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APPROVED

JAN 4-1975

STATEMENT ISSUED 1/4/75

*Posted 1/4/75
To REVIEWS
1/6/75*

THE WHITE HOUSE

ACTION

WASHINGTON

Last day - Saturday, January 4

January 3, 1975

MEMORANDUM FOR

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill: Federal-Aid Highway
Amendments of 1974, S. 3934

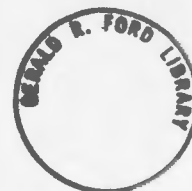
BACKGROUND

This bill will provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grant programs. Of these amounts, \$527 million is contract authority and thus would require no additional Congressional action prior to obligation. The Administration had only requested \$50 million for highway beautification programs.

If you sign this bill and seek to defer immediate expenditures, you will have to ask Congress to revise your existing \$10.7 billion Federal-Highway deferral.

There may be some sentiment in the 94th Congress to defer all or some of the new special projects (about \$300 million) and the contract authority for the primary and secondary systems (\$150 million). However, we understand that some in Congress will insist on spending a substantial portion (at least \$200 million) of the contract authority, especially in rural areas, because this bill is viewed by them as their "quid pro quo" for supporting the Mass Transit Bill.

In addition to the unwanted authorizations, S. 3934 contains several desirable provisions which support your energy conservation objectives. The bill makes permanent the current 55 mile an hour national speed limit which will otherwise expire on June 30. It extends until December 31 the demonstration car pooling program which expired at the end of 1974.



Because the 55 mile an hour speed limit results in a reduced productivity for truckers, this bill increases the maximum allowable vehicle weight on the interstate system from 73,280 lbs. to 80,000 lbs. - an increase of just under 10%. The Administration supported this proposal and it has the very strong endorsement of the independent truckers. These amendments also impose a new weight test (bridge formula) based on the weight of any group of two or more consecutive axles. To avoid undue hardships, the amendments "grandfathered" two states (New Mexico and Hawaii). The American Automobile Association, several railroad associations and others have argued that the grandfather clause will exempt a large number of states - possibly 15 - from the 80,000 lb. limit and thus constitute a serious safety hazard. However, the legislative history of this clause makes it clear, in the view of the Department of Transportation and others, that it will apply only to the two states and thus there is no significant safety problem with this weight increase, especially in light of the reduced speed limit.

ARGUMENTS FOR SIGNING

This is the first increase in the allowable weights for trucks in nearly two decades and is necessary because of the reduced truck productivity because of the 55 mile an hour speed limit. A pocket veto could trigger a strike by the independent truckers and we may not be able to get an increase through the 94th Congress.

The energy saving provisions of this bill are an integral part of your overall energy conservation program.

The increased funding over your budget can be ameliorated by requesting deferral. The 94th Congress will have to take up early in this session a major highway bill and this new legislation plus deferral could have the effect of rescinding any undesirable funding contained in this bill.

The House Public Works Committee considers this bill a must, especially in light of its "defeat" with Congressional passage of S. 386, the Mass Transit Bill.

ARGUMENTS FOR POCKET VETO

The bill contains contract authority of more than \$450 million in excess of Administration request, most of which will be available for immediate obligation, if not deferred. Also it provides an additional \$225 million of requested authorizations over budget which will be subject to being appropriated.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3934 - Federal-Aid Highway
Amendments of 1974
Sponsor - Sen. Bentsen (D) Texas



Last Day for Action

January 4, 1975 - Saturday

Purpose

Authorizes over \$300 million for a number of categorical grants for various special projects; provides \$200 million in contract authority to implement a new program of aid to off-system roads; provides an additional \$150 million in contract authority for the construction of highways on the Federal-aid primary and secondary systems; authorizes appropriations of \$75 million for highway beauty programs; increases truck weight ceilings on interstate highways; makes the 55 mile per hour speed limit permanent; and extends the carpooling demonstration program to December 31, 1975.

Agency Recommendations

Office of Management and Budget

Disapproval (Memorandum
of disapproval
attached)

Department of Transportation
Department of Agriculture
Federal Energy Administration
Department of the Interior

Approval
Approval
Approval
Approval

Discussion

In early 1974, the Administration submitted to the Congress its proposed Unified Transportation Assistance Program (UTAP), a comprehensive six-year program which would have combined some mass transit and highway funds and would have given the States and localities increased flexibility on how to use those funds. The Congress rejected this proposal, and acted on the mass

transit and highway portions separately. The recently enacted National Mass Transportation Assistance Act of 1974 (P.L. 93-503) and S. 3934 are the results of those Congressional efforts.

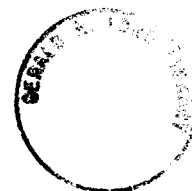
As enrolled, we believe that S. 3934 represents an unacceptable version of a highway bill. While it is an improvement over versions introduced in the House and the Senate and contains two Administration proposals, the bill would create a very serious inflationary problem by authorizing \$700 million more for highway programs than the Administration requested.

Desirable Provisions

The bill makes permanent the current temporary 55 mile per hour national speed limit which will otherwise expire on June 30, 1975, and extends until December 31, 1975 the demonstration car-pooling program due to expire on December 31, 1974. Extension of both of these provisions, initially enacted during the fuel crisis of last year as part of the Emergency Highway Energy Conservation Act (P.L. 93-239), had been requested by the Administration. The bill would also require each State to certify that it is enforcing the speed limit in order to receive highway aid funds.

Because of the lower national speed limit with resultant productivity declines and highway fuel prices, many truckers have found themselves in an economic bind. To counter this problem, DOT proposed a draft bill to increase allowable truck weights on interstate highways. The enrolled bill would increase the allowable truck weights for interstate highways from 18,000 to 20,000 pounds for single axle trucks, from 32,000 to 34,000 pounds for tandem axle trucks, and from 73,280 to 80,000 pounds for overall gross weight. While S. 3934 does not go as far as DOT's proposal, and would have no impact in many States because of "grandfather" clauses in existing laws permitting heavier trucks, this is a desirable provision.

The bill provides contract authority of \$75 million for fiscal year 1975 for highway beauty programs -- \$50 million for the control of outdoor advertising, \$15 million for control of junkyards, and \$10 million for landscaping and scenic enhancement. The Administration had requested \$50 million as a block grant for these three programs, which ran out of money last summer. The Department of Transportation Appropriations Act for fiscal year 1975 limits obligations for these programs to \$45 million. The bill includes other provisions which the Administration requested,



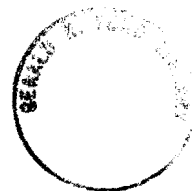
including control over "jumbo" billboards erected beyond the current control limit of 660 feet. Some undesirable provisions contained in the House passed version were deleted from the conference report at DOT's request.

Undesirable Provisions

The bill would make many undesirable changes to the highway programs. It would provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grants. The Administration had requested \$50 million for existing programs (i.e., highway beauty) and no new programs. \$527 million of these authorizations are in the form of contract authority which would require no additional Congressional action prior to obligation. In addition to highway beauty funds, \$350 million of this contract authority is immediately available, and would have to be released or deferred in January 1975. If deferral is proposed, a revision of the existing \$10.7 billion Federal-Aid Highway deferral would be necessary.

In particular, the bill provides an additional \$100 million in contract authority for the construction of roads on the Federal rural primary system and an additional \$50 million for rural secondary system roads. The bill would also authorize contract authority of \$200 million to establish a new program for Federal assistance for the construction or reconstruction of rural roads not currently on any Federal-aid system. The money would be apportioned to the States in accordance with a formula based one-third on State area, one-third on rural population, and one-third on off-system road mileage. In a letter to the House Public Works Committee, DOT suggested that instead of a new categorical grant program, the Congress should make existing authorizations available for off-system roads. The Congress rejected this proposal, even though it was pointed out that this provision would be inflationary and not consistent with the Administration's objectives of reducing or eliminating categorical grants.

The bill would amend the method of computing cost when an Interstate route is withdrawn and the Federal share is made available for an alternate Interstate route or a mass transit project. Currently, 1972 cost estimates are used. This bill would allow the 1972 costs to be increased (or decreased) to reflect construction price changes based on 1972 design standards, up to the date of withdrawal. By providing substantially greater resources for mass transit construction, this would be another pressure for release of deferred highway funds.



