safety helmet when operating or riding a motorcycle.

Subsection (a) would eliminate the penalty contained in section 402(c), providing for the withholding of 10 percent of the section 104 Federal-aid highway construction apportionments, which is imposed on a State for failure to implement a highway safety program approved by the Secretary.

Subsection (a) would also amend section 402 to make it clear that section 402 confers broad discretionary authority upon the Secretary with respect to approval of State highway safety programs, and that the Secretary is not compelled to require every State to comply with every uniform standard, or with every element of the uniform standard.

Subsection (b) would require the Secretary to conduct, in cooperation with the States, an evaluation of the adequacy and appropriateness of all existing highway safety program standards, and report his findings and recommendations to the Congress on or before December 31, 1976. Until such report is submitted, the Secretary would be prohibited from withholding funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with section 402.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

This section would amend section 402(a)(1) of title 23 to delete the requirement that the Secretary or a departmental officer appointed by him serve as chairman of the National Highway Safety Advisory Committee. Under the amendment, the Secretary would be authorized to select any of the Committee members to be chairman.

LIMITATION ON OBLIGATION

This section prohibits any funds authorized by any provision of this title for fiscal year 1977 from being obligated prior to July 1, 1976.

STEERING AXLE STUDY

This section would require the Secretary to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. The investigation shall be conducted in cooperation with representatives of manufacturers of truck tractors and related equipment, labor, and users of such equipment. The Secretary would be required to report the results of such study to the Congress not later than July 1, 1977.

LIMITATION

This section provides that to the extent that any section of this title provides new or increased contract authority under which outlays will be made from the General Fund, such new or increased authority shall be effective only in such amounts as are provided in appropriations acts. All authorizations out of the Trust Fund for the interim period ending September 30, 1976, shall be apportioned as if such apportionments were for fiscal 1977.

COMPLIANCE WITH CLAUSE 2(L) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to Clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Review, however, the Subcommittee on Surface Transportation held hearings on the subject matter which resulted in Titles I and II of the reported bill.

(2) Clause (2)(1)(3)(B) of Rule XI of the Rules of the House of Representatives requires that the report of any committee on a meas-

ure which has been approved by the committee shall include the statement required by section 308(a) of the Congressional Budget Act of 1974, if the measure provides new budget authority or new or increased tax expenditures. With respect to section 308(a) (1) (A), the concurrent resolution on the budget for fiscal year 1976 is not yet finalized; however when finalized, the resolution should contain \$4.9 billion in new budget authority for the current fiscal year. The Committee on Public Works and Transportation has cooperated fully with the Budget Committee in complying with the requirements of the pending resolution, and has included provisions in the reported bill imposing limits on the availability of advanced authority as follows:

(a) For projects on the Interstate System for the three-month period ending September 30, 1976—\$583,000,000.

(b) For projects on the Interstate System for fiscal year 1977—\$3,300,000,000.

(c) For non-Interstate projects for the three-month period ending September 30, 1976—\$1,017,000,000.

With respect to section 308(a) (1) (B) of the Congressional Budget Act of 1974, budget outlays associated with the budget authority provided in the bill are estimated to be:

Fiscal year	Projected outlays		Total
	Interstate	Noninterstate	
1976.....	\$1,000,000	\$1,000,000	\$2,000,000
Transition quarter.....	11,000,000	15,000,000	26,000,000
1977.....	1,205,000,000	1,203,000,000	2,408,000,000
1978.....	3,229,000,000	2,916,000,000	6,145,000,000
1979.....	3,574,000,000	2,671,000,000	6,245,000,000
1980.....	3,658,000,000	976,000,000	4,634,000,000

With respect to section 308(a) (1) (C) of the Congressional Budget Act of 1974, virtually all new budget authority provided in the reported bill is for financial assistance to State and local governments, except for normal administrative deductions to carry out the program and other provisions requiring direct Federal administration, such as for safety research and development and some Federal domain road programs.

(3) With respect to Clause 2(1) (3) (C) of the Rules of the House of Representatives, the Committee has not received an estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act.

(4) With respect to Clause 2(1) (3) (D) of Rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(5) With reference to Clause 2(1) (4) of Rule XI of the Rules of the House of Representatives, the following information is provided:

Given the high rate of unemployment among construction workers, the increased productivity among such workers, the depressed state of the construction industry, the excess capacity in the manufacturing sector of the economy, the general slack in our economy as expressed by the "gap" between our actual Gross

National Product (GNP) and our potential GNP, and the substitution of some of these monies for other public monies, it is reasonable to conclude that the inflationary impact of this bill will be negligible.

Unemployment in the construction industry has declined from 20.8 percent in July to 17.3 percent in November, but the November rate is still twice the national unemployment rate. In June of this year there were approximately 50,000 fewer workers on highway and street construction than there were in August, 1974. Obviously, then, there is a large pool of construction workers who can be hired without driving up wages. So the inflationary impact in the construction labor sector should be negligible.

As for the measures of capacity utilization, the manufacturing sector, according to Federal Reserve Board estimates, produced at only 69 percent of capacity in the third quarter of this year. This is a 14.3 percent decline in capacity utilization from the 83.3 percent rate in the second and third quarters of 1973. The recent deep recession is a major reason for this great increase in excess capacity, which appears sufficiently great to be able to absorb the expenditure of funds in H.R. 8235, as reported, without an inflationary impact.

Another feature of this bill which must be considered is the fact that, if enacted, its dollar impact on the economy will be less than the sums specified in the bill. The reason for this is that, many of these dollars in construction contracts will go to increase employment in the construction industry. When that happens, there is a concomitant reduction in the public monies that must be spent on various social welfare programs (e.g., unemployment insurance, food stamps, and so on). In addition, a subsequent effect is the increase in tax revenue when these formerly unemployed workers become employed and pay taxes. So the magnitude of the dollar impact on the economy will be less than the dollar amounts as specified in the bill.

Finally, as for productivity, the estimated total man-hours per \$1,000 of contract construction (in current dollars) fell from 107.4 in 1958 to 38.0 in 1974 (a decline of almost 65 percent), which means that each dollar spent by the Federal Government on highway construction is producing approximately 65 percent more output now than in previous years (i.e., productivity in highway construction has increased 65 percent during this period).

COST OF LEGISLATION

In accordance with Rule XIII(7) of the Rules of the House of Representatives, the following information is furnished on the cost to the United States in carrying out H.R. 8235, as reported, in Fiscal Year 1976 and in each of the five following fiscal years. The estimate is based on total amount of authorizations contained in H.R. 8235, as reported.

	HW trust fund	General fund	Total
Fiscal year 1976.....		\$100,000,000	\$100,000,000
July 1 to Sept. 30, 1976.....	\$2,035,684,000	192,455,000	2,228,000,000
Fiscal year 1977.....	8,090,530,000	769,770,000	8,860,300,000
Fiscal year 1978.....	8,091,530,000	772,670,000	8,864,200,000
Fiscal year 1979.....	4,030,000,000		4,030,000,000
Fiscal year 1980.....	4,000,000,000		4,000,000,000
Fiscal year 1981.....	4,000,000,000		4,000,000,000

VOTE

The Committee ordered the bill reported, 28 members voting in the affirmative, two in the negative.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1956

§ 108. National System of Interstate and Defense Highways.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30,

1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1979] \$1,000,000,000 for the three-month period ending September 30, 1976, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1977, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1979, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1981, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1987, and the additional sum of \$840,000,000 for the fiscal year ending September 30, 1988. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966.

TITLE 23—UNITED STATES CODE

HIGHWAYS

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Chapter 1.—FEDERAL-AID HIGHWAYS

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102.	Authorizations.
103.	Federal-aid systems.
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105.	Programs.
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- 133. *Repealed.*
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- 143. Economic growth center development highways.
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- 153. Program for the elimination of roadside obstacles.
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- 155. Access highways to public recreation areas on certain lakes.
- 156. Highways crossing Federal projects.

§ 101. Definitions and declaration of policy.

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), *re-surfacing*, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossing, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas.

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests and other areas administered by the Forest Service.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forest and other areas administered by the Forest Service or, where necessary, for the use and development of the resources upon which communities within or adjacent to the national forest and other areas administered by the Forest Service are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests, and which is on the Federal-aid system.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands development roads and trails" means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

The term "public lands highways" means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Transportation.

The term "urbanized area" means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Federal-aid urban system" means the Federal-aid highway system described in subsection (d) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title.

The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, *except in the case of cities in the State of New Hampshire.*

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions hereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the [twenty-three] *thirty-two* years, appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending [June 30, 1979,] *September 30, 1988*, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire system in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

It is further declared that since the Interstate System is now in the final phase of completion it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum extent.

(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation.

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the substantial minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

§ 103. Federal-aid systems.

(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section.

(b)(1) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (f) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(2) After June 30, 1976, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State acting through its State highway department and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section.

(c)(1) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, access roads to airports, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System.

This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.

(2) After June 30, 1976, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section.

(d)(1) The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection.

(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other urban areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.

(e)(1) The Interstate System shall be designated within the United States, including the District of Columbia, and, except as provided in paragraphs (2) and (3) of this subsection, it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, so serve the national defense, and to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system, to the greatest extent possible, shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to the approval by the Secretary as provided in subsection (f) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said

system without regard to the mileage limitation set forth in subsection (b) of this section. This section may be located both in rural and urban areas.

(2) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System of five hundred miles, to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the request of a State highway department the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title [prior to the enactment of this paragraph,] if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of interstate routes or portions thereof as provided in this subsection. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph except that the cost to the United States of the aggregate of all mileage designated under the third sentence of this paragraph shall not exceed the cost to the United States of the aggregate of all mileage approval for which is withdrawn under the second sentence of this paragraph, as such cost is included in the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443. [increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal or approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate. In considering routes or portions thereof to be added to the Interstate System under the third sentence of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, give preference, along with due regard for interstate highway type needs on a nationwide basis, to (A) routes or portions thereof in States in which the Secretary has heretofore or hereafter withdrawn his approval of other routes or portions thereof, and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities] *or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an*

earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1975, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1975, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate.

(3) In addition to the mileage authorized by paragraphs (1) and (2) of this subsection, there is hereby authorized additional mileage of not to exceed 1,500 miles for the designation of routes in the same manner as set forth in paragraph (1), in order to improve the efficiency and service of the Interstate System to better accomplish the purposes of that System.

[(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within any urbanized area in that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof approval of which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of such urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds in the Treasury of its proportional share of the cost of such project in an amount equal to the Federal share which would be paid for such a project under the Urban Mass Transportation Act of 1964, except that the total Federal cost of all such projects under this paragraph with respect to such route or portion thereof approval of which is withdrawn under this paragraph, shall not exceed the Federal share of the cost which would have been paid for such route or portion thereof, as such cost is included in the 1972 Interstate System cost estimate set forth in table 5 of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443, increased or decreased, as the case may be, as determined by the

Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate. Funds apportioned to such State for the Interstate System, which apportionment is based upon an Interstate System cost estimate that includes a route or portion thereof approval of which is withdrawn under this paragraph, shall be reduced by an amount equal to the Federal share of such project as such share becomes a contractual obligation of the United States. No general funds shall be obligated under authority of this paragraph after June 30, 1981. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph.】

(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which is within an urbanized area and which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of enactment of the Federal-Aid Highway Act of 1975 or the date of approval of each substitute project under this paragraph, whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the urbanized area from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area, and which are submitted by the Governor of the State in which the withdrawn route was located. Approval by the Secretary of the plans, speci-

fications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of the substitute projects shall be determined in accordance with the provisions of section 120 of this title applicable to the highway program of which the substitute project is a part, except that in the case of mass transit projects, the Federal share shall be that specified in section 4 of the Urban Mass Transportation Act of 1964, as amended. The sums available for obligation shall remain available until obligated. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1975, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1975 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of said Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1975, shall be effective as of August 13, 1973. In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or portion of the Interstate System as long as said sums were applied to a transportation project permissible under this title.

(f) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to

construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.

(h) Notwithstanding subsections (e) (2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed.

§ 104. Apportionment.

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed $3\frac{3}{4}$ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles

in all the States at the close of the next preceding calendar year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places of five thousand or more in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States as shown by the latest available Federal census. *No State shall receive less than one-half of 1 per centum of each year's apportionment.*

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108(b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through [1979]:

For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal year 1967 through [1979] 1988, in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through [1979] 1988, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon

as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then design-

nated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1977, and June 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending June 30, 1979. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the three-month period ending September 30, 1976, and for the fiscal year ending September 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to July 1, 1976. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending September 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then design-

nated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1988. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.

(6) For the Federal-aid urban system:

In the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than one-half of 1 per centum of each year's apportionment.

[(c) Not more than 40 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 40 per centum.]

[(d) Not more than 40 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of 200,000 population or more under section 150 of this title, without the approval of the local officials of such urbanized area. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 40 per centum.]

(c) (1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-

Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.

(3) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

(4) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraphs (1) and (3) of subsection (b) of this section, and in accordance with section 147, may be transferred from the apportionment under either or both such paragraphs to the apportionment made in accordance with such section 147 and may be transferred from the apportionment made in accordance with section 147 to the apportionment made under either or both such paragraphs if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions—

(1) The total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 40 per centum.

(2) Not more than 40 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

(3) No transfer shall be made from any apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

(f) (1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

(3) The funds apportioned to any State under paragraph (2) of this section shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs.

(g) Not more than [30] 40 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. [The Secretary may approve such transfer only if he has received satisfactory assurances from the State highway department that the purposes of the program from which such funds are to be transferred have been met.] *The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if he had received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met.*

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§ 108. Advance acquisition of rights-of-way.

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate

System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding ten years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under subsection (a) of this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

(c) (1) There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary in carrying out the provisions of this subsection. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for expenditures without regard to the fiscal year for which such sums are authorized.

(2) For the purpose of acquiring rights-of-way for future construction of highways on any Federal-aid system and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such rights-of-way, in addition to the authority contained in subsection (a) of this section, the Secretary, upon request of a State highway department, is authorized to advance funds, without interest, to the State from amounts available in the right-of-way revolving fund, in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State of property management, if any, and related moving and relocation payments [made pursuant to section 133 or chapter 5 of this title].

(3) Actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, shall be commenced within a period of not less than two years nor more than ten years following the end of the fiscal year in which the Secretary approves such advance of funds, unless the Secretary, in his discretion, shall provide for an earlier termination date. Immediately upon the termination of the period of time within which actual construction must be commenced, in the case of any project where such construction is not commenced before such termination, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation for projects on the Federal-aid system of which such project is to be a part, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the right-of-way revolving

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§ 117. Certification acceptance.