In addition, the bill would authorize appropriations for the following categorical grants:

- \$109.2 million, limited to \$10 million for fiscal year 1975 and \$15 million for fiscal year 1976, for reconstruction or repair of the Overseas Highway to Key West, Florida
- \$53 million, limited to \$10 million in fiscal year 1975 and \$15 million in fiscal year 1976, to build an urban highway in Minneapolis, Minnesota
- \$25 million for fiscal year 1976 for a new program to construct access highways to public recreation areas on lakes created by Federal construction projects
- \$10 million for fiscal year 1976 for a new bikeway demonstration program, in addition to the existing bicycle program
- \$7.5 million for fiscal year 1976 to establish a school bus driver training program
- an additional \$50 million for fiscal year 1976 for the special bridge replacement program
- an additional \$45 million for fiscal years 1975 and 1976 for the Rural Highway Public Transportation Demonstration Program
- an additional authorization totalling \$17 million for fiscal years 1975 and 1976 for Indian reservation roads and bridges
- \$360,000 for fiscal year 1975 for the relocation of railroad lines in Lafayette, Indiana
- \$250,000 to build a bridge, in lieu of a drainage culvert, in Auburn, California

The Administration opposed these authorizations for the above categorical grant programs.



The bill would also: (1) authorize the existing Alaska ferry system to make stops in Canada. Currently, it may make stops only within Alaska, or the State of Washington; and (2) extend to Federal-Aid Highway Act projects the requirements of the Urban Mass Transportation Act ensuring that the elderly and the handicapped are able to use mass transit services.

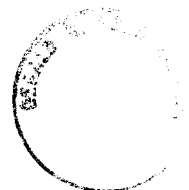
* * * * *

The pros and cons for approval of S. 3934 appear to be as follows:

Arguments for Approval

- (1) The Administration is developing a major new highway initiative for submission to the 94th Congress. The Congress will probably be less likely to consider that proposal, if the Federal-Aid Highway Amendments of 1974 are vetoed.
- (2) The new highway initiative would propose the elimination of all deferred highway funds prior to fiscal year 1977. If this proposal is accepted and Congress does not overturn the present deferral, most of the new contract authority in this bill would in effect be rescinded.
- (3) The bill contains provisions making the national 55 mile per hour speed limit permanent and extending the carpooling demonstration program for one year, both of which you mentioned in your November message on legislative priorities.
- (4) It contains highway beauty program authorizations and amendments, and increases allowable truck weights on interstate highways, which the Administration requested although in somewhat different form.
- (5) DOT believes that overall this bill represents an acceptable compromise. In its views letter on the enrolled bill, it states:

"The Administration and Department sought and obtained the cooperation of the Congress in securing the enactment of the positive proposals referred to above. In the case of the negative proposals, the Department was relatively successful in obtaining substantial reductions in authorizations as the legislation moved through the Senate and House. In view of this history and on the basis of the content of the bill, we believe the bill should become law."



Arguments Against Approval

(1) The bill contains contract authority more than \$450 million in excess of Administration requests, most of which will be available for obligation, if not deferred on January 1, 1975. An additional \$225 million of unrequested authorizations, which require appropriations before obligation, are also provided. Approving these funds at this time would be highly inflationary.

(2) Since available funds are already being deferred for many of these programs, the extra authorizations are not needed. In addition, adding the authorizations in this bill to the deferrals which have already been proposed will undoubtedly irritate the Congress, possibly to the point of provoking a rejection of the entire deferral request.

(3) DOT's 1975 appropriations bill has already been enacted and, thus, none of the authorizations in this bill are necessary, except for the highway beauty programs, which do require new authorizations if additional grants are to be made.


(4) The Administration will propose major highway legislation to the next Congress that would substantially reduce the number of categorical grants (from 30 to 4), eliminate the large amounts of deferred funds, and focus Federal attention on the Interstate highway program. Most of the provisions of this bill are counter to those objectives.

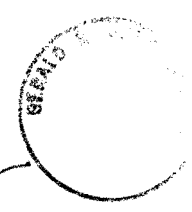
(5) The national 55 mile per hour speed limit does not expire until June 30, 1975. A provision making this limit permanent can be sought in the 94th Congress. Also, the carpooling demonstration program extension and a provision to increase allowable truck weights on interstate highways can be resubmitted to the new Congress.

* * * * *

On balance, we believe the arguments against approval are persuasive and, accordingly, we recommend that the bill be disapproved. A draft of a memorandum of disapproval is attached for your consideration.

Enclosures


Director



STATEMENT BY THE PRESIDENT

I am today signing S. 3934, the Federal-Aid Highway Amendments of 1974.

This bill contains three energy-related provisions which I find highly desirable. First, it will establish 55 miles per hour as the national speed limit on a permanent basis. This limit has proven to be of great value in not only saving fuel but in decreasing the loss of life on our highways.

Second, this bill will extend the carpooling demonstration program for one year, until December 31, 1975. This program provides funds to states and localities to encourage the use of carpools. The Department of Transportation has estimated that it could save this country five billion gallons of gasoline a year. In addition, it will reduce air pollution and urban congestion.

Third, the bill will increase the allowable weights for trucks on interstate highways. Largely because of the lower speed limit, many truckers have found themselves in an economic bind, with decreased productivity. This modest increase in allowable truck weights should help them regain that productivity, without threatening public safety on the highways.

Unfortunately, the bill would also make many undesirable changes in the highway programs. For one, it would provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grants. Of these amounts, more than \$500 million in contract authority would be available to States without further action by the Congress.

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time would not only be unnecessary but highly inflationary as well. In addition, one of the

objectives of this Administration is reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs. Accordingly, I will recommend to Congress that release of most of this highway obligational authority be deferred for 1975. I hope Congress will agree with this plan.

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our national transportation and economic objectives. I will work with the Congress to develop such a program.



MEMORANDUM OF DISAPPROVAL

I am ~~withholding~~ withholding my approval from S. 3934, the Federal-Aid Highway Amendments of 1974.

The bill would make many undesirable changes ⁱⁿ the highway programs. ^{For one} It would provide \$347 million in additional authorizations for existing ~~highway~~ programs and \$405 million for new categorical grants. Of these amounts, over \$500 million would be available to States without further action by the Congress.

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time ^{not only be unnecessary but} ~~is~~ highly inflationary ^{as well.} ~~and unnecessary.~~

^{One of the objectives} ~~It has been the goal~~ of this Administration ^{to} reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs, ^{which I consider as} ~~rather than reducing~~ ^{undesirable feature} ~~the number of these grants.~~

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our energy shortage. Unfortunately, S. 3934 does not provide the framework for a sensibly restructured ~~highway~~ program that will meet our long-term national transportation and economic objectives.

I will work with the ^{94th} Congress to develop a program that will meet these goals.

Three energy-related provisions in this bill which I support and intend to resubmit to the ~~94th~~ Congress would ^{establish} ~~make~~ the national 55 miles per hour ^{as the national speed limit, and} ~~speed limit permanent,~~ ⁽²⁾ extend the carpooling demonstration program for one year, and

(1) increase the allowable weight limits for trucks on interstate highways, I hope the next Congress will act quickly on these proposals which will save fuel while saving lives on our highways, ^{and increase truck productivity.}

THE WHITE HOUSE

January 1975



OK OAT

STATEMENT BY THE PRESIDENT

I am today signing S. 3934, the Federal-aid Highway Amendments of 1974.

The national speed limit on a permanent basis.

This bill contains three energy-related provisions which I find highly desirable. First, it will ^{in not only} ~~make the national~~ 55 ^{established} ~~mph~~ miles per hour as a permanent speed limit. This ~~speed~~ limit has proven to be of great value by saving fuel ^{but in} and decreasing the loss of life on our highways.

Department of Transportation

Second, ^{This} bill will extend the carpooling demonstration program for one year, until December 31, 1975. This program provides funds to states and localities to encourage the use of carpools. The DOT has estimated that it could save this country five billion gallons of gasoline a year. In addition, it will reduce air pollution and urban congestion.

Third, the bill will increase ^{Limits} the allowable weights for trucks on interstate highways. ^{For one,} Because of the lower speed limit, ~~and the general economic situation,~~ many truckers have found themselves in an economic bind, with decreased productivity. This modest increase in allowable truck weights should help them regain that productivity, without ~~endangering~~ threatening public safety on the highways.

Unfortunately, the bill ^{in to} would also make many undesirable changes to the highway programs. It would provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grants. Of these amounts, ^{more than} \$500 million in contract authority would be available to States without further action by the Congress.

One of the objectives

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time would be highly inflationary ^{as well} and unnecessary. In addition, ^{is} ~~it has been the goal of this Administration to~~ reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs, ^{rather than} ~~reducing the number of these grants.~~ Accordingly, I will recommend to Congress that release of most of this highway obligational authority be deferred for 1975 ^{and} I hope Congress will agree with that ^{the} proposal.

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our national transportation and economic objectives. ^{EA} ~~A few of the questions that the Executive and Congress must address are: What should be the role of the highway trust fund in meeting our transportation objectives; how can more State/local control and flexibility be achieved for noninterstate highways; should the Federal effort focus more on completion of key segments of the Interstate System?~~

I will work with the ^{such} Congress to develop a program ~~that will meet these goals.~~

Mike Duval (OMB agree wally Scott)

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 31 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3934 - Federal-Aid Highway
Amendments of 1974
Sponsor - Sen. Bentsen (D) Texas

Last Day for Action

January 4, 1975 - Saturday

Purpose

Authorizes over \$300 million for a number of categorical grants for various special projects; provides \$200 million in contract authority to implement a new program of aid to off-system roads; provides an additional \$150 million in contract authority for the construction of highways on the Federal-aid primary and secondary systems; authorizes appropriations of \$75 million for highway beauty programs; increases truck weight ceilings on interstate highways; makes the 55 mile per hour speed limit permanent; and extends the carpooling demonstration program to December 31, 1975.

Agency Recommendations

Office of Management and Budget

Disapproval (Memorandum
of disapproval
attached)

Department of Transportation

Approval

Department of Agriculture

Approval

Federal Energy Administration

Approval

Department of the Interior

Approval

Discussion

In early 1974, the Administration submitted to the Congress its proposed Unified Transportation Assistance Program (UTAP), a comprehensive six-year program which would have combined some mass transit and highway funds and would have given the States and localities increased flexibility on how to use those funds. The Congress rejected this proposal, and acted on the mass

To
H. Hendricks
12-31-74
6:30 p.m.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 937

Date: January 1, 1975

Time: 11:00 a.m. ^{OK} ~~11:00~~

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda
Paul Theis ✓

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 2 Time: noon

SUBJECT: Enrolled Bill S. 3934 - Federal-aid Highway amendments of 1974

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

28
AM
DEC 2
1974

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 937

Date: January 1, 1975

Time: 11:00 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda *neto*
Paul Theis

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, January 2

Time: noon

SUBJECT:

Enrolled Bill S. 3934 - Federal-aid Highway amendments of 1974

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 937

Date: January 1, 1975

Time: 11:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda ✓
Paul Theis

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, January 2

Time: noon

SUBJECT:

Enrolled Bill S. 3934 - Federal-aid Highway amendments of 1974

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Veto the bill (if we believe that additional deferrals in this area would threaten congressional response in the existing high level of highway deferrals)

P Areeda

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.


If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren J. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

January 2, 1975

MEMORANDUM FOR: WARREN HENDRIKS

FROM: MAX L. FRIEDERSDORF 

SUBJECT: Action Memorandum - Log No. 937
Enrolled Bill S. 3934 - Federal-aid
Highway amendments of 1974.

The Office of Legislative Affairs concurs with the Agencies that the enrolled bill should be signed.

The Office of Legislative Affairs reluctantly recommends, on balance, that the President sign this bill and utilize the deferral process for the excess authorizations and contract authority, thereby placing the burden on the 94th Congress should it choose to deny the deferrals.

Attachments

MEMORANDUM OF DISAPPROVAL

I am today withholding my approval from S. 3934, the Federal-Aid Highway Amendments of 1974.

The bill would make many undesirable changes to the highway programs. It would provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grants. Of these amounts over \$500 million would be available to States without further action by the Congress.

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time would be highly inflationary, unwise and unnecessary.

It has been the goal of this Administration to reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs, rather than reducing the number of those grants.

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our energy shortage. Unfortunately, S. 3934 does not provide the framework for a sensibly restructured highway program that will meet our long-term national transportation and economic objectives.

I will work with the Congress to develop a program that will meet these goals.

Three energy-related provisions in this bill which I support and intend to resubmit to the 94th Congress would (1) make the national 55 miles per hour speed limit permanent, (2) extend the carpooling demonstration program for one year, and (3) increase the allowable weight limits for trucks on interstate highways. I hope the next Congress will act quickly on these proposals which will save fuel while saving lives on our highways.

THE WHITE HOUSE

January , 1975



GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

December 20, 1974

Honorable Roy L. Ash
Director
Office of Management and Budget
Executive Office Building
Washington, D. C.

Dear Mr. Ash:

This is in response to your request for the views of the Department on S.3934, an enrolled bill:

"To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

SUMMARY

S.3934 contains a variety of amendments to existing highway-related legislation including increases in authorizations for existing programs, the creation of new categorical grant programs, the extension of temporary energy conservation legislation enacted earlier this year, and changes to the highway beautification and other substantive provisions of title 23, United States Code.

Authorizations for Existing Programs

The authorizations applicable to existing highway programs provide a total of \$347.5 million in new money and consist of the following:

An additional \$100 million for the Federal-aid primary system in rural areas for FY 1976;

An additional \$50 million for the Federal-aid secondary system in rural areas for FY 1976;

An additional \$25 million for Indian reservation roads and bridges over the period FY 1974 through 1976;

An additional \$45 million for the Rural Highway Public Transportation Demonstration Program over the period FY 1975 through 1976;

An additional \$50 million for the Special Bridge Replacement Program for FY 1976;

An additional \$2.5 million for bridges on Federal dams;

\$50 million for the control of outdoor advertising for FY 1975;

\$15 million for the control of junkyards for FY 1975; and

\$10 million for landscaping and scenic enhancement for FY 1975.

Categorical Grant Programs

The new categorical grants created by S.3934 authorize a total of \$405 million and consist of the following:

A program for the construction and improvement of off-system rural roads for which \$200 million is authorized for FY 1976. Funds are to be apportioned to the States according to area, rural population, and off-system road mileage and are to be made available for expenditure in the counties of the States on a fair and equitable basis.

An engineering and feasibility study for the relocation of railroad lines in Lafayette, Indiana, for which \$360,000 is authorized for FY 1975.

A program for the construction or reconstruction of access highways to public recreation areas on lakes for which \$25 million is authorized for FY 1976.

The construction by the Secretary of the Interior of a bridge in Auburn, California, for which \$250,000 is authorized, plus additional increases or decreases depending upon cost of construction.

A program for the reconstruction or replacement of bridge structures on the Overseas Highway to Key West, Florida, for which \$109.2 million is authorized. Only \$10 million could be obligated in FY 1975, and \$15 million in FY 1976.

A demonstration program for the construction of bikeways in urban and urbanized areas for which \$10 million is authorized for FY 1976.

A demonstration project for the construction of an urban highway intermodal transportation connection in Minneapolis, Minnesota, for which \$53 million is authorized. Only \$10 million could be expended in FY 1975 and \$15 million in FY 1976.

A program of demonstration projects designed to encourage the use of carpools in urban areas for which \$7.5 million is authorized.

A program of grants to States for the conduct of school bus driver education and training. Not less than \$7.5 million of sums authorized for section 402 of title 23 are to be obligated for these purposes.

Energy-related Amendments

S. 3934 contains several provisions associated with energy conservation. First, it extends indefinitely the uniform national speed limit established last January by the Emergency Highway Energy Conservation Act. Secondly, it extends one year (until December 31, 1975) the program that Act created for the approval of demonstration projects designed to encourage the use of carpools in urban areas. As indicated above, it also authorizes \$7.5 million for this program. Thirdly, it increases somewhat the maximum weights applicable to the operation of vehicles on the Interstate system. Finally, it establishes a requirement that each State certify annually that it is enforcing the uniform national speed limit and all State laws respecting maximum vehicle sizes and weights permitted on the Interstate and Federal-aid primary, secondary, and urban systems.