(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department, or that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction, of its performance of such responsibilities, if he finds such projects will be carried out in accordance with State laws, regulations, directives, and standards [establishing requirements at least equivalent to those contained in, or issued pursuant to, this title] *which will accomplish the policies and objectives contained in or issued pursuant to this title.*

(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do.

(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653 (f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title.

(f) (1) *In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.*

(2) *The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.*

(3) *Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate*

showing of the estimated cost of construction and the actual cost of construction.

* * * * *

§ 125. Emergency relief.

(a) An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, and prior to December 31, 1970, because of imminent danger of collapse due to structural deficiencies or physical deterioration. Subject to the following limitations, there is hereby authorized to be appropriated such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis: (1) Not more than \$50,000,000 is authorized to be expended in any fiscal year ending before July 1, 1972, and not more than \$100,000,000 is authorized to be expended in any one fiscal year commencing after June 30, 1972, and ending before June 1, 1976, to carry out the provisions of this section and an additional amount not to exceed \$100,000,000 is further authorized to be expended in the fiscal year ending June 30, 1973, to carry out the provisions of this section, and not more than \$37,500,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than \$150,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976, to carry out the provisions of this section, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and (2) 60 per centum of the expenditures under this section for any fiscal year are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated. *For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977.* Pending such appropriation or replenishment the Secretary may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriations herein authorized when made.

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on the Federal-aid highway systems, including the Interstate System, in

accordance with the provisions of this chapter. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, *except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.*

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are on any of the Federal-aid highway systems.

* * * * *

§ 127. Vehicle weight and width limitations—Interstate System.

No funds authorized to be appropriated for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of twenty thousand pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W=overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L=distance in feet between the extreme of any group of two or more consecutive axles, and N=number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, which ever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two

of more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. *Notwithstanding any limitation relating to vehicle widths contained in this section, a State may permit any bus having a width of 102 inches or less to operate on any lane of 12 feet or more in width on the Interstate System.*

* * * * *

§ 129. Toll roads, bridges, tunnels, and ferries.

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country: *Provided*, That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And further provided*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. When any such toll road which the Secretary has approved as a part of the Inter-

state System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956. After June 30, 1968, all agreements between the Secretary and a State highway department for the construction of projects on the Interstate System shall contain a clause providing that no toll road will be constructed after June 30, 1968, on the interstate highway route involved without the official concurrence of the Secretary. The Secretary shall not concur in any such construction unless he makes an affirmative finding that, under the particular circumstances existing, the construction of such road as a toll facility rather than a toll-free facility is in the public interest. The preceding two sentences shall not apply to any toll bridge or toll tunnel.

(c) Funds authorized for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1973. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

(1) no indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection;

(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of total collection;

(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds.

(f) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, the route of which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems and has not been designated as a route on the Interstate System. Such ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

(g) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

(2) The operation of the ferry shall be on a route which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

(3) Such ferry shall be publicly owned and operated.

(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii *and the islands which comprise the Commonwealth of Puerto Rico*) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii *and operations between the islands which comprise the Commonwealth of Puerto Rico* and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operation shall be in any foreign or international waters.

(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unpro-

gramed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amounts so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title.

* * * * *

§ 131. Control of outdoor advertising.

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

[(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as

may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices advertising activities conducted on the property on which they are located, and (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section.]

(c) *Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, lodging, and natively produced handicraft goods, and shall include signs and notices pertaining to natural wonders scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs and such other requirements as may be appropriate to implement this clause (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the interstate or primary system outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays and devices advertising activities conducted on the property on which they are located.*

(d) [In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary.] *In order to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be*

determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

[(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.]

(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year it becomes nonconforming, except as determined by the Secretary.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. *The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: Provided, That such signs on the interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section.* Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of

places of interest within the State and providing such other information as a State may consider desirable.

(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(1) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending

June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of each sign, display, or device is not available to make such payment.

(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1977, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State shall give preference, with due regard to the orderly scheduling of the removal of signs, displays, and devices and to highway safety, to the purchase and removal of any nonconforming sign, display, or device voluntarily offered by the owner thereof to the State for removal if funds are available to such State for such purpose.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q) (1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(e)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) For purposes of this subsection, signs providing directional information about facilities providing goods and services in the interest of the traveling public are defined to be those giving directional information about gas and automotive services, food, lodging, natively produced handicraft goods, campgrounds, truckstops, resorts, recreational areas, tourist attractions, historic sites, and such other facilities as a State, with the approval of the Secretary, may deem appropriate.

(3) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional in-

formation on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(4) The owner or operator of any facility providing goods and services in the interest of the traveling public shall have the right to continue using no more than one non-conforming sign in each direction on any highway subject to controls under a State law enacted to comply with this section, which sign is providing directional information about such facility, and which had been providing directional information as of June 1, 1972, and which is within seventy-five miles, or such other distance as the State in which the sign is located may determine, until the Secretary determines directional information about such facility is being adequately provided to motorists traveling in that direction on such controlled highway by conforming signs authorized by subsection 131(d) of this title, by signs advertising activities conducted on the property on which they are located, by signs authorized by subsection 131(c)(1) or 131(f) of this title, by any other nonconforming signs, or by such other means as the State in which the sign is located deems to be adequate.

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§ 138. Preservation of parklands.

It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.

* * * * *

§ 140. Equal employment opportunity.

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed proj-

ects will be provided without regard to race, color, creed or national origin. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed or national origin. The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. [Whenever an apportionment is made under subsections 104 (b) (1), (b) (2), (b) (3), (b) (5), and (b) (6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within the urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972, 1973, 1974, 1975, and 1976, the Secretary shall deduct such sums as he may deem necessary not to exceed \$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and \$10,000,000 per fiscal year for the fiscal years 1974, 1975, and 1976, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems.] *Whenever an apportionment is made under subsection 104 (b) (1), (b) (2), (b) (3), (b) (5), or (b) (6) of this title for the fiscal years 1972, 1973, 1974, 1975, 1976, the three-month period ending September 30, 1976, and the fiscal years 1977 and 1978, the Secretary shall deduct from the total of all such apportionments such sums as he may deem necessary, not to exceed \$5,000,000 per fiscal year for the fiscal years 1972 and 1973, \$10,000,000 per fiscal year for the fiscal years 1974, 1975, and 1976, \$2,500,000 for the three-month period ending September 30, 1976, and \$10,000,000 per fiscal year for the fiscal years 1977 and 1978, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems.* Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary.

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§ 142. Public transportation.

(a) (1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other

than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and sums apportioned under section 104 (b) of this title shall be available to finance the cost of projects under this paragraph. *If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility (including compensation to any person for operating the facility).*

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than \$200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b) (6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109 (b) of this title.

(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b) (6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120 (a) of this title. Funds previously apportioned to such State under section 104(b) (6) of this title shall be reduced by an amount equal to such Federal share.

(d) The establishment of routes and schedules of such public mass-transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

(e) (1) For all purposes of this title, a project authorized by subsection (a) (1) of this section shall be deemed to be a highway project.

(2) Notwithstanding section 209(f) (1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a) (2) of this section and such projects shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the Federal-aid urban system, except to the extent determined inconsistent by the Secretary.

(3) The Federal share payable on account of projects authorized by subsection (a) of this section shall be that provided in section 120 of this [section] title.

(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project.

(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

(h) The provision of assistance under subsection (a) (2) or subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any non-supervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(i) Funds available for expenditure to carry out the purposes of subsection (a) (2) and subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

(j) The provisions of section 3(e) (4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (a) (2) and subsection (c) of this section.

(k) The Secretary shall not approve any project under subsection (a) (2) of this section in any fiscal year when there has been enacted an Urban Transportation Trust Fund or similar assured funding for both highway and public transportation.

* * * * *

§ 144. Special bridge replacement program.

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special bridge replacement program be established to enable the several States to replace bridges over waterways or other

topographical barriers when the States and the Secretary finds that the bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

(b) The Secretary in consultation with the States shall (1) inventory all bridges located on any of the Federal-aid systems over waterways and other topographical barriers of the United States; (2) classify them according to their serviceability, safety, and essentiality for public use; and (3) based on that classification, assign each a priority for replacement.

(c) Whenever any State or States make application to the Secretary for assistance in replacing a bridge which the priority system, established under subsection (b) of this section, shows to be eligible, the Secretary may approve Federal participation in the reconstruction of a comparable facility. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service bridges which are most in danger of failure and give consideration to the economy of the area involved. Approval of projects and allocation of funds under this section shall be without regard to allocation or apportionment formulas otherwise established under this title.

(d) The Federal share payable on account of any bridge replacement under this section shall [not exceed 75] *be* 90 per centum of the cost thereof.

(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, \$150,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter.

(f) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system.

(g) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

(h) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement in the special bridge replacement program authorized in accordance with this section.

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§ 151. Pavement marking demonstration program.

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve

under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highways to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas [and which are either on the Federal-aid secondary system or are not included on any Federal-aid system].

(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1974, \$25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, out of the Highway Trust Fund, the sum of \$75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(f) Funds not required for pavement-marking projects authorized by this section may be released by the Secretary for expenditures for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it. *No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State, and the Secretary shall not submit any such report to Congress after the first year following the completion of the pavement marking program in all States.*

§ 152. Projects for high-hazard locations.

(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify high-hazard locations which may constitute a danger to vehicles and to pedestrians, assign

priorities for the correction of such locations, and establish and implement a schedule of projects for their improvement.

(b) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated, out of the Highway Trust Fund, for the fiscal year ending June 30, 1974, \$50,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, the sum of \$75,000,000 shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

(d) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement projects for high-hazard locations and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects for improvements at high-hazard locations. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the spot improvements program.

(f) *For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.*

§ 153. Program for the elimination of roadside obstacles.

(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify roadside obstacles which may constitute a hazard to vehicles and to pedestrians, assign priorities for the correction of such obstacles and establish and implement a schedule of projects for their elimination. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, where appropriate, on all new construction or reconstruction of highways.

(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated, out of the Highway Trust Fund, for the fiscal year ending June 30, 1974, \$25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, the sum of \$75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program for the removal of roadside obstacles and the effectiveness of such improvements. Each report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in eliminating roadside obstacles and the effectiveness of the improvements made under this program. The Secretary's report shall include, but not be limited to, an analysis and evaluation of each State program, identification of any State found not to be in compliance with the schedule of improvements required by subsection (a) and shall include recommendations for future implementation of the roadside obstacle removal program. In addition, to assess the safety benefits of varying roadside obstacle treatments, the report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles.

(f) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

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§ 156. Highways crossing Federal projects.

(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State.

(b) There is hereby authorized to be appropriated not to exceed \$100,000,000 for fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years.

Chapter 2.—OTHER HIGHWAYS

* * * * *

§ 217. Bicycle transportation and pedestrian walkways.

(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, on Federal-aid highway projects, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, and pedestrian walkways in conjunction or connection with Federal-aid highways. Sums apportioned in accordance with paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(b) For all purposes of this title, a bicycle or pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project or pedestrian walkway shall be that provided in section 120 of this title.

(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

(e) Not more than ~~[\$40,000,000]~~ \$45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than ~~[\$2,000,000]~~ \$2,500,000 for such projects in any fiscal year.

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Chapter 3.—GENERAL PROVISIONS

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§ 319. Landscaping and scenic enhancement.

(a) The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public.

(b) An amount equivalent to 3 per centum of the funds apportioned to a State for Federal-aid highways for any fiscal year shall be

allocated to that State out of funds appropriated under authority of this subsection, which shall be used for landscape and roadside development within the highway right-of-way and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public, without being matched by the State. The Secretary may authorize exceptions from this requirement, upon application of a State and upon a showing that such amount is in excess of the needs of the State for these purposes. Any funds not used as required by this subsection shall lapse. There is authorized to be appropriated to carry out this subsection, out of any money in the Treasury not otherwise appropriated, not to exceed \$120,000,000 for the fiscal year ending June 30, 1966, not to exceed \$120,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1970. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this subsection after June 30, 1967.】

【§ 319. Landscaping and scenic enhancement.

The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.

§ 320. Bridges on Federal dams.

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for

any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other programs, purpose, or function of such agency.

(d) Not to exceed **【\$27,761,000】** \$50,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the

provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

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§ 402. Highway safety programs.

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary. Such uniform standards shall be expressed in terms of performance criteria. Such uniform standards shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, drivers testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance, and bicycle safety. In addition such uniform standards shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such standards as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Fed-

eral department or agency controls the highways or supervises traffic operations. The Secretary shall be authorized to amend or waive standards on a temporary basis for the purpose of evaluating new or different highway safety programs instituted on an experimental, pilot, or demonstration basis by one or more States, where the Secretary finds that the public interest would be served by such amendment or waiver.

(b) (1) The Secretary shall not approve any State highway safety programs under this section which does not—

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program.

(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform standards of the Secretary promulgated under this section.

(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

(D) provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for highway safety programs will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

(E) provide for comprehensive driver training programs, including (1) the initiation of a State program for driver education in the school systems or for a significant expansion and improvement of such a program already in existence, to be administered by appropriate school officials under the supervision of the Governor as set forth in subparagraph (A) of this paragraph; (2) the training of qualified school instructors and their certification; (3) appropriate regulation of other driver training schools, including licensing of the schools and certification of their instructors; (4) adult driver training programs, and programs for the retraining of selected drivers; (5) adequate research, development and procurement of practice driving facilities, simulators, and other similar teaching aids for both school and other driver training use; and (6) driver education programs, including research, that will assure greater safety for bicyclists using public roads in such State.

(F) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

(2) The Secretary is authorized to waive the requirement of subparagraph (C) of paragraph (1) of this subsection, in whole or in

part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment. After December 31, 1969, the Secretary shall not apportion any funds under the subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. [Federal and highway funds apportioned on or after January 1, 1970, to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State is implementing an approved highway safety program. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of the preceding sentence to a State. Any amount which is withheld from apportionment to any State under this section shall be reapportioned to the other States in accordance with the applicable provision of law.] *For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety pro-*

gram under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State. Any amount which is withheld from apportionment to any State under this section shall be reapportioned to the other States in accordance with the applicable provisions of law.

(d) All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State highway department" as used in such provisions shall mean the Governor of a State for the purposes of this section.

(e) Uniform standards promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform standards for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into standards) or (2) any purpose for which funds are authorized by section 403 of this title.

(h) Each uniform safety standard promulgated under this section on or before July 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973.

(i) For the purpose of the application of this section on Indian reservations, "State" and "Governor of a State" includes the Secretary of the Interior and "political subdivision of a State" includes an Indian tribe: *Provided, That*, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.

(j) (1) In addition to other grants authorized by this section, the Secretary may make incentive grants in each fiscal year to those States which have adopted legislation requiring the use of seatbelts in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, not to exceed \$32,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$37,500,000 for the fiscal year ending June 30, 1976.