Highway Beautification

In addition to authorizing funds for the highway beautification program for FY 1975, S. 3934 makes several amendments to the substantive provisions of sections 131 and 136 of title 23. First, the bill requires States to provide for the control of the erection and maintenance along the Interstate and primary systems of billboards which are more than 660 feet from the 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. Secondly, the bill would permit the retention of signs, lawfully in existence on October 22, 1965, determined to be landmark signs. Finally, the bill amends the "just compensation" provisions of sections 131 and 136 to eliminate the so-called hiatus period for Federal financial participation in sign and junkyard removals.

Other Substantive Amendments

Section 125 of S. 3934 makes two changes to section 103 of title 23. These changes would modify the manner in which the cost is computed when an Interstate route is withdrawn and the Federal share is made available for an alternate Interstate route or for a mass transit project. Currently the cost of a withdrawn route is the cost of that route included in the 1972 cost estimate. Under the amendments in S. 3934, the cost could be modified to reflect

construction price changes up to the date of withdrawal.

Section 111 of S.3934 amends section 115 of title 23 (Construction by States in advance of apportionment) to permit the Secretary to pay the Federal share of construction costs incurred for an Interstate project begun without the aid of Federal funds even though the particular State involved has not obligated all the Federal funds authorized for Interstate projects within its boundaries. The purpose of this provision is to permit the continued use of section 115 as it applies to Interstate projects at times when funds for that system have been impounded.

Other amendments contained in the bill permit the funding of certain rail-highway crossing projects under section 322 of title 23 even though the crossings remain at ground level; permit the funding of projects to correct high hazard locations under the safer roads demonstration program (23 U.S.C. 405); and permit intermediate stops to be made in Canada by ferries financed under section 129(g) of title 23 and operated between Alaska and Washington.

BACKGROUND

S.3934 is an outgrowth of a bill taken up in July 1974 by the Senate Public Works Committee. The Department had previously submitted to the Hill the proposed Unified Transportation Assistance Act of 1974 (UTAP), a comprehensive bill which established a six-year program for the improvement of public transportation in urban areas and a modest program to improve public transportation in rural areas. The Department also submitted to the Hill comprehensive highway beautification legislation, a bill to increase the maximum weight limits applicable to vehicles operated on the Interstate system, and a bill to provide additional authorizations and to revise the cost-sharing provisions of section 322 of title 23, applicable to rail-highway grade-crossing projects along the Northeast Corridor. Following early hearings in the House and Senate, the UTAP bill was largely ignored on the Hill and efforts were undertaken in both Houses to process separately committee bills on mass transportation and the Federal-Aid Highway Program. These efforts led to the enactment on November 26, 1974, of the National Mass Transportation Assistance Act of 1974, and,

after a lengthy process involving the drafting and redrafting of several proposals in both Houses, the adoption by the House and Senate of S. 3934.

To indicate the substantial change that S. 3934 underwent from the beginning, it should be noted that the initial Senate draft proposed across-the-board funding increases for the various Federal-aid Highway programs for fiscal years 1974 through 1976. For fiscal years 1975 and 1976, the original draft proposed \$800 million per year in additional authorizations. In the case of the original House measure, the bill not only proposed "business-as-usual" authorizations across-the-board for the various program categories in title 23, but attempted to extend non-Interstate authorizations from the Trust Fund beyond its present statutory expiration date of 1977.

DISCUSSION

Following the enactment in November of the amendments to the Urban Mass Transportation Program, the principal concern of the Department in the area of highway legislation was that the Congress adopt amendments which would (1) establish the national speed limit on a permanent basis and create an enforcement requirement relative thereto; (2) extend for another year the carpooling demonstration program; and (3) authorize funds for the Highway Beautification Program. The extension of the speed limit and the carpooling program are two of the proposals cited in the President's November message to Congress on Legislative Priorities, and are important elements of the Administration's energy conservation program. The Highway Beautification Program ran out of funds last summer, and a new authorization is necessary to get the Program underway again. In each of the above-mentioned areas, S. 3934 satisfies the aims of the Department. The funding for the Highway Beautification Program exceeds our request, but should not be a problem because of the \$45 million limitation applicable to the various highway beautification functions contained in the Department's Appropriation Act. Also, as we requested, the authorization is limited to FY 1975. A special authorization is made for the carpooling program, but this should not be a major problem.

The amendments to the substantive provisions of the Highway Beautification Program are also acceptable. In effect, the amendments pick up two of the changes proposed by the Department in our bill last April and, at the same time, avoid almost all of the questionable or undesirable provisions contained in earlier versions of the House and Senate committee bills. First, the bill closes the loophole in the existing law which permits the erection of jumbo signs beyond the 660-foot control area. Secondly, the bill eliminates the so-called "hiatus period" for Federal financial participation in sign and junkyard removals. The bill also establishes a new category of "landmark signs" which can remain in non-conforming areas. However, inasmuch as these signs must have been in existence prior to October 22, 1965, and the category is very limited, we believe this provision is workable and not appreciably out of step with the purpose of the Highway Beautification Program.

The bill contains two other proposals which satisfy, in part, proposals the Department submitted to the Hill earlier this year. The provision increasing vehicle weight limitations does not go as far as the Department's proposal as it applies to maximum overall gross weight, but we believe it should help offset the decrease in efficiency of truck operations on the Interstate system brought about by the imposition of the 55-mph speed limit. The proposal allowing the funding of protective devices for highway-rail grade crossings along the Northeast Corridor is similar to an amendment sought by the Department. Unfortunately, however, S.3934 does not contain the proposals submitted by the Department which made additional funds available for Corridor grade-crossing projects and changed the cost-sharing formula to eliminate the requirement that railroads pay part of the costs of such projects.

The bill makes a number of amendments to other substantive provisions of title 23 which we did not propose, but which we do not object to. These include the provisions on route withdrawals, advance construction, Alaska ferry operations, donations of property, and the inclusion in the Safer Roads Program of projects to correct high-hazard locations. We would have preferred that provisions of this type be considered next year in connection with legislation extending the Federal-Aid Highway Program, but we do not believe that any of them are harmful.

The remainder of the bill consists of a string of increased authorizations for existing highway programs and provisions establishing new categorical grant programs. For the most part the increased authorizations and new categorical programs are inappropriate at this time because of the President's efforts to control inflation. In furtherance of that program, the President has already submitted to Congress a special message recommending the deferral of substantial highway spending. Since S.3934 runs completely contrary to that effort, it appears that, after the enactment of the bill, it will be necessary to increase the proposed deferrals to offset the adverse impact of the authorizations. Approximately \$350 million will have to be added to the \$10.7 billion currently deferred in order to continue the 1975 program at \$4.6 billion. The only potential difficulty we envision is whether we can incorporate the \$200 million off-system program in the Federal-aid highway program deferral message (since it is a general fund authorization), or whether a separate deferral message will be necessary. Another point that should be considered in connection with these authorization provisions is that, in many cases, the committees heeded the requests of the Department during the processing of the legislation and reduced the authorizations substantially from the levels in the original bills.

In one or two cases, authorizations contained in the bill for special programs are somewhat consistent with previous Departmental proposals. This is true with respect to the establishment of a funding mechanism for off-system roads and the authorization of additional funds for the Rural Highway Public Transportation Demonstration Program. UTAP authorized an additional \$45 million for the Rural Demonstration Program and UTAP amendments we submitted to the Hill in May proposed the authorization of \$100 million for a new rural transportation assistance program. At this point, of course, it would have been preferable to take up all such programs and authorizations next year in connection with the omnibus bill extending the Highway Program.

RECOMMENDATION

On the positive side, S.3934 contains two energy-related proposals sought by the President in his November message and an accompanying speed limit enforcement provision. It provides essential authorization and constructive amendments to the Highway Beautification Program and

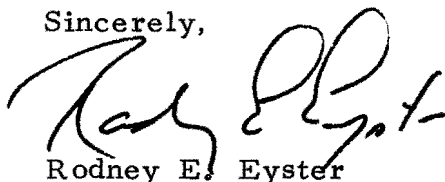
minor, but beneficial amendments regarding truck weight limitations and rail-highway grade-crossing projects along the Northeast Corridor.

On the negative side, the bill contains a number of increases in program authorizations and some unnecessary new categorical grant programs. The impact of these proposals probably can be blunted, however, by increasing budget deferrals under the Congressional Budget and Impoundment Control Act of 1974.

The Administration and Department sought and obtained the cooperation of the Congress in securing the enactment of the positive proposals referred to above. In the case of the negative proposals, the Department was relatively successful in obtaining substantial reductions in authorizations as the legislation moved through the Senate and House. In view of this history and on the basis of the content of the bill, we believe the bill should become law.

The Department recommends that the President sign the enrolled bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney E. Eyster". The signature is fluid and cursive, with a large initial "R" and "E".

Rodney E. Eyster



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

December 23, 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Ash:

We are responding to Enrolled Bill S. 3934, the Federal-Aid Highway Amendments of 1974. This Bill would amend the Federal Aid Highway Act of 1973 in several respects.

The Department recommends enactment of S. 3934 as enrolled.

Section 103 provides additional funds for public transportation in rural areas. Rural Americans presently have few alternatives to the private automobile for travel. The funds to be provided under Section 103 can prove helpful in maintaining presently available intercity public transportation options and in developing public transportation in local areas. The needs for public transportation by the transportation-disadvantaged persons in rural areas are obvious.

Section 106 would increase maximum weight limits for vehicles on interstate highways. Currently, truckers are experiencing higher operating costs primarily because of fuel price increase and reduced capacity due to the 55 mile per hour speed limit. This situation has caused severe hardship especially for the hauler of perishable agricultural commodities. The increase in the allowable weights on the interstate highway system will permit truckers to increase their revenue per trip with little or no additional costs of operation and, at the same time, increase their productivity by carrying heavier loads. The increase in productivity of this major segment of the food distribution system will help to stabilize food prices.

Sincerely,

A handwritten signature in black ink that reads "J. Phil Campbell".

J. Phil Campbell
Acting Secretary

FEDERAL ENERGY ADMINISTRATION

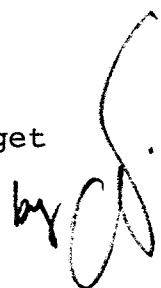
WASHINGTON, D.C. 20461

MEMORANDUM TO: Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget

FROM: Robert E. Montgomery, Jr.
General Counsel

ATTN: Jan Fox

SUBJECT: Enrolled Bill Report on S. 3934 - Federal
Aid Highway Amendments of 1974



This is in response to your request for the views of the Federal Energy Administration on the subject enrolled bill.

FEA supported passage of S. 3934 and strongly recommends that the President sign it into law.

Although the bill contains provisions for highway authorizations, public transportation demonstration programs, school bus driver training, and authorization for access highways to Federal areas, we have focused our primary attention on those sections of the bill which significantly affect energy conservation.

Section 114 of the Act would preclude the Secretary of Transportation from approving and funding plans for proposed highway projects in any state which has a maximum speed limit on any public highway in excess of 55 mph or which does not apply its speed limits uniformly on all public highways. FEA estimates that a fuel savings of approximately five million gallons per day will result from this provision alone. In addition, the National Highway Traffic Safety Administration estimated that a 22.6% reduction in traffic fatalities will result from the enforcement of a nation-wide 55 mph speed limit.

Section 107 of the Act requires each state to certify to the Secretary of Transportation that it is enforcing all state laws relating to speed limits and vehicle size and weights.



page 2

This provision will help insure that the above mentioned savings in lives and fuel will be achieved and, therefore, represents an important strengthening of our 55 mph conservation program.

Finally, Section 120 of the Act authorizes the Secretary of Transportation to continue to make grants for carpool demonstration projects. It is estimated that effectively used carpools can cut by two-thirds to three-fourths the amount of gasoline presently used by automobile commuters.

For the above reasons, FEA strongly recommends that the President sign S. 3934 into law.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 27 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on the enrolled bill S. 3934, "To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

While we recommend that the President approve this enrolled bill, we are concerned about the expanded definition of "Indian reservation roads and bridges" contained in Section 102(b).

Enrolled bill S. 3934 would, among other things, authorize appropriations for the construction of certain highways pursuant to the Federal-Aid Highway Act. In addition, it would continue the national 55 miles per hour speed limit until Congress declares by concurrent resolution that it is no longer necessary, would require State certification of enforcement of the 55 miles per hour speed limit, and would extend for one year the authority to make grants for demonstration carpooling programs.

The bill also contains an increase in the authorizations for the rural primary and secondary systems for fiscal year 1976 and establishes two categorical programs which provide for improvement of highways off the Federal-aid systems and for the construction of access roads to public recreation areas on Federal lakes.

Moreover, the bill contains (1) amendments to the Highways Beautification Act and continuing authorizations for the basic beautification programs; (2) a provision permitting buses of up to 102 inches in width to be operated on the Interstate System; (3) a provision permitting the donation of real property for highway projects without the requirement for an appraisal; (4) authorization of \$25 million over two years for the repair of Federal aid primary routes in the State of Florida; (5) a demonstration project for the construction of a high-density urban highway intermodal transportation connection in Minneapolis, Minnesota; (6) a project for the construction of a highway bridge in Auburn, California; (7) an amendment to section 103(e)(2) and (4) of title 23, United States Code, increasing or decreasing the dollar amounts available for substitute Interstate highway or



Save Energy and You Serve America!

public mass transportation projects to offset the effects of inflation or deflation, as the case may be; (8) a program for the training of school bus drivers; and (9) increased authorization of \$2,500,000 to continue construction of a bridge over Markland Dam.

This Department's major interest in enrolled bill S. 3934 involves the definition of "Indian reservation roads and bridges" contained in Section 102(b) of the bill. Section 102 adds a total of \$25 million to the authorization for appropriations for the purpose of building Indian reservation roads and bridges. This would increase the authority to a total of \$250 million. The increase is designed to cover additional expenditures that are authorized by the amendment to the definition of "Indian reservation roads and bridges." The expanded definition would allow funds authorized for Indian reservation roads and bridges to be used on roads and bridges in the Federal-aid system that are located within or provide access to Indian reservations. This includes many miles of highway that are basically the responsibility of the States in which they are located and the Federal Highway Administration. We are concerned that this could cause diversion of funds that are badly needed for roads and bridges on Indian reservations.

The impact of the amendment is mitigated somewhat by the language of Section 102(c) requiring the Secretary of Transportation to make an affirmative finding that any funds used from the Indian reservation roads and bridges authorization on a Federal-aid system in a State is supplementary to and not in lieu of the obligation of a fair and equitable share of funds apportioned to such State under its allocation for the Federal-aid system. We believe that this requirement should limit the instances where Indian reservation road and bridge monies are used on Federal-aid system roads, because Indian reservation road and bridge funds should be used to build needed road systems on Indian reservations.

Further mitigation can be found in Section 102(d) which requires the formal consent of the tribe for whom the Indian reservation bridge and road monies was intended before it could be used on the Federal-aid system. It is on this basis that we recommend approval of S. 3934 and hope that this additional category of

roads qualified for Indian reservation roads and bridges funds will not reduce the funds available for other categories of road systems on Indian reservations.

Sincerely yours,



Under

Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 3934, the Federal-Aid Highway Amendments of 1974.

The bill would make many undesirable changes in the highway programs. For one, it would provide \$347 million in additional authorizations for existing programs and \$405 million for new categorical grants. Of these amounts, over \$500 million would be available to States without further action by the Congress.

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time would not only be unnecessary but highly inflationary as well.

One of the objectives of this Administration is reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs which I consider an undesirable feature.

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our energy shortage. Unfortunately, S. 3934 does not provide the framework for a sensibly restructured program that will meet our long-term national transportation and economic objectives.

I will work with the 94th Congress to develop a program that will meet these goals.

Three energy-related provisions in this bill which I support and intend to resubmit to the Congress would (1) (1) establish 55 miles per hour as the national speed limit, (2) extend the carpooling demonstration program for one year, and (3) (increase the allowable weight limits for trucks on interstate highways). I hope the next Congress will act quickly on these proposals which will save fuel while saving lives on our highways. *and increase truck productivity.*

THE WHITE HOUSE,

93D CONGRESS }
2d Session }

SENATE

{ REPORT
No. 93-1111

THE FEDERAL-AID HIGHWAY AMENDMENTS
OF 1974

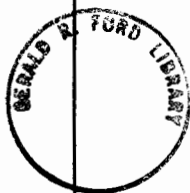
REPORT
OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
TOGETHER WITH MINORITY VIEWS
TO ACCOMPANY
S. 3934



AUGUST 20, 1974.—Ordered to be printed

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(III)

Calendar No. 1063

93^d CONGRESS }
2^d Session }

SENATE }

REPORT
No. 93-1111

THE FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

AUGUST 20, 1974.—Ordered to be printed

Mr. BENTSEN, from the Committee on Public Works,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 3934]

The Committee on Public Works, reports an original bill (S. 3934) 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

Congress last year passed the Federal-Aid Highway Act of 1973, a landmark measure that, for the first time, permitted flexibility in the use of Highway Trust Fund revenues for highway or transit purposes, significantly increased authorizations for various Federal-Aid Highway Programs, and made additional substantive changes in the law.