(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purpose of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed \$12,500,000 for the fiscal year ending June 30, 1974, not to exceed \$16,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$19,000,000 for the fiscal year ending June 30, 1976.

[(3) Incentive awards authorized by this section shall not exceed 25 per centum of each State's apportionment as authorized by this chapter.]

(3) *In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have significantly reduced the actual number of traffic fatalities during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared to the average of the actual number of traffic fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section.*

(4) *No State shall receive from funds authorized for any fiscal year or period by this subsection incentive grants under paragraph (1) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (2) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (3) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period.*

(5) *Notwithstanding subsection (c) of this section, no part of the sums authorized by this subsection shall be apportioned as provided in such subsection. Sums authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under subsection (c) of this section.*

* * * * *

§ 404. National Highway Safety Advisory Committee.

(a) (1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, [who shall be Chairman] the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. *The Secretary shall select the Chairman of the Committee from among the Committee members.* The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President, who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding term.

(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Commerce such staff and facilities as are necessary to carry out the functions of such Committee.

* * * * *

§ 406. School bus driver training.

(a) The Secretary is authorized to make grants to the States for the purpose of carrying out State programs approved by him of driver education and training for persons driving school buses.

(b) A State program under this section shall be approved by the Secretary if such program—

(1) provides for the establishment and enforcement of qualifications for persons driving buses;

(2) provides for initial education and training and for refresher courses;

(3) provides for periodic reports to the Secretary on the results of such program; and

(4) includes persons driving publicly operated, and persons driving privately operated, school buses.

[(b)] (c) Not less than \$7,500,000 of the sums authorized to carry out section 402 of this title for fiscal year 1976 shall be obligated to carry out this section. [Such sums shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title.] All sums authorized to carry out this section

shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c). The Federal share payable on account of any project to carry out a program under this title shall not exceed 70 per centum of the cost of the project.

* * * * *

FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

* * * * *

OVERSEAS HIGHWAY

SEC. 118. (a) The Secretary is authorized to undertake projects for the reconstruction or replacement of bridge structures of a two-lane nature on the Overseas Highway, to Key West, Florida. The Federal share payable on account of such projects shall not exceed 70 per centum of the costs of such reconstruction or replacement.

(b) There are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$109,200,000, to carry out such projects. Such sums shall be available until expended except that of the funds authorized under this section only \$10,000,000 for the fiscal year ending June 30, 1975, [and] \$15,000,000 for the fiscal year ending June 30, 1976, [can be obligated] \$8,750,000 for the three-month period ending September 30, 1976, \$35,000,000 for the fiscal year ending September 30, 1977, and \$35,000,000 for the fiscal year ending September 30, 1978, can be obligated.

* * * * *

ROUTE WITHDRAWALS

SEC. 125. (a) Section 103(e)(2) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1443" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

(b) Section 103(e)(4) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1443" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

(c) The amendments made by subsections (a) and (b) of this section shall take effect August 13, 1973.

* * * * *

FEDERAL-AID HIGHWAY ACT OF 1973

* * * * *

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

* * * * *

HIGHWAY STUDIES

SEC. 143 (a) The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes:

(1) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.

(3) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(4) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or its vicinity.

(5) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(6) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas, or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(7) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the

Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at LaCrosse, Wisconsin.

(8) Extension of Interstate Highway 27 from Lubbock, Texas, or its vicinity in a southerly direction to intersect with Interstate 20 and, proceeding further, to intersect with Interstate 10.

(9) A route from Salina, Kansas, or its vicinity, in a northerly direction to intersect with Interstate 80 in the vicinity of York, Nebraska, and, proceeding further, to Interstate 29 in the vicinity of Watertown, South Dakota.

(10) A route from Wichita, Kansas, or its vicinity to Tucumcari, New Mexico, or its vicinity, so aligned to serve the following intermediate locations or vicinities thereof: Pratt, Kansas; Meade, Kansas; Liberal, Kansas; Guymon, Oklahoma; Stafford, Texas; Dalhart, Texas; and Logan, New Mexico; or any other route through the State of Kansas determined feasible by such State and the Secretary.

(b) *The Secretary of Transportation is authorized and directed to study the feasibility of developing a multimodal concept along the route described in paragraph (1) of subsection (a) of this section, which study shall include an analysis of the environmental impact of such multimodal concept. The Secretary shall report to Congress the results of such a study not later than July 1, 1977.*

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DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSINGS

SEC. 163. (a) * * *

* * * * *

(i) *The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.*

(j) *The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.*

(k) *The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.*

(l) *The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road.*

[(i)] (m) The Federal share payable on account of such projects shall be that provided in section 120 of this title.

[(j)] (n) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

[(k)] (o) There is authorized to be appropriated to carry out this section (other than subsection [(1)] (p)) not to exceed \$15,000,000

for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 30, 1975, and \$50,000,000 for the fiscal year ending June 30, 1976, [except that] \$6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, \$26,400,000 for the fiscal year ending September 30, 1977, and \$51,400,000 for the fiscal year ending September 30, 1978, except that not more than two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust fund.

[(1)] (p) The Secretary, in cooperation with State highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nation-wide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection.

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SECTION 302 OF THE NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974

SEC. 302. There are authorized to be appropriated to carry out this title not to exceed \$14,000,000, except that *not more than* two-thirds of all funds expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.

SECTION 2 OF THE ACT OF FEBRUARY 20, 1931

An Act Granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland.

* * * * *

SEC. 2. (a) The State of California is hereby authorized to fix, charge, and collect tolls for the use of the bridge referred to in the first section of this Act, at rates so adjusted as (1) to provide a fund sufficient to pay the reasonable costs of maintaining, repairing, and operating such bridge and its approaches under economical management, (2) to pay the costs of such bridge and its approaches (including reasonable interest, financing, and refunding costs, and suitable reserves), and (3) to repay all sums advanced and required to be repaid under the laws of the State of California [heretofore enacted].

(b) The State of California is authorized to fix, charge, and collect tolls for the use of such bridge to pay the costs of engineering, planning, constructing, reconstructing, making alterations, additions, betterments, improvements, and extensions (including reasonable interest, financing, and refunding costs, and suitable reserves), and the costs of maintaining, repairing, and operating [of not to exceed two additional highway crossings and one rail transit crossing across

the Bay of San Francisco and their approaches] (1) *not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area.* The State of California is also authorized to fix, charge, and collect tolls for the use of such additional highway crossing or highway crossings. [After a fund shall have been provided from the tolls collected for the use of the bridge referred to in the first section of this Act and from tolls charged for the use of such additional highway crossing or highway crossings sufficient to pay all costs referred to in clauses (2) and (3) of subsection (a) and also all costs of such additional highway crossing or highway crossings, such rail transit crossing, and their approaches (including the costs of all reconstruction, alterations, additions, betterments, improvements, and extensions thereof and all interest, financing, and refunding costs, and suitable reserves), such bridge and such additional highway crossing or highway crossings shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge and such additional highway crossing or highway crossings and their approaches, under economical management.] An accurate record of the costs of such bridge, such highway crossing or highway crossings, such rail transit crossings, and their approaches, the expenditures for maintaining, repairing, and operating such bridge and such additional highway crossing or highway crossings and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. Nothing herein shall impair or limit the full power and authority of the State of California or any public body in such State to provide for the use of such rail transit crossing and the fixing, charging, and collection of fares and charges in connection with the transportation of goods or passengers by means of such rail transit crossing.

SECTION 2 OF PUBLIC LAW 94-30

AN ACT To authorize the increase of the Federal share of certain projects under title 23, United States Code

* * * * *

SEC. 2. The total amount of such increases in the Federal share as are made pursuant to the first section of this Act for any State shall be repaid to the United States by such State [before January 1, 1977] *January 1, 1979, at a rate of 20 per centum of January 1, 1977, 30 per centum by January 1, 1978, and 50 per centum by January 1, 1979. If a State fails to make any repayment in accordance with the preceding sentence, the entire unpaid balance shall immediately become due and payable.* Such repayments shall be deposited in the Highway Trust Fund. No project shall be approved under section 106 or section 117 of title 23, United States Code, for any project in any State which has failed to make its repayment in accordance with this section until such repayment has been made.

SECTION 203 OF THE HIGHWAY SAFETY ACT OF 1973

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) * * *

[(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects for the elimination of hazards of railway-highway crossings \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Such sums shall be available for obligation in the same manner, and to the same extent as if such funds were apportioned under this chapter.

[(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).]

(b) (1) *In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects for the elimination of hazards of railway-highway crossings, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the three-month period ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, and \$150,000,000 for the fiscal year ending September 30, 1978. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under Chapter 1 of title 23, United States Code.*

(2) *Funds authorized by this subsection shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).*

(c) *There is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system \$18,750,000 for the three-month period ending September 30, 1976, \$75,000,000 for the fiscal year ending September 30, 1977, and \$75,000,000 for the fiscal year ending September 30, 1978. Sums apportioned under this section for projects under this subsection shall be subject to all of the provisions of chapter 1 of title 23, United States Code, applicable to highways on the Federal-aid system, except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section.*

(d) *50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (1) of section 104 of the Federal-Aid Highway Act of 1973 and 50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (2) of section 104 of the Fed-*

eral-Aid Highway Act of 1973. 50 percent of the funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (1) of section 104 of the Federal-Aid Highway Act of 1973 and 50 percent of the funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section (a) (2) of section 104 of the Federal-Aid Highway Act of 1973. The Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

* * * * *

SECTION 3 OF THE EMERGENCY HIGHWAY ENERGY CONSERVATION ACT

SEC. 3. (a) To conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary of Transportation is authorized to approve demonstration projects designed to encourage the use of carpools in urban areas.

(b) Proposals shall be originated by local officials and submitted by the State in accordance with the provisions of section 105(d) of title 23, United States Code. The Secretary of Transportation shall approve for funding those projects which offer reasonable prospects of achieving the objectives set forth in subsection (a) of this section.

(c) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities, designating existing highway lanes as preferential carpool highway lanes or shared bus and carpool lanes, providing related traffic control devices, and designating existing publicly owned facilities for use as preferential parking for carpools.

(d) A project authorized by this section shall be subject to, and carried out in accordance with all of the provisions of chapter 1 of title 23, United States Code, applicable to highway projects, except that the Federal share of such project shall be 90 per centum, the Federal share shall not exceed \$1,000,000 for any single project, and only funds apportioned under section 104(b) (3) and (6) of such title shall be available to carry out projects authorized by this section. [The Secretary shall not approve any project under this section after December 31, 1974.]

(e) The Secretary of Transportation shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall, in cooperation with the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in carpool ridership in urban areas throughout the country, and shall identify any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions, and recommendations resulting from such investigation and study. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study authorized by this subsection.

ADDITIONAL VIEWS OF REPRESENTATIVES JAMES V. STANTON, ABZUG, STUDDS, MINETA, AMBRO, AND EDGAR

The 1973 Federal-Aid Highway Act effected significant changes in the federal-aid urban system (FAUS), reflecting "the growing need of the Federal Government, and the Federal-aid highway program in particular, to devote more attention to urbanized areas where demands are rapidly increasing." The 1973 Act increased the annual authorization for FAUS to \$780 million for FY 1974 and \$800 million for FY 1975 and for FY 1976. It also extended eligibility for federal assistance from "high traffic volume routes" to collector and distributor routes. Funds were also "earmarked" for urbanized areas over 200,000 population. The State may spend remaining FAUS funds at its discretion. Finally, it provided that designation of routes and the selection of the program of projects shall be made by the appropriate local officials with the concurrence of the State highway department.

All of these improvements reflected Congress' desire to provide assistance to urban areas for local street needs, to insure local involvement in the FAUS program, and to emphasize the capacity of and the desirability that urbanized areas over 200,000 population plan their own affairs.

Experience with the program since the passage of the 1973 Act indicates further changes are needed in the FAUS program if the transportation needs of urbanized areas over 200,000 are to be met. The fact of the matter is that to date the progress of the FAUS program, at best, has been a failure. Since its inception, \$2.32 billion has been made available for obligation of the FAUS program through apportionment to the States. As of October 31, 1975, when only eight months remained for the five-year authorization, only \$898 million, or 39% of these funds have been obligated.

The failure to obligate FAUS funds is a matter of great concern to us. In addition to indicating a neglect of transportation needs in urban areas, the non-obligation of FAUS funds represents a loss of 146,261 potential job in areas of high unemployment.

The performance within the States and within areas over 200,000 for which funds are "earmarked" is shown below. The first percentage represents the percentage of total FAUS funds apportioned to that State which have been obligated. The second percentage represents the percentage of FAUS funds attributable to urbanized areas over 200,000 within each State which have been obligated.

FEDERAL AID URBAN SYSTEM PROGRAM

Percent of apportioned and percent of attributable funds to areas over 200,000 obligated by October 31, 1975

State	Apportioned and Attributable	State	Apportioned and Attributable
Arkansas	46 (52)	Montana	22 —
Alabama	65 (54)	Nebraska	60 (66)
Alaska	0 —	Nevada	68 (70)
Arizona	72 (80)	New Hampshire	35 (8)
California	39 (36)	New Jersey	18 (10)
Colorado	69 (67)	New Mexico	34 (56)
Connecticut	23 (15)	New York	30 (20)
Delaware	71 (75)	North Carolina	64 (0)
District of Columbia	41 (36)	North Dakota	47 —
Florida	83 (90)	Ohio	18 (9)
Georgia	66 (52)	Oklahoma	43 (51)
Hawaii	8 (0)	Oregon	30 (34)
Idaho	65 —	Pennsylvania	27 (19)
Illinois	81 (67)	Rhode Island	43 (35)
Indiana	45 (37)	South Carolina	51 (0)
Iowa	24 (49)	South Dakota	38 —
Kansas	11 (7)	Tennessee	39 (55)
Kentucky	63 (86)	Texas	29 (14)
Louisiana	10 (3)	Utah	53 (44)
Maine	13 —	Vermont	.5 —
Maryland	72 (92)	Virginia	52 (38)
Massachusetts	70 (69)	Washington	31 (21)
Michigan	63 (66)	West Virginia	6 —
Minnesota	52 (63)	Wisconsin	48 (55)
Mississippi	26 (0)	Wyoming	88 —
Missouri	15 (0)	Puerto Rico	19 (19)

Testimony before the Committee indicated several reasons for the low obligation levels of FAUS funds. Among these were complex federal procedures, differences between State and local officials on project selections, and charges that the States considered the FAUS program low in priority.

Environmental, relocation and other federal requirements are indeed complicated and require thought and justification for projects. It is for these reasons that these requirements have been added by the Congress as prerequisites. These very same requirements, however, exist for the other federal aid highway programs, yet their obligation levels are not lagging like those of the FAUS program.