Because of the comprehensive nature of the 1973 Act, the Committee on Public Works had not intended to consider major highway legislation this year; however, in the latter months of 1973, the Arab oil embargo and the resulting energy crisis created a new set of circumstances. Many Americans for the first time were forced to recognize how vulnerable their transportation system is and to ask serious questions about how they will get to work, how often they travel, and what type of transportation they will use.

The Federal-Aid Highway Amendments of 1974, while not a comprehensive measure, responds to some of the issues raised by the energy crisis and fills in those sections of the 1973 Act which were either deferred by the House-Senate Conference or found to need adjustment after they were enacted into law. The Committee recognizes that major highway legislation will have to be considered again next year, as authorizations in the 1973 Act near expiration and as questions concerning the future of the Highway Trust Fund, which is scheduled to expire in October 1977, must be resolved. In this legislation, therefore, no highway authorizations are provided beyond fiscal year 1976.

Two principal sections of the Committee bill are directed at the country's energy problems: one would make the temporary 55 miles per hour speed limit, approved by the Congress and the President last winter, permanent. The second would permit modest increases in the allowable weights of trucks on Interstate highways, increases that the Committee feels will improve the productivity of trucks while remaining within acceptable limits of safety.

Two other items in this bill were either deferred by the Committee last year or acted upon by the Committee but unresolved because of Administration disapproval. The bill extends the Highway Beautification Act for an additional three years, gives it added funds to do its job, and includes provisions to allow alternative information systems along highways which do not conflict with the thrust of the original act. Although this measure was approved by both Houses of Congress last year, it failed to clear Conference because of fundamental disagreements about the future of the program, now fully underway after some nine years of trial and error.

A charter bus provision which passed the Senate last year is also included in this measure; it would amend Section 164(a) of last year's highway legislation by allowing public transit systems receiving Federal-aid funds to engage in charter activities so long as they do not foreclose private carriers from doing so.

The bill also contains provisions (1) allowing the termination of highway contracts under conditions where the materials necessary are not available from the expected supplier because of Federal actions; (2) providing additional authorizations for the rural bus demonstration program approved last year; (3) allowing the Alaska ferry to stop in Canada; (4) allowing funds for Indian reservation roads and trails to be used on Federal-Aid Highways on or leading to Indian lands and increasing the authorizations for the program by \$25 million; (5) providing \$20 million, half from the Highway Trust Fund, for bikeway facilities in urbanized areas; (6) amending Section 322 of Title 23, which deals with elimination of rail-highway grade crossings in the Northeast corridor; (7) increasing the authorization for the special bridge replacement program by a total of \$150 million; (8) setting up a separate authorization of approximately \$116 million for the repair of bridges on the vital Overseas Highway leading to Key West, Florida; (9) authorizing \$360,000 for an engineering study of a railroad relocation demonstration project in Lafayette, Indiana; (10) authorizing all parkways, not just those on a Federal-Aid System, to be financed out of the Highway Trust Fund; (11) creating a new program authorizing \$15 million for each of two fiscal years for access roads to Federal

reservoirs; (12) assuring that public transportation facilities assisted with Federal-aid funds are accessible to the handicapped; and (13) extending a carpool demonstration program for one year to be separately funded at a level of \$15 million.

The Committee also considered a proposal to authorize \$300,000 for a study of a multi-modal transportation corridor from Kansas City, Missouri, to Brunswick, Georgia, but decided to defer action until the feasibility study required by the 1973 Highway Act for a highway along that corridor has been completed.

HEARINGS

The Subcommittee on Transportation conducted several days of hearings in late 1973 and 1974 on subjects covered in this legislation. Four days of hearings were held, beginning in December and continuing in February and March, on "Transportation and the New Energy Policies," with testimony received on the proposed 55 mile per hour speed limit and with special emphasis in the final three days on truck sizes and weights. On the latter subject, more than 25 witnesses were heard, with 9 witnesses directing their testimony to the safety issues involved in increasing vehicle weights.

In addition, the Subcommittee received testimony from the Administration concerning the Unified Transportation Assistance Act on March 12 and conducted five hearings around the country on the issues raised in that legislation. Hearings were held in New York City, Atlanta, Detroit, San Francisco, and Los Angeles.

In April, the Subcommittee conducted two days of hearings on highway beautification, receiving oral testimony from ten witnesses and written statements and supporting materials from more than 50 additional sources.

PROVISIONS OF LEGISLATION

PARKWAYS

The Committee has included a provision to fund all parkways out of the Highway Trust Fund. A similar provision was included in the Senate-passed Federal-Aid Highway Act of 1973 but was modified in conference to provide Highway Trust Funds only for parkways which are made part of a State's Federal-aid highway system. Funds for all other parkways continue to come from the general treasury. Confusion which has been encountered in reconciling the more general purposes of most Federal-aid highways with those of parkways has convinced the Committee that it was correct in the approach it adopted in the 1973 legislation. The Committee has included language to provide that parkways are intended to be used only for scenic and recreation purposes.

Parkways are created by Acts of Congress. They are designed primarily for use by touring motorists from all parts of the country and follow routes of national scenic or historic significance. The Committee believes that the national character of these roads make them logical subjects for funding from the Federal Highway Trust Fund. The Committee hopes that providing funding from this source will enable the Department of Interior to move ahead on the long-delayed completion of the Natchez Trace Parkway in Mississippi, Alabama, and

Tennessee, and on its backlog of projects such as the Foothills Parkway in Tennessee, as well as the construction of the Highland Scenic Highway in West Virginia by the Department of Agriculture.

INDIAN RESERVATION ROADS AND BRIDGES

To accommodate increasingly diversified transportation requirements, the Committee has in the past decade sought to provide flexibility in the use of Federal highway funds and to insure that representatives of various areas within each State have a voice in how highway funds are spent.

This amendment to those sections of title 23 which deal with roads and bridges on or leading to Indian reservations or lands would add flexibility to the type of projects for which Indian reservation road and bridge funds could be obligated. Under existing regulations, funds authorized for programing by the Bureau of Indian Affairs may not be used on roads which are part of a State's Federal-aid system. This limitation was imposed to encourage States to provide adequate funds for construction and maintenance of routes of statewide importance and to preserve limited Indian road funds for use on roads of more local significance.

The Committee amendment would permit Indian road funds to be used on Federal-aid routes within or providing access to Indian lands where the upgrading of such routes would provide particular benefits to the Indian communities and Indian economic development. To insure that a State does not decrease expenditure of its apportioned funds for Federal-aid roads within or giving access to Indian lands because this new source of funds is available, the Committee has included language requiring the Secretary to determine that use of Indian road monies is supplementary to and not in lieu of normal State expenditures for such routes.

The changes in existing law have equal application to Indian lands in all States. The particular situation which prompted the proposed change, however, is the urgent need to construct and upgrade portions of three New Mexico highways serving two major developments on Navajo lands in the Four Corners region of the State: the Navajo Indian Irrigation Project and seven planned coal gasification plants.

The only significant access to the area is by road. Two highways now provide north-south connections into the area: New Mexico route 666 between Gallup and Shiprock and New Mexico route 44 from Albuquerque to Bloomfield. Both routes are on the Federal-aid primary system and both urgently need upgrading. A third highway, New Mexico route 371, is presently being surveyed and designed; it will be part of the Federal-aid secondary system, connecting Farmington, the major population center in the Four Corners area, with Interstate 40 and the railroad to the south.

In order to maximize the economic and social benefits to the Navajo Nation of these two massive development projects the Committee proposes to increase funds authorized for Indian reservation roads and bridges by a total of \$25 million over the fiscal years 1974, 1975, and 1976. This is less than half the estimated amount needed to construct the aforementioned routes to the standards necessary to meet projected needs. The State has already approved as part of its five-year road construction plan expenditure of \$12.6 million on these three routes and may very well commit more State funds to match Federal

money. The Committee has been informed that State and local sources will be developed to meet the remaining need for approximately \$25 million. These sources include the State of New Mexico; the counties of San Juan, Sandoval, McKinley and Rio Arriba; the city of Farmington; the Navajo Tribe; E. Paso Natural Gas Company and Western Gasification Company. The Committee expects that funds from such sources will be secured at an early date in order to insure that Federal funds made available under this section, together with all other monies, are sufficient to provide the transportation facilities necessary to realize maximum benefits from the Irrigation Project and gasification plants.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

The Committee last year formally recognized the decline in public transportation facilities available for use by people living in rural and lightly populated areas. Substantial attention has been paid in recent years to the public transportation needs of urban residents, but the mobility of people in rural areas was relatively ignored.

Seeking to correct this imbalance, the Committee developed and the Congress enacted the Rural Highway Public Transportation Demonstration Program, authorizing \$30 million for its support in fiscal years 1975 and 1976. This program is intended to examine the extent of the need for public transportation in rural areas and to test and evaluate systems for meeting this need. The 1973 Act authorized the purchase of equipment other than fixed rail and the construction of traffic control devices, parking areas and passenger loading facilities.

Considerable interest has developed in the program since its approval. The Department of Transportation received a number of inquiries about possible participation in the program even before it became operative on July 1, 1974.

As part of its proposals for transportation legislation early this year, the Department recommended that funding be increased for the Rural Highway Public Transportation Demonstration program. The bill as reported authorizes an additional \$45 million for the program, raising the total to \$75 million for fiscal years 1975 and 1976. Of this amount, one-third is to be provided by general fund appropriations and two-thirds from the Highway Trust Fund.

The flexibility of the program is enhanced by other provisions which will permit a wider choice of options in seeking to identify the types of public transportation systems best suited to a variety of needs. The payment of operating expenses is authorized from the general fund appropriations for the demonstration program. It is generally recognized that assistance in meeting operating expenses is required to maintain viable operations by urban transit systems. This need is equally great for a demonstration program in regions where low population densities and long distances mitigate against self-supporting operations.

A major transportation need for people in rural areas is the ability to move to and from population centers to avail themselves of shopping, medical, educational, religious, entertainment and governmental service opportunities. In this area, the bill provides that when inter-city bus service is provided as part of the demonstration program,

preference be given to private operators who are or have provided service in the area of a project. Such preference could prevent the costly purchase of duplicate equipment and the creation or expansion of routes in areas where an established company is located.

It is not the intention of the Committee that this program or the funds provided for its operation be utilized to give financial support to private companies that are suffering financial difficulties. At the same time, the Committee recognizes that a financially unstable company might, through its participation in the demonstration program, be able to continue to provide a service that might otherwise be lost in a project area.

The bill also provides that public notice, including the name of the applicant, be given in each proposed project area and that within 60 days a public hearing be held.

Regional councils, multi-jurisdictional bodies established under Federal law, perform a variety of services. Many have been designated as A-95 review agencies for their regions regarding the expenditure of all State and Federal funding for planning and development through the Intergovernmental Cooperation Act of 1968. In areas in which they function, the Committee believes that regional councils should be considered as grant recipients to administer funds authorized for the Rural Highway Public Transportation Demonstration Program.

RAILROAD RELOCATION PROJECT

The State of Indiana has asked for Federal assistance in efforts to relocate portions of railroad tracks in the city of Lafayette, Indiana. Approximately 62 trains per day pass through the city, blocking virtually every major traffic artery. There are heavy costs involved in slowing and stopping 150,000 vehicles a day at these grade crossings. In addition, there is a decided accident potential in the situation.

The heavy rail traffic requires that there be protective devices, such as crossing gates, flashing lights, interconnections with traffic signals, and use of horns. As a consequence, there is noise pollution in residential areas, and also vibration and noise in business districts of the city.

The intersection of four major railroad lines in or near Lafayette, plus new growth centers in Southeastern Tippecanoe County and at Purdue University in West Lafayette, have intensified the automobile and railroad conflict.

Lafayette was one of three cities in which relocation studies were conducted under contract with the Federal Railroad Administration. The other two cities, Wheeling, West Virginia, and Lincoln, Nebraska, were authorized to carry out relocation projects by the Federal-Aid Highway Act of 1973. The Committee recommends that an engineering and feasibility study of the Lafayette project be conducted and that \$360,000 be authorized for the study. Additional authorizations will be necessary before Federal funds participate in actual relocation costs.

CHARTER BUSES

The Federal Aid Highway Act of 1973 contains a provision, section 164(a), that forbids the Secretary to extend Federal financial assistance for the purchase of buses under either the Urban Mass Transportation Act of 1964 or the new provisions of the Federal Aid Highway

Act that authorize the use of Federal-Aid Highway funds for mass transit, unless the applicant for the assistance agrees not to engage in charter service in competition with private bus operators outside of the area within which it provides regularly scheduled mass transportation service. The penalty for even a single violation of the agreement is a bar from the receipt of further Federal assistance under either Act.

Soon after the provision was enacted, it became apparent that its immediate consequence was to force a prospective applicant for Federal assistance to choose between accepting the Federal assistance and continuing its existing charter service. As such, it became apparent that the restrictions in the law were too severe. In late 1973, the Senate passed by voice vote a measure virtually identical to the one the Committee now reports in this bill. The thrust of that measure was to allow public bus companies to operate charter service while receiving Federal funds, so long as they do not "foreclose" private operators from providing the service if they are willing and able to do so. The Senate bill applied to buses purchased with UMTA funds, as well as those purchased from the Highway Trust Fund.

The measure was eventually narrowed to include only those buses purchased with UMTA funds, and the measure was pocket vetoed by the President, because the Administration believed that the same rules should apply to buses purchased from whatever source.

The Committee agrees with the private charter operators that they should not be put out of business because of any competitive advantage enjoyed by operators receiving Federal capital assistance; on the other hand, grantees of Federal assistance ought not be prohibited from offering to the public needed charter services. The bill that the Committee reports is designed to give the Secretary of Transportation the authority to enter into arrangements providing equitable solutions to the problem. The bill amends section 164(a) to require that, as a pre-condition of receiving grants under either the Urban Mass Transportation Act or the Federal Aid Highway Act of 1973, the grantee and/or the ultimate operator of the Federally-financed equipment must enter into an agreement with the Secretary designed to assure that the Federal financial assistance will not enable public bodies and operators to foreclose private operators from providing inter-city charter bus service. The agreement is enforceable by the Secretary, and, for a continuing course of violations the Secretary is authorized to bar a grantee or ultimate operator of the equipment from the receipt of further Federal capital assistance.

Since this amendment is intended to modify section 164(a), it is the intent of the Committee that the Secretary should exercise his authority to prescribe the terms and conditions of grants to revise any agreements heretofore entered into pursuant to section 164(a) to reflect the new standard and remedies authorized by the new legislation.

TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

Section 165(b) of the Federal-Aid Highway Act of 1973 provides that mass transit projects funded under the Federal-aid highway program shall allow effective utilization by elderly and handicapped persons. However, the Committee has heard from handicapped individuals and from organizations representing disabled persons

that this section needs to be strengthened. The Department of Transportation has funded numerous research and demonstration projects to determine which particular special services or adjustments are most beneficial to the needs of elderly and handicapped persons. However, the Committee has found that while funds have been spent on such worthwhile projects as overhead grip rails, non-skid flooring material, improved lighting and public address systems, and additional vertical handrails at side doors, there has been a lack of facilities such as turnstile alternatives or elevators which would make a system accessible to persons in wheelchairs.

The Committee proposes to amend section 165(b) to insure that any project receiving Federal financial assistance under the urban mass transit, Interstate transfer, or rural bus demonstration sections of the Federal-Aid Highway Act of 1973 shall be "planned, designed, constructed and operated so as to allow effective utilization by elderly or handicapped persons", including those in wheelchairs. This language should not be interpreted to mean that each facility or piece of equipment which, at the date of enactment of this section, is part of a mass transit system for which Federal funds are sought must be made accessible to the handicapped before receipt of Federal funds. It is rather the Committee's intent that any project receiving funds after the date of enactment, under any of the programs referred to in this subsection, to the maximum extent feasible, be planned, designed, constructed and operated to provide for effective use by the elderly or handicapped.