In selecting projects to be included in FAUS, there is substantial evidence that the States have transferred urban highways from the primary system to the new urban system. While local officials, under the impression that FAUS was going to fund previously ineligible streets in their urban areas, have resisted the expenditure of FAUS funds on primary and State highway projects, these officials are at a disadvantage. In order to obtain FAUS funds for locally selected projects, the present law requires the concurrence of the State highway department in the selection of particular projects. Significant time delays in obligation of FAUS funds have resulted from this jurisdictional squabble over project selection. This is particularly disturbing in those urbanized areas where the local governments finance the non-federal share of project costs.

State highway officials argue that the newness of the FAUS program and the difficulties of obtaining project approval have caused the

delays in obligating FAUS funds. This argument, however, loses a great deal of weight when one considers the rate of obligation that occurred this spring during the last quarter of fiscal year 1975. In March of this year, President Ford "released" \$2 billion of additional obligational authority for the highway program. Subsequent action by the Congress raised this by \$9 billion.

With the elimination of the restraints of quarterly apportionments, the States were free to obligate funds at a rate well in excess of what they had anticipated planning for. This had to be done in a three month period. The performance was remarkable. Following is a table that shows the percentage of highway funds obligated, by program, for fiscal year 1975, as a result of the release of the additional obligational authority.

PROGRAM OBLIGATION, FISCAL YEAR 1975

(Dollar amounts in millions)

	Authoriza- tions	Obliga- tions	Percentage obligated
Interstate			
Rural primary and secondary	\$3,000	\$5,018.4	167
Urban extension	1,100	1,762.2	160
Urban system (FAUS)	300	338.8	112
	800	430.7	54

While all programs showed an increase in obligation levels during the last three months of fiscal year 1975, as a result of the release of the impounded highway funds, the gains well beyond the annual obligational rates are in the established programs. As the figures indicate, a substantial and largely successful effort was made to obligate funds, but the emphasis was not within the urban system.

We endorse the provision of the Committee-reported bill of the urban system program. This study, however, will take 6 months. Congressional hearings will then follow. Once Congress has then made a determination of what improvements can and should be made in the urban system program, the Federal Highway Administration will have to issue implementation regulations. Based upon past experience, this will take from 12 to 24 months. In short, while laudable, changes in the FAUS program aimed at speedier obligation of FAUS funds realistically cannot be expected for at least another two years. We believe that Congress has a responsibility to act now, in a manner consistent with the present federal-aid highway program, to assist in increasing the rate of obligation of FAUS funds.

During its deliberations on this legislation, the Subcommittee on Surface Transportation adopted an amendment offered by Mr. Stanton which we believe will speed the obligation of FAUS funds in urbanized areas over 200,000. While this amendment was rejected by the full committee in favor of a study of the urban system, we believe that the Stanton amendment is a natural extension of the 1973 amendments and urge its adoption by the full House.

Essentially this amendment increases the responsibility of local governments in the FAUS program when the local governments contribute 50 percent of the non-federal share of a program of projects. Its applicability would be limited to urbanized areas over 200,000.

The highway program is designed to proceed in steps: system designation, apportionment of authorized funds, approval of a program of

projects, and finally approval of the plans, specifications and estimates of projects, which is the step which obligates the federal funds. The Stanton amendment would effect two of these steps in urbanized areas of over 200,000 people where local governments are providing more than 50 percent of the local funds.

Present law requires that the program of projects be selected by appropriate local officials with the concurrence of the State highway department. The Stanton amendment would seek to eliminate this persistent bottleneck by permitting the local officials of urbanized areas over 200,000 to select the program of projects themselves when they provide more than 50 percent of the non-federal share of the cost of a program of projects within such urbanized areas.

Present law also provides that after the program of projects is approved by the Secretary of Transportation, the State highway department shall submit to the Federal Highway Administration, for its approval, the plans, specifications, and estimates for the projects. Approval of the PS & E constitutes an obligation of federal funds. The Stanton amendment provides that if a State fails to submit such PS & E for projects from the approved program within one year after approval of the program of projects, the local governments in urbanized areas over 200,000 which provided more than 50 percent of the non-federal share of the program's cost may submit these PS & E to the Federal government on their own.

We believe this amendment reflects a reasonable and responsible approach to the present problem. The amendment is permissive, not mandatory in nature. It applies only to urbanized areas over 200,000 which have provided more than 50% of the non-federal share of a program of projects. Moreover, it would only be utilized by local governments when the present process fails to operate in a manner responsive to the needs of the larger urbanized areas.

We believe that the Stanton amendment, while not entirely curative of all the problems of implementation of the FAUS program, represents a significant improvement in the present procedure of obligating FAUS funds. We urge its adoption by the House.

JAMES V. STANTON.
 BELLA S. ABZUG.
 GERRY E. STUDDS.
 NORMAN Y. MINETA.
 JEROME AMBRO.
 ROBERT W. EDGAR.

ADDITIONAL VIEWS TO H.R. 8235 OF REPRESENTATIVES EDGAR, JAMES V. STANTON, ABZUG, STUDDS, MINETA, AMBRO

H.R. 8235, the "Federal Aid to Highways Act of 1975," is a grave disappointment to those of us who believe highway legislation should reflect our nation's long-ignored need for a balanced national transportation policy.

During 2 months of hearings in July and September, there was elaborate and well-documented testimony presented which called for provisions in the bill encouraging an integrated, multi-dimensional approach to surface transportation. There was bipartisan support for such an approach which would be sensitive to the changing social needs of our modern society, and our critical need to lessen our energy requirements. Witness after witness expressed the need for our Committee, which this year accepted the jurisdiction over all areas of surface transportation except railroads, to provide a sharp reduction in the labyrinth of categories for transportation funding. There was a call for maximum flexibility within categories and transferability among them, as well as for more autonomy and responsibility for federal aid recipients, particularly within urban areas. These changes were the major ones which we considered essential.

By reducing the highway aid categories from 38 major categories to four, States and local governments could undertake those projects most responsive to their transportation needs, rather than getting involved in some low priority projects of questionable need, because federal categorical assistance is available.

Reform in the area of increased transferability was also one of our major concerns. It was important to us to have the flexibility for funds to be transferred from the urban to the rural highway systems and vice-versa; and to be transferred from both rural and urban systems to mass transit, if that is where the greatest need lies. We feel that it makes no sense for a state to have an overabundance of rural money that it cannot effectively spend and not enough urban money; or of too much urban money and not enough rural money. Again this is a reform to make money available to the states and localities to solve transportation problems as they perceive them from the local vantage point, rather than how they are perceived from Washington, D.C.

Even before the public hearings began, we held an informal meeting to discuss what philosophy we should consider, and what strategies we should look at to effect needed revisions in present law. At this meeting, there was a consensus that it would be a disaster to allow a "business as usual" highway-aid bill to be reported. We were certainly not "anti-highway". The Interstate System has been one of the best administrated and cost-effective programs ever undertaken by the public sector. We just felt that the emphasis upon highway construc-

tion in 1975 should be more responsive to 1975 needs of this country, rather than 1956 needs when the Highway Trust Fund was established. The goal we sought to achieve was not to stop highway construction and build more mass transportation projects, but to move people and goods more efficiently and economically.

The goals of moving people and goods more efficiently were addressed in a substitute bill, H.R. 9544. This bill provided for five broadly-based categories for federal transportation assistance. It provided for flexibility within and between categories. It provided for more responsibility and freedom by local governments which benefit from the grants made. We offered this to the Committee.

Instead, this bill maintains the myriad categories. It continues to institutionalize the inflexibility which characterizes federal transportation programs. It fails to expand the opportunities for urban decision-making, and the ability for states and localities to use federal assistance in a manner responsive to local transportation needs.

We worked in Subcommittee for two weeks in an attempt to change the direction and philosophy of this legislation, and bring it more into line with the early goals of the Subcommittee, and the views which were expressed during the two months of testimony.

We offered amendments during the markup to institute the necessary provisions which we described earlier. Unfortunately, only one may be found in the bill reported by the full committee, H.R. 8235.

This amendment, offered by Ms. Abzug, made the procedure for transferring interstate highway funds more equitable and more flexible. This change will make it advantageous for many areas throughout the country to use these funds for public transportation.

As a result, the bill before the full House is nothing more than an echo of the provisions of previous legislation (with the exception of the Abzug amendment), measures which have catered to the needs of the special interests while neglecting the changing needs of our system of transportation. Little in this bill responds to either the needs expressed in the substitute bill, H.R. 9544, or to the copious testimony which was presented to the Subcommittee.

We believe that the House should carefully consider each provision of this bill on its own merits. We anticipate that a number of amendments will be offered which will improve this legislation, and we urge your support for them.

The bill reported this year on highway legislation has failed to realize our most basic goals. We plan to continue in our efforts to reverse the deeply embedded philosophy which has strangled attempts to give serious consideration to a reordering of national transportation priorities.

ROBERT W. EDGAR.
JAMES V. STANTON.
BELLA S. ABZUG.
GERRY STUDDS.
NORMAN Y. MINETA.
JEROME A. AMBRO.

MINORITY VIEWS OF REPRESENTATIVES HARSHA AND CLEVELAND

This bill, originating as a rational and responsible attempt to meet undisputed needs of highway efficiency and safety, has emerged in so grotesquely distorted form as to be utterly unacceptable.

Therefore the undersigned, ranking and second-ranking Minority Members of the Committee on Public Works and Transportation—yielding to none as consistent advocates of the Federal-aid highway program—are constrained to withhold our support for H.R. 8235 as it proceeds toward enactment unless purged of the provisions to which we object.

These include Interstate withdrawals and substitute transit or highway projects, a "pay-back" prohibition, a disruptive cost-study requirement, funding levels, Interstate completion priorities, and a dangerous precedent with respect to toll roads.

For reasons we hope will be amply evident, we most strenuously oppose the following amendments incorporated by the Subcommittee on Surface Transportation:

INTERSTATE ROUTE WITHDRAWALS

Section 108 Interstate withdrawal would extensively rewrite language of existing law now providing for withdrawal of designated segments of the Interstate System in urbanized areas as unneeded for a unified and connected system, and for substitution of nonhighway public mass transit projects financed by general funds in the Treasury in an amount not exceeding the Federal share of the estimated cost of the withdrawn highway segment. The new language would inaugurate several changes making a mockery of the Interstate transfer provision (Section 103(e)(4) of title 23, United States Code) and the principles embedded in the entire body of Federal-aid Highway legislation:

(a) A State fully intending to seek withdrawal of an Interstate segment—now on the system or designated in the future—would be enabled to redesign the proposed project for inclusion in a future Interstate System cost estimate so as to increase its scope and cost, and hence the amount of Federal general funds to be made available for transit. This would provide an incentive to artificially balloon the dimensions of a highway project which the State has no intention of building, in effect fattening up the turkey for the kill.

(b) Projects eligible to be substituted for withdrawn Interstate segments, now limited to mass transit, would be broadened to include projects on the Interstate, primary, secondary, and urban systems and on urban extensions. Subject to the same artificial ballooning as transit

projects described above in (a), this provision would unconscionably intensify incentives for States to renege on their responsibilities to build their portions of the Interstate System as designated in response to transitory political pressures. Due to the fact that funds for projects on the non-Interstate Federal-aid highway systems are apportioned on formula bases, this broadened substitution provision would make increased non-Interstate projects available to comparatively few metropolitan areas. This would discriminate against those areas which have gone ahead and completed their Interstate projects or otherwise lack designated Interstate mileage to auction off.

(c) As a further inducement to scrapping segments of the Interstate System, the same proposed section 108 would prohibit imposition of any requirement that a State repay to the Highway Trust Fund the federal share of funds spent on a proposed Interstate route subsequently withdrawn. Thus, for example, a State which had acquired right-of-way with 90 per cent Federal matching could then convert all or a portion of it to other uses utterly unrelated to transportation, or could sell it outright with no obligation to pay back a nickel, thereby adding to the total cost of the Interstate System without building a mile. A state in the position to take advantage of the cost-inflating provision for transit or highway substitution and prior Federal expenditure forgiveness could be entitled to a totally unjustified double dip.

We fully concede that language in the section 108(b), would appear to exempt from payback only "so long as such sums were applied to a transportation project permissible under this title (emphasis added)." We contend, however, that this safeguard is illusory, for all it requires is that sums previously expended for the withdrawn segment were properly expended when paid, not that such expenditures were, now are and shall remain devoted to the purposes of the title. Furthermore, this amendment would prevent implementation of the Federal Highway Administration's draft guidelines (Federal Register, Vol. 40, No. 222—Monday, November 17, 1975, pp. 53352-4), which state, in part:

While Title 23, United States Code, does not specifically provide for the disposition of Federal funds previously expended on segments of the Federal-aid Highway system which the State has determined will not be completed, the FHWA has consistently followed a policy requiring the repayment of the Federal share of certain costs. This policy, popularly referred to as "payback", in general requires a State to pay back to the Federal Government the Federal share of right-of-way and construction costs where the State has determined not to complete the Federal-aid highway segment, and the project agreement between the State and the Federal Government has been mutually rescinded.

It must be said at this point that no one forced Interstate System mileage on any State, as the system has been jointly determined by the States and the Bureau of Public Roads (and the successor FHWA). Competition for increased mileage has been intense as the authorized system has been expanded from its original 40,000 miles by additions of 1,000 and a subsequent addition of 1,500 miles. The same may be said of mileage which has become available as a result of withdrawals,

with requests exceeding many times over the amounts released for redesignation.

The Committee and the Congress have expressly recognized that both highway and mass transit construction costs have escalated sharply in recent years. An amendment in 1974 provided that the Federal share of substitute projects be based on the original cost of the withdrawn highway segment, adjusted to reflect such cost escalation. The provision was limited to Interstate segments included in the 1972 Interstate System cost estimate "and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate (emphasis added)." While attempting even-handed fairness with respect to updating costs of Interstate and transit projects, it was drafted precisely in those terms to prevent redesign—or design in the case of new projects—having the sole purpose of a manipulating cost eligibility.

(d) A series of other changes can be savored fully only by a line-by-line comparison of existing Section 103 (e) (4) with Section 108 of H.R. 8235, or the Ramseyer text in this report, but the following points merit consideration:

Conceivably, the Governor and local government in an urbanized area of a multi-state metropolitan area, with the concurrence of a sympathetic Secretary of Transportation, could bring about withdrawal of a disputed segment of Interstate highway in an adjoining State whose officials would have absolutely no say in the matter.

Specific authorization now permitting Interstate highway mileage withdrawn in one State to be designated only in some other State would be dropped. In the absence of testimony or adequate discussion of this provision, the consequences are unclear in view of the fact that a total 42,500 miles remain authorized for the Interstate System. Conceivably, the Interstate mileage could now be designated within the same State, but not in another State.

A requirement in existing law that no segment of Interstate highway could be withdrawn without the assurance that it will never be built as part of the Interstate System also would be dropped, suggesting that a system segment once withdrawn could later be redesignated, a perpetually recycled throwaway phantom freeway reappearing on the books for purposes of substitution.

NEEDLESS COST-STUDY

Section 105 (b) (2) of H.R. 8235 would require the Secretary of Transportation to submit within the first ten days of July, 1976, a revised Interstate System cost estimate, which, upon approval by the Congress, would constitute the basis for apportionment of Interstate System funds for fiscal year 1978. This we oppose:

(a) On its own merits or lack thereof on the grounds that the Federal Highway Administration and the States would be unable to produce the refined data comprising these detailed and comprehensive documents in the time period provided. A good faith effort to comply would be excessive, in view of the fact that the normal year-long process generally costs some \$5 million, an undue burden to state and federal officials, and deplorably deficient in quality. FHWA has just submitted the 1975 cost estimate on July 16, 1975, to serve as the basis

of apportionments for fiscal years 1977 and 1978. And it would still be required to submit a new one on the now normal two-year cycle six months later in January, 1977. This nationwide effort is proposed on behalf of a single state where design changes are "imminent", and incidentally a state whose principal activity with respect to the Interstate System has been wholesale withdrawal for mass transit substitutions.

(b) As dovetailing with the Interstate withdrawal changes, suggesting that a consequence would accelerate redesigning segments of the Interstate System for withdrawals.

We fully expect to be challenged with respect to the likelihood that the potential abuses cited would be realized. But we feel it is altogether in order to ask—and to urge colleagues to join us in asking—the following: If these consequences are not intended, then what is the purpose of amending the law so that they can occur?

EXCESSIVE FUNDING

The funding authorized by this bill is excessive, and far above the level acceptable to the Administration, with which we have never hesitated to take issue in matters of conviction, as our Majority colleagues occasionally take great relish in pointing out. In this instance, we are constrained to agree with the view of Secretary Coleman, with respect to the Subcommittee version, whose authorizations remained substantially unchanged by the full Committee.

Discussing the spending levels in terms of the Administration's own recommended legislation, he wrote Chairman Jones as follows, in part:

The third issue that the Administration's bill addressed was the overall level of Federal funding that should be directed at transportation and the fiscal operations of the highway program. Here, the Administration recommended what we believed to be reasonable funding levels given transportation's importance to the economy. Enactment of our proposal would have made between \$6.5 and 7 billion available annually . . .

In this area, the Subcommittee almost totally ignored the recommendations of the Administration. For fiscal years 1977 and 1978, authorizations contained in the bill are in excess of \$8.8 billion per year.

Further, the Subcommittee bill makes no significant changes in the fiscal operations of the program. Thus, if this bill were enacted as drafted, between now and December 31, 1976, just over one year away, the total sum authorized for the transition quarter, fiscal year 1977 and fiscal year 1978 would become available for obligations. This amount totals almost \$18.5 billion even excluding both the sums authorized for other Departments and the sums authorized for Chapter 4 highway safety activities. Added to the \$6.4 billion currently available, enactment of this bill would make \$25 billion available for highway construction during the next twelve months.

While there can always be differences between the Congress and any Administration on almost any issue, in this case the

Subcommittee's proposal is unreasonable. At a time when both the Congress and the Administration are struggling to contain Federal spending, we believe this bill is very inflationary.

For fiscal year 1976, the authorization level for the Federal-aid highway program is approximately \$7 billion. This annual level is reinforced by the recent action of the Congress to limit 1976 and the transition quarter obligations to an annual level of approximately \$7.3 billion. In stark contrast to these actions, enactment of the Subcommittee proposal would authorize almost \$9.0 billion annually and would bring us into fiscal year 1977 with more than \$15 billion available for potential obligation.

To which we would only add the observation that lack of restraint by the authorizing Committee can only invite a repetition of what we have seen—and we have joined the majority of this Committee in resisting—in the way of appropriations acts ceilings being imposed on expenditures from the Highway Trust Fund. Debate in the Ways and Means Committee concerning our request for a two-year extension of the Highway Trust Fund—which Majority and Minority on our Committee joined in supporting—reflected concern over the degree to which authorizations may exceed revenues to the Trust Fund. Those of us who continue to regard the Trust Fund as the best mechanism ever devised for major public works programs should give pause, particularly as we anticipate the need for future extensions beyond the 1979 extension approved by the Committee on Ways and Means and hopefully to be enacted into law.

CATEGORIES RETAINED

The Administration, the States, and many Members of the Committee appear to share the objective of reducing the number of categories, which impose needlessly burdensome restrictions on the use of Federal-aid highway funds. Indeed, when the Administration released \$2 billion of previously impounded funds last February, it was necessary to enact special legislation temporarily waiving certain of these categorical restrictions to enable the states to obligate the funds. Accordingly, our opposition to this bill also stems from the failure of the Committee to accept an amendment providing for consolidation of categories, along with restriction of funding to current levels, despite assurances that funds could continue to be spent for purposes now tied down by categories.

INTERSTATE PRIORITIES

Whatever differences we have had with the Administration with respect to its Trust Fund recommendations, we found considerable merit in its proposal that a two-tiered apportionment mechanism be instituted to accord priority status to completion of segments eliminate gaps in the Interstate System. We recognize that the Subcommittee and Full Committee made an effort to accommodate this by establishing separate, discretionary unapportioned "pots" available to the Secretary for projects (a) eliminating gaps in the system and (b) charac-

terized by abnormally high cost of long construction time to complete. Nevertheless, we are constrained to oppose the Committee's alternative approach on two grounds: (1) Not all of the fund in the discretionary categories would be required to be obligated for the highest national priority segments. Indeed, both high cost and protracted periods of construction characterize many controversial urban routes not necessary to the highest national objective of nationwide connectivity. (2) Despite our political affinity for this Administration, we think it wrong in both principle and practice to create such discretionary authority in the case of the Interstate System. To its credit, the Administration shares this concern, as Secretary Coleman further stated in his letter to Chairman Jones:

Not only does this Subcommittee action help increase the bill's total funding authorizations to a completely unacceptable level, but it interjects a sizeable discretionary funding category into this formula based program.

TOLL DIVERSION

Finally, we are disturbed over the potential of section 135 for negation of an important principle now contained in existing law with respect to toll facilities. This provision which would permit diversion of a portion of tolls generated by the Oakland Bay Bridge, a portion of Interstate Route 80, for subsidization of mass transit operations. This bridge, authorized under a special Act of Congress, Public Law 695, 72d Congress, February 20, 1931, was not built with Highway Trust Fund revenues. However, the fact that it is now on the Interstate System, with Interstate travelers contributing to its toll revenues, raises an important issue of precedent. We fear an erosion of the principle of section 129 of title 23, United States Code, with respect to toll bridges and tunnels on the Federal-aid systems (many of which were built with Federal-aid highway funds) and to toll roads on the Interstate System. That provision of existing law requires that tolls on facilities constructed pursuant to section 129 must be removed upon retirement of the construction costs and thereafter be operated toll free.

Up-to-date statistics reflecting the number of facilities involved are not available. However, a 1972 compilation by the Federal Highway Administration identifies 22,358 miles of toll segments on the Interstate System, consisting of 24 toll highways in 18 States. Also as of 1972, there were 64 toll bridges and toll tunnels in 13 States on the Interstate System. As these facilities, and those on other Federal-aid systems, reach the point where construction costs are about to be retired, there will be inevitable pressure to maintain tolls for other purposes. In the case of the Federal-aid systems, this would breach the principle whereby many such facilities were constructed or incorporated into such systems: The systems are financed by highway user revenues paid into the Highway Trust Fund. Users, and particularly those in interstate travel, should not be subjected to additional levies to finance other local facilities or activities. The fact that the Oakland Bay Bridge was not built with Federal-aid highway funds is irrelevant. Its incorporation into the Interstate System has funneled Interstate traffic into its toll booths and will continue to do so.

The direction of traffic into toll facilities by such routing can substantially increase toll revenues and accelerate retirement of construction costs. The Federal-aid highway users should not be required to pay for such facilities time and time again as a continuing source of local revenues.

CONCLUSION

Extensive hearings before the Surface Transportation Subcommittee have demonstrated the unquestionable need for a reasonable and responsible highway bill. The backlog of unmet needs in the areas of safety and efficiency have been amply documented. Our Federal-aid system is becoming obsolete in terms of physical deterioration, and failure of capacity to expand with demand, at twice the rate of construction and reconstruction. At the same time, some rather exaggerated hopes with respect to urban mass transportation—fixed rail or bus—in terms of economic feasibility, energy conservation and environmental enhancement are beginning to dissipate. Although it is too early to say so with confidence, we may be on the threshold of a broader public awareness of the vital role which highways play in the movement of goods and people to the benefit of the entire nation, urban and rural.

This perception in no way alters our view—indeed it strengthens our view—that this bill must undergo extensive change if it is to meet those needs we have just spoken of. Otherwise, it should be defeated and the Committee put on notice to get to work on an adequate alternative.

JAMES C. CLEVELAND.
WILLIAM H. HARSHA.

SUPPLEMENTAL VIEWS OF REPRESENTATIVES DON H. CLAUSEN, SNYDER, HAMMERSCHMIDT, SHUSTER, COCHRAN, ABDNOR, TAYLOR OF MISSOURI, GOLDWATER, JR., HAGEDORN, AND MYERS

We share the concern expressed in the Minority Views, however, we supported H.R. 8235 in Committee mainly for two reasons.

First, because many states are running out of highway funds and legislation is critically needed to keep America's Federal Aid Highway Program functioning. Thirty-six states have already run out of 1975 Interstate funds and several more will have exhausted one or more funding categories within the next 90 days. Without authorizing legislation, badly needed highway construction and safety projects will come to a standstill and unemployment in the industry will skyrocket.

Second, because we believe the major defects in the bill (enumerated in the Minority Views immediately preceding these Views) can be corrected by the Full House and in Conference. We shall work toward this objective in the hope that we will be able to support final passage in the House.

DON H. CLAUSEN.
GENE SNYDER.
JOHN PAUL HAMMERSCHMIDT.
BUD SHUSTER.
THAD COCHRAN.
JAMES D. ABDNOR.
GENE TAYLOR.
BARRY M. GOLDWATER, JR.
TOM HAGEDORN.
GARY A. MYERS.

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ADDITIONAL VIEWS OF CONGRESSMAN BUD SHUSTER

Earlier this year the Congress passed and the President signed into law Public Law 94-30 which provided for temporary 100% financing of federal aid highway projects. It was an emergency measure to permit states to utilize the \$2 billion in highway funds released from impoundment by the President last February and to stimulate the sagging construction industry. A central feature of the legislation was that the normal state share (generally 30 percent) must be repaid to the federal government by the states not later than January 1, 1977.

Considerable debate arose both in Committee and on the Floor of the House concerning the budgetary impact in the event "forgiveness" or an extension of the payback feature was granted. A fundamental argument proposed by both the majority and minority leadership to allay these concerns was the fact that the bill mandated repayment of the normal state share with non-federal funds by January 1, 1977, thus retaining complete control over this feature by the 94th Congress and the present makeup of the Committee on Public Works and Transportation. Every possible assurance was given by the Committee leadership that forgiveness or an extension would not be forthcoming from this Committee, and thus the control feature would remain with the present Committee.

As the Ranking Minority Member of the Surface Transportation Subcommittee and co-sponsor of the Bill, I joined in giving these assurances.

The provision extending repayment time for two additional years not only disregards the iron-clad assurances given to the Congress by this Committee just a few short months ago, but also relinquishes all control over this law by the present Committee.

Who, now, can state with any assurance that total state forgiveness will not be granted by future Congresses and future Committees? If forgiveness is ultimately granted, who can explain to those states unable to take advantage of the 100 percent financing law why they have been discriminated against by being required to come up with their total state matching, while others have not?

This provision would also result in the loss of many millions of federal dollars. As Public Law 94-30 is presently drawn, the only cost to the Federal government is the interest that is lost on what amounts to interest-free loans to states for the period ending January 1, 1977. During Floor debate on this question, I estimated at the time that based on an estimated \$317 million in new highway construction that could be generated by this measure, assuming the normal state share would be around 30 percent, the federal cost of what can be translated into a 12-month loan at 8 percent interest would be around \$8-10 million.

By stretching out the repayment time for an additional two years, the budgetary impact increases by a substantial margin.

During the hearings held on Public Law 94-30 (introduced as H.R. 3786), all considerations were based on a repayment date of January 1, 1977, thus assuring control by the Members of this Committee. Thus, the postponement provision in the Federal-Aid Highway Act of 1975 represents an issue that was not accorded full and comprehensive consideration during Committee hearings.

Even though my own state of Pennsylvania is one of the biggest beneficiaries of this legislation, I am duty bound to oppose the extension contained in Section 138 of the Federal Aid Highway Act of 1975 because I joined in giving assurances during floor debate that the "Pay Back" provision would not be extended beyond January 1, 1977. Accordingly, I shall offer an amendment to strike this section at the appropriate time.

BUD SHUSTER.

ADDITIONAL VIEWS ON H.R. 8235 OF REPRESENTATIVES MINETA AND MYERS

During hearings on the Federal-Aid Highway Act of 1975, the Surface Transportation Subcommittee heard testimony from Congressman Edward I. Koch and others opposing the higher truck weights permitted in the Federal-Aid Highway Act Amendments of 1974. After careful consideration of the complex issues surrounding the truck weight controversy, we are convinced that the limited benefits that attend higher weights are simply not worth the added costs that the motoring and tax-paying public will pay for these benefits.

There is certainly nothing sacred about the pre-1975 weight level of 73,280 or the current limit of 80,000. Congress must assess the relevant variables—road deterioration, fuel economy, industry viability, future Federal highway policy, and above all, safety—to arrive at an optimal truck weight formula for our current economic and social environment. After examining the large amount of data available, we believe that the preponderance of evidence points towards lower truck weights as the most appropriate policy.

Two overriding concerns impel us to raise an objection to the current truck weight limits. The first is highway safety. We believe it is an inescapable fact that higher weights mean longer truck stopping distances, lessened truck acceleration leading to automobiles overtaking trucks on grades, and difficulty in handling vehicles. This safety factor in itself would be sufficient reason to oppose heavier trucks. There is, however, a second important concern that is especially notable during a period when many states are suffering financial difficulties: the issue of road deterioration. Both supporters and opponents of higher truck weights agree that higher axle weights—a feature of last year's amendments—cause damage to road surfaces. It appears to us that much of the touted consumer savings alleged to result from higher weights might be taken from consumers in the form of state taxes to pay increased maintenance costs necessitated by heavier trucks.

An argument raised against repeal of the 1974 truck weight increases is the "permissive" nature of the amendments, that allows states to adopt or reject the higher limits. While this is technically true, we find the argument to be inappropriate. We believe that the Interstate system, built with 90% Federal funding, should be a model of sound, safe transportation policy. Just as the Interstate system has pioneered in engineering techniques, we believe it should serve as an example of transportation policies designed to preserve our highways and make them as safe as possible.

We believe that the Federal-Aid Highway Act of 1975 can be strengthened by returning truck weight limits to the pre-1975 levels,

and we intend to offer an amendment on the floor to accomplish this objective.

GARY A. MYERS.
NORMAN Y. MINETA.

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND REVENUES FOR TWO YEARS

I. SUMMARY

Title III contains the extension of the highway trust fund financing provisions. It provides for a 2-year extension of the Highway Trust Fund, from September 30, 1977, through September 30, 1979. Also, the scheduled rate reductions of the taxes allocated to the trust fund are postponed for 2 years, from October 1, 1977, to October 1, 1979. These rate reductions had been scheduled to take effect at the expiration of the trust fund. Receipts from the taxes allocated to the trust fund are estimated to total \$13.3 billion during the 2-year extension period, of which about \$5.4 billion represents revenue which otherwise would be general fund revenue during this period.

The 2-year extension of the Highway Trust Fund and its revenues to 1979 is designed to provide time to study and report to the Congress possible modifications in the Highway Trust Fund without interrupting the funding of the Interstate System and other programs provided by the trust fund in the period immediately ahead.

II. GENERAL STATEMENT

A. PRESENT LAW

Under present law, a series of highway user excise taxes are covered into the Highway Trust Fund: the manufacturers taxes on gasoline for highway use, lubricating oil, trucks and buses, truck and bus parts, and tires, tubes and tread rubber for highway use; the tax on use of heavy highway motor vehicles; and the retailers tax on diesel and special fuels for highway use.¹ These taxes in the fiscal year 1977 are expected to raise approximately \$6.3 billion in revenue for the trust fund.

The trust fund is scheduled to expire after September 30, 1977; that is, tax liabilities arising after that date for the taxes mentioned above are to be paid into the general fund rather than the trust fund. However, taxes collected after September 30, 1977, on account of these pre-October 1977 liabilities will continue to be paid into the fund for 9 months after the basic expiration date; that is, until June 30, 1978. The balance in the fund can continue to be spent for highway trust fund purposes until September 30, 1977.

In addition, as is indicated in table 1, as of the same date, all of the taxes mentioned above (except the tax on lubricating oil) are sched-

¹ The Airport and Airway Revenue Act of 1970 created the Airport and Airway Trust Fund and covered into it the manufacturers and retailers taxes on aviation gasoline, the manufacturers taxes on tires and tubes of the types used on aircraft, and the retailers taxes on aviation fuel, as well as the taxes on transportation by air and on use of civil aircraft. The Land and Water Conservation Act of 1965 created the Land and Water Conservation Fund and required that the taxes on special fuels and gasoline used as motorboat fuel be transferred to that fund from the Highway Trust Fund.

uled to be reduced or eliminated. The taxes on tread rubber and on the use of heavy highway motor vehicles are to expire on that date; the remaining taxes are to be retained at lower levels which, in the aggregate, are expected to produce about 40 percent as much revenue as the taxes would produce at their present rates.

TABLE 1.—EXCISE TAXES ALLOCATED TO THE HIGHWAY TRUST FUND

Tax (section of Internal Revenue Code)	Present tax rate	Tax rates effective Oct. 1, 1977 ¹
Retailers: Diesel and special motor fuels (sec. 4041).....	4 cents per gallon.....	1½ cents per gallon.
Manufacturers:		
Gasoline (sec. 4081).....	do.....	Do.
Lubricating oil for highway use (sec. 4091).....	6 cents per gallon.....	6 cents per gallon.
Trucks, buses, trailers (sec. 4061(a)).....	10 percent of manufacturers price.....	5 percent of manufacturers price.
Truck parts (sec. 4061(b)).....	8 percent of manufacturers price.....	Do.
Tires for highway use (sec. 4071(a)(1)) ²	10 cents per pound.....	5 cents per pound.
Tubes (sec. 4071(a)(3)).....	do.....	9 cents per pound.
Tread rubber (sec. 4071(a)(4)).....	5 cents per pound.....	None.
Other: Use tax on highway vehicles in excess of 26,000 lbs taxable gross weight (sec. 4481).....	\$3 per 1,000 lbs per year.....	Do.

¹ At that time, revenues are scheduled to go into the general fund.

² Sec. 4071 also imposes a tax of 5 cents per pound for nonhighway tires, except for a tax of 1 cent per pound on "laminated tires" (not used on highway vehicles). Revenues from these 2 taxes go into the trust fund and are not scheduled for a change in rate on Oct. 1, 1977.

Under present law, the Highway Trust Fund is required periodically to pay into the Land and Water Conservation Fund (an earmarking of moneys in the general fund) amounts estimated to be equivalent to the taxes on gasoline and special motor fuels used as fuel in motorboats. Also, the Highway Trust Fund is required to reimburse the general fund of the Treasury for refunds, etc., of taxes for gasoline, lubricating oil, and special fuels used on farms, or used for nonhighway purposes, as well as for use by certain local transit.² Further, the Airport and Airway Revenue Act of 1970 requires the Highway Trust Fund to pay into the Airport and Airway Trust Fund amounts estimated to be equivalent to the taxes on aviation gasoline and special fuels, and the taxes on tires and tubes used on aircraft.

B. REASONS FOR EXTENSION

It has become evident to the Committee on Ways and Means that the Interstate Highway System cannot be completed by the present expiration date of the Highway Trust Fund. Testimony from the Committee on Public Works and Transportation indicates that the likely completion date of the Interstate System will be about 1988. At the same time, the Committee on Ways and Means realizes that many would like to see substantial modifications made in the trust fund, although it has not as yet had time to study and reach conclusions as to what these modifications should be.

Insofar as the funding of the Interstate System and other programs is concerned, the termination of the trust fund in 1977 already is a matter of concern for Congress because of the timing involved in the authorization and apportionment processes. At the present time,

² In addition, the Highway Trust Fund is to reimburse the general fund of the Treasury for floor stocks refunds made on account of the reductions in tax to become effective on October 1, 1977.

consideration is being given to the authorizations for appropriations for the transition quarter and fiscal years 1977 and 1978. The Federal Highway Administration is awaiting these authorizations in order to make the apportionment among the States for fiscal year 1977. According to the Committee on Public Works and Transportation, the Highway Trust Fund needs to be extended for 2 years in order to provide the funding for the 2-year highway authorization in titles I and II of this bill. This is because of the advance funding of the obligations for highway construction, and the need for the trust fund receipts to be available to finance these authorizations and obligations as the actual payments come due in subsequent fiscal years.

As a result, it is clear that if the current construction and safety programs of the States are not to be interrupted, a decision needs to be made expeditiously as to whether the Highway Trust Fund is to be extended beyond the 1977 date. However, since there has not yet been an opportunity to study and reach conclusions as to modifications which are sought, the Committee on Ways and Means believes that only a temporary extension of short duration should be provided for the fund. Because of these considerations, the committee has extended the Highway Trust Fund, but only for 2 years in order to provide time for possible modifications to be reviewed.

The revenues of the Highway Trust Fund are also extended for another 2 years at the present tax rates in order to provide funding for the additional 2-year period. As indicated in table 2, the extension of the trust fund taxes from October 1, 1977, through September 30, 1979, are estimated to yield additional revenue of about \$13.3 billion for the trust fund. Approximately 40 percent of this amount, or \$5.4 billion, would otherwise have been general fund revenues in the absence of this title.

C. EXPLANATION OF PROVISIONS

For the reasons indicated above, title III of the bill extends the Highway Trust Fund for 2 years, from September 30, 1977, through September 30, 1979. It also postpones for 2 years those tax rate reductions which had been scheduled to take effect at the expiration of the trust fund under present law in 1977 and postpones for 2 years the transfer of other tax revenues back to the general fund. Finally, it extends for 2 years the provisions dealing with payments out of the trust fund (including payments to the Land and Water Conservation Fund).

TABLE 2.—NET HIGHWAY TRUST FUND REVENUES, FOR FISCAL YEAR 1975 (ACTUAL) AND FOR YEARS 1976-79 AND TRANSITION QUARTER (PROJECTED)
[Dollar amounts in millions; fiscal years]

Tax	1975 (actual)	1976 ¹	3-mo. period	1977	1978 ²	1979
A. AMOUNTS						
Gasoline.....	\$3,938	\$3,904	\$1,036	\$3,939	\$4,122	\$4,279
Diesel fuel.....	402	370	113	459	484	507
Tires, tubes.....	797	566	215	827	842	858
Trucks, buses.....	602	375	140	578	585	595
Truck parts.....	143	106	45	173	183	193
Truck use.....	221	08	100	214	216	218
Lubricating oil.....	84	59	27	91	94	98
Total.....	6,188	5,588	1,676	6,281	6,526	6,748
B. PERCENTAGE DISTRIBUTION						
Gasoline.....	63.6	69.9	61.8	62.7	63.2	63.4
Diesel fuel.....	6.5	6.6	6.7	7.3	7.4	7.5
Tires, tubes.....	12.9	10.1	12.8	13.2	12.9	12.7
Trucks, buses.....	9.7	6.7	8.4	9.2	9.0	8.8
Truck parts.....	2.3	1.9	2.7	2.8	2.8	2.9
Truck use.....	3.6	3.7	6.0	3.4	3.3	3.2
Lubricating oil.....	1.4	1.1	1.6	1.4	1.4	1.5
Total.....	100.0	100.0	100.0	100.0	100.0	100.0

¹ The estimate for fiscal 1976 is as revised from the amounts appearing in the fiscal 1976 budget. The difference between the 1976 budget figure (\$5.972 billion) and the current estimate results primarily from a downward correction to trust fund receipts for fiscal 1976 because of overestimates for fiscal 1975.

² Of the amounts for fiscal years 1978 and 1979, the 2-yr extension of the trust fund involves an additional \$7.9 billion in revenue over present law; the other \$5.4 billion under the scheduled reduction in rates as of Oct. 1, 1977 (under present law) would go into the general fund in the absence of this extension of the trust fund.

Source: Department of Treasury and Department of Transportation, Federal Highway Administration.

More specifically, the following provisions are extended by this title:
Highway Trust Fund

(1) Present law's appropriation to the trust fund of amounts equivalent to the listed excise taxes received by the Internal Revenue Service before October 1, 1977, is changed to an appropriation of amounts so received before October 1, 1979. The excise taxes to which this applies are the retailers taxes on diesel fuel and special motor fuels, the manufacturers taxes on gasoline, lubricating oil, tires and tubes, tread rubber, trucks and buses, and truck and bus parts, and the use tax on highway motor vehicles weighing over 26,000 pounds.

(2) Under present law, the trust fund also is to receive amounts equal to the amount of those taxes which are received by the Internal Revenue Service after September 30, 1977, and before July 1, 1978, and which are attributable to tax liabilities incurred before Octo-

ber 1, 1977. The bill extends the 1977 dates to 1979 and the 1978 date to 1980. The effect of this is to allow 9 months for collection of pre-October 1979 liabilities for the listed taxes, the same procedure followed under present law with respect to 1977 liabilities.

(3) The requirement that the Secretary of the Treasury report to Congress by March 1 of each year on the condition and operation of the fund through the fiscal year 1978, is extended to require reports for the fiscal years 1979 and 1980.

(4) The provision making trust fund moneys available for Federal-aid highway expenditures before October 1, 1977, is extended to expenditures before October 1, 1979.

(5) The provision that the trust fund is to reimburse the general fund for refunds and credits for certain uses of gasoline, lubricating oil, and special fuels for periods ending before October 1, 1977, is extended to apply to periods ending before October 1, 1979. Reimbursements are to be made in the case of payments (under secs. 6420, 6421, 6424, and 6427 of the Internal Revenue Code) only for amounts paid by the Treasury before July 1, 1980. Present law limits such payments to those made before July 1, 1978.

(6) The provision that the trust fund reimburse the general fund for floor stocks refunds paid before July 1, 1978, on account of the present law's scheduled 1977 reductions in manufacturers taxes, is changed to apply to floor stocks refunds paid before July 1, 1980, on account of the 1979 tax reductions provided by this title.

Land and Water Conservation Fund

(1) The provision that the Land and Water Conservation Fund reimburse the general fund for refunds and credits for certain uses of gasoline for periods ending before October 1, 1977, is extended to apply to periods ending before October 1, 1979. Reimbursements are to be made in the case of payments under section 6421 of the code only for amounts paid by the Treasury before July 1, 1980. Present law limits such payments to those made before July 1, 1978.

(2) The provision that the Land and Water Conservation Fund reimburse the general fund for floor stocks refunds paid before July 1, 1978, on account of the gasoline tax reduction in 1977, is changed to apply to floor stocks refunds paid before July 1, 1980, on account of the 1979 tax reduction.

Postponement of Excise Tax Reduction

(1) The Airport and Airway Revenue Act of 1970 imposed a retailer tax on gasoline sold for use or used in aircraft in noncommercial aviation. Under present law, that tax is to be 3 cents per gallon until September 30, 1977, and 5½ cents per gallon thereafter (until June 30, 1980), so that the total tax on aviation gasoline would be 7 cents per gallon both before and after September 30, 1977. The bill postpones that changeover date to September 30, 1979.

(2) Under present law, the taxes on special fuels and diesel fuels are to be reduced from 4 cents per gallon to 1½ cents per gallon on and after October 1, 1977. The bill postpones that reduction to October 1, 1979.

(3) Present law provides that the truck and bus tax is to be reduced from 10 percent of the manufacturers' sales price to 5 percent on and

after October 1, 1977. The bill postpones that reduction until October 1, 1979.

(4) Present law provides that the truck and bus parts and accessories tax is to be reduced from 8 percent of the manufacturer's sales price to 5 percent on and after October 1, 1977. The bill postpones that reduction until October 1, 1979.

(5) Present law provides that on and after October 1, 1977, the highway vehicle tire tax is to be reduced from 10 cents per pound to 5 cents per pound; the inner tube tax is to be reduced from 10 cents per pound to 9 cents per pound; and the tread rubber tax of 5 cents per pound is to expire. The bill postpones the date to October 1, 1979.

(6) Present law provides that the gasoline tax is to be reduced from 4 cents per gallon to 1½ cents per gallon on and after October 1, 1977. The bill postpones this reduction to October 1, 1979.

(7) Present law provides that the tax on use of heavy motor vehicles (over 26,000 pounds taxable gross weight) is to apply only to use before October 1, 1977. The bill extends the tax to use before October 1, 1979.

(8) Present law provides special rules and definitions for the heavy vehicle use tax for the period beginning on July 1, 1977, and ending on September 30, 1977. The bill makes those rules and definitions applicable, instead, to the July 1 through September 30, 1979, period.

(9) Present law provides that the privilege of paying the heavy vehicle use tax in installments is not to apply to tax liabilities incurred in July, August, or September of 1977. The bill changes this to July, August, or September of 1979.

(10) Present law provides that the special refund provisions of section 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems) shall not apply with respect to gasoline purchased after September 30, 1977. The bill extends the application of section 6421 to gasoline purchased before October 1, 1979.

(11) Present law provides for floor stocks refunds in the case of the manufacturers taxes on trucks and buses, tires, tubes, tread rubber, and gasoline that are scheduled to be reduced on October 1, 1977. Under the floor stocks refund provision, the dealer must submit a claim to the manufacturer before January 1, 1978, and the manufacturer must file a claim for refund with the Internal Revenue Service by March 31, 1978, and also by that latter date the manufacturer must have either reimbursed the dealer for the tax or obtained the dealer's written consent to the refund.

The bill changes the tax reduction date to October 1, 1979, the date for dealer submission of claims to the manufacturer to January 1, 1980, and the date for the manufacturer to file his claim for refund and to have reimbursed the dealer and obtained the dealer's consent to March 31, 1980.

III. EFFECT OF THE REVENUES OF THE TITLE AND VOTE OF THE COMMITTEE ON WAYS AND MEANS IN REPORTING THE TITLE

In compliance with clause 7 of the rule XIII of the Rules of the House of Representatives, the following statement is made relative to the effect on the revenues of title III of this bill. The Committee on

Ways and Means estimates that title III of the bill will have no effect on tax liabilities for fiscal 1976, the transition quarter, and fiscal 1977. The Treasury Department agrees with this statement.

In compliance with clause 2(1)(2)(B) of Rule XI of the Rules of the House of Representatives, the following statement is made relative to the record vote by the Committee on Ways and Means on the motion to report the title. The title was ordered reported as by a voice vote.

IV. CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 209 OF THE HIGHWAY REVENUE ACT OF 1956

SEC. 209. HIGHWAY TRUST FUND.

(a) **CREATION OF TRUST FUND.**—There is hereby established in the Treasury of the United States a trust fund to be known as the "Highway Trust Fund" (hereinafter in this section called the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) **DECLARATION OF POLICY.**—It is hereby declared to be the policy of the Congress that if it hereafter appears—

(1) that the total receipts of the Trust Fund (exclusive of advances under subsection (d)) will be less than the total expenditures from such Fund (exclusive of repayments of such advances); or

(2) that the distribution of the tax burden among the various classes of persons using the Federal-aid highways, or otherwise deriving benefits from such highways, is not equitable, the Congress shall enact legislation in order to bring about a balance of total receipts and total expenditures, or such equitable distribution, as the case may be.

(c) **TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.**—

(1) **IN GENERAL.**—There is hereby appropriated to the Trust Fund, out of any money in the Treasury not otherwise appropriated, amounts equivalent to the following percentages of the taxes received in the Treasury before October 1, [1977] 1979, under the following provisions of the Internal Revenue Code of 1954 (or under the corresponding provisions of prior revenue laws)—

(A) 100 percent of the taxes received after June 30, 1956, under sections 4041 (taxes on diesel fuel and special motor fuels), 4071 (a) (4) (tax on tread rubber), and 4081 (tax on gasoline);

(B) 20 percent of the tax received after June 30, 1956, and before July 1, 1957, under section 4061 (a) (1) (tax on trucks, buses, etc.);

(C) 50 percent of the tax received after June 30, 1957, and before July 1, 1962, under section 4061 (a) (1) (tax on trucks, buses, etc.), and 100 percent of the tax received after June 30, 1962, under section 4061 (a) (1);

(D) 37½ percent of the tax received after June 30, 1956, and before July 1, 1957, under section 4071 (a) (1) (tax on tires of the type used on highway vehicles);

(E) 100 percent of the taxes received after June 30, 1957, under section 4071 (a) (1), (2), (3), and (5) (taxes on tires of the type used on highway vehicles, other tires, and inner tubes);

(F) 100 percent of the tax received under section 4481 (tax on use of certain vehicles);

(G) 100 percent of the floor stocks taxes imposed by section 4226 (a); and

(H) 100 percent of the taxes received after December 31, 1965, under sections 4061 (b) (tax on parts and accessories for trucks, buses, etc.) and 4091 (tax on lubricating oil).

In the case of any tax described in subparagraph (A), (B), or (D), amounts received during the fiscal year ending June 30, 1957, shall be taken into account only to the extent attributable to liability for tax incurred after June 30, 1956. In the case of any tax described in subparagraph (H), amounts received during the calendar year 1966 shall be taken into account only to the extent attributable to liability for tax incurred after December 31, 1965.

(2) [repealed.]

(3) **LIABILITIES INCURRED BEFORE OCTOBER 1, [1977] 1979, FOR NEW OR INCREASED TAXES.**—There is hereby appropriated to the Trust Fund, out of any money in the Treasury not otherwise appropriated, amounts equivalent to the following percentages of the taxes which are received in the Treasury after September 30, [1977] 1979, and before July 1, [1978] 1980, and which are attributable to liability for tax incurred before October 1, [1977] 1979, under the following provisions of the Internal Revenue Code of 1954—

(A) 100 percent of the taxes under sections 4041 (taxes on diesel fuel and special motor fuels), 4061 (b) (tax on parts and accessories for trucks, buses, etc.), 4071 (a) (4) (tax on tread rubber), 4081 (tax on gasoline), and 4091 (tax on lubricating oil);

(B) 20 percent of the tax under section 4061 (a) (1) (tax on trucks, buses, etc.);

(C) 50 percent of the tax under section 4071 (a) (1) (tax on tires of the type used on highway vehicles) and 10 percent of the tax under section 4071 (a) (3) (tax on inner tubes for tires); and

(D) 100 percent of the tax under section 4481 (tax on use of certain vehicles).

(4) **METHOD OF TRANSFER.**—The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates by the Secretary of the Treasury of the amounts,

referred to in paragraphs (1), (2), and (3), received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(5) **ADJUSTMENTS FOR AVIATION USES.**—The amounts described in paragraphs (1)(A) and (3)(A) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 208(b) of the Airport and Airway Revenue Act of 1970 with respect to such period. The amounts described in paragraphs (1)(E) and (3)(C) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 208(b)(3) of the Airport and Airway Revenue Act of 1970 with respect to such period.

(d) **ADDITIONAL APPROPRIATIONS TO TRUST FUND.**—There are hereby authorized to be appropriated to the Trust Fund, as repayable advances, such additional sums as may be required to make the expenditures referred to in subsection (f).

(e) **MANAGEMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Commerce) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter up to and including the fiscal year ending [June 30, 1978] *September 30, 1980*. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) **INVESTMENT.**—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the

purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Advances to the Trust Fund pursuant to subsection (d) shall not be invested.

(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(4) **INTEREST AND CERTAIN PROCEEDS.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(f) **EXPENDITURES FROM TRUST FUND.**—

(1) **FEDERAL-AID HIGHWAY PROGRAM.**—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1956, and before October 1, [1977] *1979*, to meet those obligations of the United States heretofore or hereafter incurred under the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, which are attributable to Federal-aid highways (including those portions of general administrative expenses of the Bureau of Public Roads payable from such appropriations).

(2) **REPAYMENT OF ADVANCES FROM GENERAL FUND.**—Advances made pursuant to subsection (d) shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Trust Fund for such purposes. Such interest shall be at rates computed in the same manner as provided in subsection (e) (2) for special obligations and shall be compounded annually.

(3) **TRANSFERS FROM TRUST FUND FOR GASOLINE AND LUBRICATING OIL USED FOR CERTAIN PURPOSES.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before July 1, [1978] *1980*, under sections 6420 (relating to amounts paid in respect of gasoline used on farms), 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems), and 6424 (relating to amounts paid in respect of lubricating oil not used in highway motor vehicles) of the Internal Revenue Code of 1954 on the basis of claims filed for periods beginning after June 30, 1956, and ending before October 1, [1977] *1979*. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1964, in motorboats. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under sections 6420 and 6421 of such Code with respect to gasoline used after June 30, 1970, in aircraft.

(4) [1977] *1979* **FLOOR STOCKS REFUNDS.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the fol-

lowing percentages of the floor stocks refunds made before July 1, [1978] 1980, under section 6412(a) (2) of the Internal Revenue Code of 1954—

(A) 40 percent of the refunds in respect of articles subject to the tax imposed by section 4061(a) (1) of such Code (trucks, buses, etc.);

(B) 100 percent of the refunds in respect of articles subject to tax under section 4071(a) (1), (3), or (4) of such Code (certain tires, tubes, and tread rubber); and

(C) 80 percent of the refunds in respect of gasoline subject to tax under section 4081 of such Code (other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury).

(5) **TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.**—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1965, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats.

(6) **TRANSFERS FROM THE TRUST FUND FOR INCOME TAX CREDITS ALLOWED FOR CERTAIN USES OF GASOLINE, SPECIAL FUELS, AND LUBRICATING OIL.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the credits allowed under section 39 of the Internal Revenue Code of 1954 (relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil used before October 1, [1977] 1979. Such amounts shall be transferred on the basis of estimates by the Secretary of the Treasury, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the credits allowed. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as attributable to the use after June 30, 1970, of gasoline and special fuels in aircrafts.

(7) **TRANSFERS FROM TRUST FUND FOR NONTAXABLE USES OF FUELS.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before July 1, [1978] 1980, under section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) on the basis of claims filed for fuels used before October 1, [1977] 1979. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under such section 6427 with respect to fuels used in aircraft.

SECTION 201 OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f) (5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, [1978] 1980, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, [1977] 1979; and

(2) 80 percent of the floor stocks refunds made before July 1, [1978] 1980, under section 6412(a) (2) of such Code with respect to gasoline to be used in motorboats.

INTERNAL REVENUE CODE OF 1954

Subtitle D—Miscellaneous Excise Taxes

CHAPTER 31—RETAILERS EXCISE TAXES

Subchapter E—Special Fuels

SEC. 4041. IMPOSITION OF TAX.

(a) **DIESEL FUEL.**—There is hereby imposed a tax of 4 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(1) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

(2) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under paragraph (1).

In the case of a liquid taxable under this subsection sold for use or used as a fuel in a diesel-powered highway vehicle (A) which (at the time of such sale or use) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel in a diesel-powered highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a diesel-powered highway vehicle owned by the United States, is used on the highway, a tax of 2 cents a gallon shall be imposed under paragraph (2).

(b) **SPECIAL MOTOR FUELS.**—There is hereby imposed a tax of 4 cents a gallon upon benzol, benzene, naphtha, liquefied petroleum gas, casing head and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

(1) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat; or

(2) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such liquid under paragraph (1). In the case of a liquid taxable under this subsection sold for use or used otherwise than as a fuel in a highway vehicle (A) which (at the time of such sale or use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel in a highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, a tax of 2 cents a gallon shall be imposed under paragraph (2).

(c) **NONCOMMERCIAL AVIATION.**—

(1) **IN GENERAL.**—There is hereby imposed a tax of 7 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in non-commercial aviation; or

(B) used by any person as a fuel in an aircraft in non-commercial aviation, unless there was a taxable sale of such liquid under this section.

(2) **GASOLINE.**—There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in non-commercial aviation; or

(B) used by any person as a fuel in an aircraft in non-commercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

(3) **RATE OF TAX.**—The rate of tax imposed by paragraph (2) is as follows:

3 cents a gallon for the period ending September 30, [1977] 1979; and

5½ cents a gallon for the period after September 30, [1977] 1979.

(4) **DEFINITION OF NONCOMMERCIAL AVIATION.**—For purposes of this chapter, the term “noncommercial aviation” means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282.

(5) **TERMINATION.**—On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply.

(d) **ADDITIONAL TAX.**—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c) (1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

(e) **RATE REDUCTION.**—On and after October 1, [1977] 1979—

(1) the taxes imposed by subsections (a) and (b) shall be 1½ cents a gallon, and

(2) the second and third sentences of subsections (a) and (b) shall not apply.

(f) **EXEMPTION FOR FARM USE.**—

(1) **EXEMPTION.**—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes.

(2) **USE ON A FARM FOR FARMING PURPOSES.**—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

(g) **EXEMPTION FOR USE AS SUPPLIES FOR VESSELS.**—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3)).

(h) **REGISTRATION.**—If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such

information in respect of the use of the liquid) as the Secretary or his delegate shall by regulations provide.

CHAPTER 32—MANUFACTURERS EXCISE TAXES

Subchapter A—Automotive and Related Items

PART I—MOTOR VEHICLES

SEC. 4061. IMPOSITION OF TAX.

(a) TRUCKS, BUSES, TRACTORS, ETC.—

(1) TAX IMPOSED.—There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax of 10 percent of the price for which so sold, except that on and after October 1, [1977] 1979, the rate shall be 5 percent—

Automobile truck chassis.

Automobile truck bodies.

Automobile bus chassis.

Automobile bus bodies.

Truck and bus trailer and semitrailer chassis.

Truck and bus trailer and semitrailer bodies.

Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this subsection, be considered to be a sale of a chassis and of a body enumerated in this subsection.

(2) EXCLUSION FOR LIGHT-DUTY TRUCKS, ETC.—The tax imposed by paragraph (1) shall not apply to a sale by the manufacturer, producer, or importer of the following articles suitable for use with a vehicle having a gross vehicle weight of 10,000 pounds or less (as determined under regulations prescribed by the Secretary or his delegate)—

Automobile truck chassis.

Automobile truck bodies.

Automobile bus chassis.

Automobile bus bodies.

Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined).

(b) PARTS AND ACCESSORIES.—

(1) Except as provided in paragraph (2), there is hereby imposed upon parts or accessories (other than tires and inner tubes) for any of the articles enumerated in subsection (a) (1) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after October 1, [1977] 1979, the rate shall be 5 percent.

(2) No tax shall be imposed under this subsection upon any part or accessory which is suitable for use (and ordinarily is used) on or in connection with, or as a component part of, any chassis or body for a passenger automobile, any chassis or body for a trailer or semitrailer suitable for use in connection with a passenger automobile, or a house trailer.

PART II—TIRES AND TUBES

SEC. 4071. IMPOSITION OF TAX.

(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed upon the following articles, if wholly or in part of rubber, sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires of the type used on highway vehicles, 10 cents a pound.

(2) Other tires (other than laminated tires to which paragraph (5) (applies), 5 cents a pound.

(3) Inner tubes for tires, 10 cents a pound.

(4) Tread rubber, 5 cents a pound.

(5) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent, 1 cent a pound.

(b) SPECIAL RULE FOR MANUFACTURERS WHO SELL AT RETAIL.—Under regulations prescribed by the Secretary or his delegate, if the manufacturer, producer, or importer of any tire or inner tube delivers such tire or tube or a retail store or retail outlet of such manufacturer, producer, or importer, he shall be liable for tax under subsection (a) in respect of such tire or tube in the same manner as if it had been sold at the time it was delivered to such retail store or outlet. This subsection shall not apply to an article in respect to which tax has been imposed by subsection (a). Subsection (a) shall not apply to an article in respect of which tax has been imposed by this subsection.

(c) DETERMINATION OF WEIGHT.—For purposes of this section, weight shall be based on total weight, except that in the case of tires such total weight shall be exclusive of metal rims or rim bases. Total weight of the articles shall be determined under regulations prescribed by the Secretary or his delegate.

(d) RATE REDUCTION.—On and after October 1, [1977] 1979—

(1) the tax imposed by paragraph (1) of subsection (a) shall be 5 cents a pound;

(2) the tax imposed by paragraph (3) of subsection (a) shall be 9 cents a pound; and

(3) paragraph (4) subsection (a) shall not apply.

(e) TIRES ON IMPORTED ARTICLES.—For the purposes of subsection (a), if an article imported into the United States is equipped with tires or inner tubes (other than bicycle tires and inner tubes)—

(1) the importer of the article shall be treated as the importer of the tires and inner tubes with which such article is equipped, and

(2) the sale of the article by the importer thereof shall be treated as the sale of the tires and inner tubes with which such article is equipped.

This subsection shall not apply with respect to the sale of an article if a tax on such sale is imposed under section 4061.

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PART III—PETROLEUM PRODUCTS

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SEC. 4081. IMPOSITION OF TAX.

(a) **IN GENERAL.**—There is hereby imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 4 cents a gallon.

(b) **RATE REDUCTION.**—On and after October 1, [1977] 1979, the tax imposed by this section shall be 1½ cents a gallon.

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Subchapter D—Tax on Use of Certain Vehicles

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SEC. 4481. IMPOSITION OF TAX.

(a) **IMPOSITION OF TAX.**—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of \$3.00 a year for each 1,000 pounds of taxable gross weight or fraction thereof. In the case of the taxable period beginning on July 1, [1977] 1979, and ending on September 30, [1977] 1979, the tax shall be at the rate of 75 cents for such period for each 1,000 pounds of taxable gross weight or fraction thereof.

(b) **BY WHOM PAID.**—The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

(c) **PRORATION OF TAX.**—If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

(d) **ONE TAX LIABILITY PER PERIOD.**—

(1) **IN GENERAL.**—To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.

(2) **CROSS REFERENCE.**—

For privilege of paying tax imposed by this section in installments, see section 6156.

(e) **PERIOD TAX IN EFFECT.**—The tax imposed by this section shall apply only to use before October 1, [1977] 1979.

SEC. 4482. DEFINITIONS.

(a) **HIGHWAY MOTOR VEHICLE.**—For purposes of this subchapter, the term “highway motor vehicle” means any motor vehicle which is a highway vehicle.

(b) **TAXABLE GROSS WEIGHT.**—For purposes of this subchapter, the term “taxable gross weight”, when used with respect to any highway motor vehicle, means the sum of—

(1) the actual unloaded weight of—

(A) such highway motor vehicle fully equipped for service, and

(B) the semitrailers and trailers (fully equipped for service) customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle, and

(2) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers referred to in paragraph (1) (B).

Taxable gross weight shall be determined under regulations prescribed by the Secretary or his delegate (which regulations may include formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise).

(c) **OTHER DEFINITIONS.**—For purposes of this subchapter—

(1) **STATE.**—The term “State” means a State, a Territory of the United States, and the District of Columbia.

(2) **YEAR.**—The term “year” means the one-year period beginning on July 1.

(3) **USE.**—The term “use” means use in the United States on the public highways.

(4) **TAXABLE PERIOD.**—The term “taxable period” means any year beginning before July 1, [1977] 1979, and the period which begins on July 1, [1977] 1979, and ends at the close of September 30, [1977] 1979.

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CHAPTER 62—TIME AND PLACE FOR PAYING TAX

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Subchapter A—Place and Due Date for Payment of Tax

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SEC. 6156. INSTALLMENT PAYMENTS OF TAX ON USE OF HIGHWAY MOTOR VEHICLES AND CIVIL AIRCRAFT

(a) **PRIVILEGE TO PAY TAX IN INSTALLMENTS.**—If the taxpayer files a return of the tax imposed by section 4481 or 4491 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in—	<i>The number of installments shall be—</i>
July, August, or September.....	4
October, November, or December.....	3
January, February, or March.....	2

(b) **DATES FOR PAYING INSTALLMENTS.**—In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) the first installment shall be paid on the date prescribed for payment of the tax,

(2) the second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred.

(3) the third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) the fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) **PRORATION OF ADDITIONAL TAX TO INSTALLMENTS.**—If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) **ACCELERATION OF PAYMENTS.**—If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) **SECTION INAPPLICABLE TO CERTAIN LIABILITIES.**—This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of [1977] 1979 in the case of the tax imposed by section 4481.

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CHAPTER 65—ABATEMENTS, CREDITS, AND REFUNDS

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Subchapter B—Rules of Special Application

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SEC. 6412. FLOOR STOCKS REFUNDS.

(a) **IN GENERAL.**—

(1) [Repealed.]

(2) **TRUCKS AND BUSES, TIRES, TUBES, TREAD RUBBER, AND GASOLINE.**—Where before October 1, [1977] 1979, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3), or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or

refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, [1977] 1979, if claim for such credit or refund is filed with the Secretary or his delegate on or before March 31, [1978] 1980, based upon a request submitted to the manufacturer, producer, or importer before January 1, [1978] 1980, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before March 31, [1978] 1980, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline. No credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(3) [Repealed.]

(4) **DEFINITIONS.**—For purposes of this section—

(A) The term “dealer” includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071(a)(4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(B) An article shall be considered as “held by a dealer” if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(b) **LIMITATION ON ELIGIBILITY FOR CREDIT OR REFUND.**—No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this section.

(c) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of the taxes imposed by sections 4061, 4071, and 4081 shall, insofar as applicable and not inconsistent with subsections (a) and (b) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if such credits or refunds constituted overpayments of such taxes.

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SEC. 6421. GASOLINE USED FOR CERTAIN NONHIGHWAY PURPOSES OR BY LOCAL TRANSIT SYSTEMS.

(a) **NONHIGHWAY USES.**—Except as provided in subsection (i), if gasoline is used otherwise than as a fuel in a highway vehicle (1) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (2) which, in the case of a highway vehicle owned by the United States, is used on the highway, the Secretary or his delegate shall pay

(without interest) to the ultimate purchaser of such gasoline an amount equal to 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon. Except as provided in paragraph (3) of subsection (e) of this section, in the case of gasoline used after June 30, 1970, as a fuel in an aircraft, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081.

(b) LOCAL TRANSIT SYSTEMS.—

(1) ALLOWANCE.—Except as provided in subsection (i), if gasoline is used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(A) 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon, by

(B) the percentage which the ultimate purchaser's commuter fare revenue derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter.

(2) LIMITATION.—Paragraph (1) shall apply in respect of gasoline used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during such quarter from scheduled service described in paragraph (1) by the person filing the claim was attributable to commuter fare revenue derived during such quarter by such person from such scheduled service.

(c) TIME FOR FILING CLAIMS; PERIOD COVERED.—

(1) GASOLINE USED BEFORE JULY 1, 1965.—Except as provided in paragraphs (2) and (3), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this paragraph with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

(2) EXCEPTION.—Except as provided in paragraph (3), if \$1,000 or more is payable under this section to any person with respect to gasoline used during a calendar quarter, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first calendar quarter following the calendar quarter for which the claim is filed.

(3) GASOLINE USED AFTER JUNE 30, 1965.—

(A) IN GENERAL.—In the case of gasoline used after June 30, 1965—

(i) except as provided in subparagraph (B), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during his taxable year; and

(ii) no claim shall be allowed under this subparagraph with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year.

For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A, except that a person's first taxable year beginning after June 30, 1965, shall include the period after June 30, 1965, and before the beginning of such first taxable year.

(B) EXCEPTION.—If \$1,000 or more is payable under this section to any person with respect to gasoline used during any of the first three quarters of his taxable year, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this subparagraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

(d) DEFINITIONS.—For purposes of this section—

(1) GASOLINE.—The term "gasoline" has the meaning given to such term by section 4082(b).

(2) COMMUTER FARE REVENUE.—The term "commuter fare revenue" means revenue attributable to fares derived from the transportation of persons and attributable to—

(A) amounts paid for transportation which do not exceed 60 cents,

(B) amounts paid for commutation or season tickets for single trips of less than 30 miles, or

(C) amounts paid for commutation tickets for one month or less.

(e) EXEMPT SALES; OTHER PAYMENTS OR REFUNDS AVAILABLE.—

(1) EXEMPT SALES.—No amount shall be payable under this section with respect to any gasoline which the Secretary or his delegate determines was exempt from the tax imposed by section 4081. The amount which (but for this sentence) would be payable under this section with respect to any gasoline shall be reduced by any other amount which the Secretary or his delegate determines is payable under this section, or is refundable under any provision of this title, to any person with respect to such gasoline.

(2) GASOLINE USED ON FARMS.—This section shall not apply in respect of gasoline which was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c) used on a farm for farming purposes.

(3) GASOLINE USED IN NONCOMMERCIAL AVIATION.—This section shall not apply in respect of gasoline which is used after June 30,

1970, as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)).

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—All provisions of law, including penalties, applicable in respect of the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) EXAMINATION OF BOOKS AND WITNESSES.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(g) REGULATIONS.—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(h) EFFECTIVE DATE.—This section shall apply only with respect to gasoline purchased after June 30, 1956, and before October 1, [1977] 1979.

(i) INCOME TAX CREDIT IN LIEU OF PAYMENT.—

(1) PERSONS NOT SUBJECT TO INCOME TAX.—Payment shall be made under subsections (a) and (b) with respect to gasoline used after June 30, 1965, only to—

(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

(2) EXCEPTION.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (c) (3) (B).

(3) ALLOWANCE OF CREDIT AGAINST INCOME TAX.—

For allowance of credit against tax imposed by subtitle A for gasoline used after June 30, 1965, see section 39.

(j) CROSS REFERENCES.—

(1) For rate of tax in case of special fuels used in noncommercial aviation or for nonhighway purposes, see section 4041.

(2) For civil penalty for excessive claims under this section, see section 6675.

(3) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

* * * * *

V. OTHER MATTERS REQUIRED TO BE DISCUSSED UNDER HOUSE RULES WITH REGARD TO TITLE III

In compliance with clauses 2(1)(3) and 2(1)(4) of Rule XI of the Rules of the House of Representatives, the following statements are made with regard to title III of the bill.

Oversight findings.—With regard to subdivision (A) of clause 3 (relating to oversight findings), the Committee on Ways and Means advises that in its review of the financing needs of the Federal Interstate Highway System and other Federal-aid highway programs as included in titles I and II of this bill, the Highway Trust Fund (and the excise taxes currently allocated to the trust fund) need to be extended for two years in order to provide adequate revenues for these highway programs.

New budgetary authority.—In compliance with subdivision (B) of clause 3, the Committee on Ways and Means states that the changes made by title III of this bill involve no new budgetary authority. Title III makes no changes in tax expenditures, as it extends present highway trust fund excise rates from October 1, 1977, through September 30, 1979. There is no revenue effect on fiscal year 1976, the transitional quarter, or on fiscal year 1977.

Title III makes no permanent changes in tax revenues. The following table shows the increase in revenues for fiscal years 1978 and 1979 provided by this title:

PROJECTED INCREASE IN HIGHWAY TRUST FUND REVENUES, FISCAL YEARS 1978 AND 1979

[In millions of dollars]

Tax item	Fiscal 1978			Fiscal 1979		
	As extended by title III	If not extended	Increase in revenues	As extended by title III	If not extended	Increase in revenues
Gasoline.....	4,122	1,546	2,576	4,279	1,605	2,674
Diesel fuel.....	484	182	302	507	190	317
Trucks and buses.....	585	292	293	595	297	298
Truck parts.....	183	114	69	193	121	72
Truck use.....	216	216	218	218
Tires and tubes.....	842	421	421	858	429	429
Lubricating oil.....	94	94	98	98
Total.....	6,526	12,649	3,877	6,748	12,740	4,008

¹ If the Highway Trust Fund and the trust fund taxes were not extended beyond Sept. 30, 1977, these amounts would otherwise go into the general fund.

Source: Based upon estimates by Departments of Transportation and Treasury.

Congressional Budget Office comments.—With respect to subdivision (C) of clause 3, the Committee on Ways and Means advises that no comparison has been submitted to the committee by the Director of the Congressional Budget Office relative to the provisions of title III of this bill.

Committee on Government Operations comments.—With regard to subdivision (D) of clause 3, the Committee on Ways and Means states that no oversight findings or recommendations have been made by the Committee on Government operations relative to title III of this bill.

Inflationary impact.—In compliance with clause 2(1)(4) of rule XI, the Committee on Ways and Means believes that title III of this bill will not have any inflationary impact, as it merely extends present law highway trust fund excise taxes from October 1, 1977, through September 30, 1979.

VI. ADDITIONAL VIEWS OF PETE STARK

I believe the Ways and Means Committee has missed another opportunity to adapt the Highway Trust Fund to meet the Nation's crying need for a comprehensive transportation policy. Instead we have rubber-stamped an extension of current law which provides for funneling about \$6 billion a year to complete an interstate highway system which, despite its value to commerce and personal travel, has also contributed to a staggering overdependence on the automobile. The very structure of the fund and the gasoline and other taxes levied to finance it encourages more, rather than less, dependence upon highway travel in the future.

The Department of Transportation has advised that the interstate highway system will not be completed until 1981. In the meantime we will be asked to provide several additional extensions of the fund and related taxes. The next group will be about this same time in 1977.

Rather than wait until the last minute and once again be forced into a perfunctory extension of this counterproductive mechanism I urge my colleague to take up the issue early in 1977 with a view toward modifying the fund to require a substantial shift of these taxes to finance a comprehensive transportation policy. There is precedent in the Airports Act, in the Social Security Act and of course in the energy bill for Ways and Means to exercise at least partial jurisdiction over the uses to which the revenues it mandates will be put. Our responsibility in the area of mass transit is equally great. I am sure we can work out jurisdictional programs with the Public Works Committee given the urgent need to end the pattern of rote extensions which has produced such an unfortunate gap in the nation's transportation policy.

PETE STARK.