The bill contains a statement of national policy which is similar to that found in section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and which declares that elderly and handicapped persons have the same right to utilize mass transportation systems as other persons. This amendment goes further than the Urban Mass Transportation Act, however, permitting the Secretary to approve only those programs or projects which comply, to the maximum extent feasible, with the provisions of this subsection.

The Committee recognizes that mass transit systems receive far more Federal assistance under the Urban Mass Transportation program than under the highway program and hopes that provisions for the elderly and handicapped identical to those it has adopted for mass transit projects funded under the highway program will be incorporated into the Urban Mass Transportation Act and implemented to insure that all Federally-funded public transportation is available, to the maximum extent feasible, to elderly or handicapped individuals.

VEHICLE WEIGHTS

The Federal Aid Highway Act of 1956 established maximum permissible truck sizes and weights for use on the Interstate System to protect the safety of the traveling public and the Federal investment in that system. Until that time, the matter of vehicle weights and dimensions was exclusively a concern of the States. The maximums adopted in the 1956 act were those which the State highway departments, operating through their National organization, the American Association of State Highway Officials, had agreed on as best meeting the need to protect the facilities which were being constructed.

The Federal limits set in 1956 and codified in section 127 of title 23, United States Code, allow a maximum permissible single axle weight

of 18,000 pounds; a tandem axle weight of 32,000 pounds, an overall gross weight of 73,280 pounds, and a width of 96 inches; or the corresponding weights and dimensions permitted under State law in effect on July 1, 1956, whichever is greater. At present, as a result of the application of that last clause, the so-called grandfather clause, 26 States allow more than 18,000 pounds for a single axle, and 15 of those States allow 20,000 pounds or more. Twenty-four States allow more than 32,000 pounds for tandem axles, and eight of them allow 36,000 pounds or more. Three States permit widths of 102 inches or more. In general, the States allowing heavier weights tend to be concentrated in the East, while the States frozen at the levels in the 1956 law tend to be in the West and South.

As a companion measure to the enactment of the limitations on sizes and weights of motor vehicles, the Congress in the 1956 act also directed the Secretary of Commerce to take all action possible to expedite the conduct of a series of tests, later known as the Illinois road tests, for the purpose of determining the maximum desirable dimensions and weights for vehicles operating on the Federal-aid highway systems, including the Interstate System. Recommendations on such standards were to be presented to the Congress not later than March 1, 1959.

On August 18, 1964, the Secretary of Commerce transmitted to the Congress the requested study and recommendations (H. Doc. 354, 88th Cong., 2d sess.). Essentially, the recommendations were that single axle weights for Interstate highways be raised to 20,000 pounds per single axle and 34,000 pounds per tandem axle. The allowable width limitations were to be raised from 96 inches to 102 inches, and overall gross weight was to be determined by a bridge formula as follows:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W=overall gross weight of the vehicle plus load, L=overall wheel base or the distance in feet between the centers of the first and last axles in the vehicle combination, and N=number of axles. The Administration endorsed this recommendation in its testimony to the Congress in 1968, and the Senate passed the measure on a voice vote. However, no legislation was enacted, and none has been enacted since that time, although the issue has been revived in each succeeding Congress.

This year, in February and March, the Committee held three days of comprehensive hearings on the question of truck sizes and weights. The Committee proposal has the following features:

1. It applies to Interstate highways only, not other Federal-aid highways.
2. It raises allowable single axle weights from 18,000 to 20,000 pounds.
3. It raises allowable tandem axle weights from 32,000 to 34,000 pounds.
4. It includes the bridge formula passed by the Senate in 1968, to avoid overstress on bridges.
5. It raises the maximum gross weight of trucks from 73,280 pounds to 80,000 pounds.

These figures include all tolerances.

The moderate increases recommended by the Committee are less ambitious than those passed by the Senate in 1968 and are more restrictive than recommendations made by the Department of Commerce in that year and the Department of Transportation in its testimony this year.

Several important points need to be made concerning the Committee proposal. In the first place, it is permissive. It merely permits any State which so desires to allow the operation of vehicles on the Interstate System within the borders of that State up to the maximum limits established by the legislation. The Committee strongly believes that the ultimate decision on the weights of trucks is a matter for the States, and it wishes to stress that this legislation is not designed as a recommendation for State action. It is quite clear from the record that the States individually bear a great responsibility under this legislation. The Committee, in fact, rejected an Administration recommendation that the increases be mandatory on the States, for it is the States which have to determine for themselves—based on the needs of their own economies—the capacities of their road system to accommodate such changes and the costs that may result from the increases.

It is also significant to note that the Committee proposal does not call for bigger trucks. The object, rather, is to make more efficient use of the trucks we presently have. In 1968, the Senate adopted a measure increasing the allowable width of trucks on the Interstate System; the present legislation contains no such provision. Moreover, the Committee considered and rejected recommendations by the Administration and others to write into law for the first time a Federal guideline on the lengths of trucks. The Committee believes that truck lengths should remain, as they have been, a matter for State decision.

A final consideration is the question of safety. Any increases in weights on trucks have to be considered for their effect on the safety of the rest of the motoring public. Heavier and larger trucks are said to overstress bridges, cause buffeting of smaller vehicles, and impose a psychological impact on other drivers.

The Committee did not take this question lightly. After the first two days of hearings, the Committee scheduled an additional day on the subject of safety alone. The thrust of the testimony from the Administration and other witnesses indicated that the modest permissive increases in the Committee bill would not constitute a significant safety hazard.

Nevertheless, the Committee wishes to stress that several factors, independent of testimony, served to influence its decision to allow the increases. The first of these is the Committee's decision to make the 55 mile per hour speed limit permanent. The Bureau of Motor Carrier Safety indicated that possible increases in safety hazards due to weight increases—greater braking distances, tire wear, vehicle stability and the ability to maintain reasonable speeds—are offset by the speed reduction from 65 or 70 miles per hour to 55. This weighed heavily in the Committee's decision.

Also significant was the announcement of the Department of Transportation that new standards on brakes will go into effect in January, 1975, to be followed in March by new standards on truck tires. Both will increase the safety performance of trucks on our highways.

Of course, it must also be noted that the increases proposed in the Committee's bill are already in effect in approximately half of the

States in the Nation as a result of the grandfather clause in the 1956 highway legislation. The Committee received no evidence that the States now allowing these heavier weights have had more serious truck accidents and fatality records than the States required to have the lower weights frozen into the 1956 Act.

The Committee also notes that there are substantial economic benefits to be gained by allowing for the increases. With lower speed limits and higher fuel costs, many truckers have been caught in an economic bind and the trucking industry has suffered a decline in productivity. Administrator Norbert Tiemann of the Federal Highway Administration testified that this loss of productivity translates into a reduction in the total trucking capacity available, on the order of eight percent over all highways. In real terms, this means that a run which could have been completed in 10 hours previously may now take 11 hours. Moreover, lower speed limits can cause an increase in the number of drivers required, since the motor carrier safety regulations issued under Part II of the Interstate Commerce Act prohibit one driver from driving over 10 hours a day.

An increase of 10 percent in allowable gross weight, as this bill provides, to about 80,000 pounds would enable seven trucks to carry the payload now carried by eight, assuming a high-density commodity. The Committee believes that economic considerations, our energy problems, and the safety protections either written into this law or in new regulations, warrant this permissive increase in allowable truck weights at this time.

STATE ENFORCEMENT

The Committee has also added a new subsection (b) to section 127 to require each State to certify annually that State size and weight laws are being enforced on Federal-aid primary, secondary and urban systems within the State. The Committee believes that Federal participation—to the extent of 70% of the cost—in construction or reconstruction of routes on these systems justifies a Federal requirement that a State adhere to the standards established by the State itself to provide for reasonable road life.

Whenever State certification fails to satisfy the Secretary that State vehicle size and weight limitations are being adequately and uniformly enforced on any non-Interstate Federal-aid system, he must refuse to approve programs of projects for such system until he receives assurances satisfactory to him that the requirements of this subsection are being met.

ALASKA FERRY OPERATIONS

The bill augments the operating authority of the Alaska ferry system in international waters to include "stops at appropriate points in the Dominion of Canada."

The Federal-Aid Highway Act of 1970 permitted, for the first time, the use of Federal-aid highway funds in building ferries or other necessary vessels, docking facilities, and approaches on marine highway facilities. The Act, however, stipulated that ferries built with these funds could only operate within the State or between two adjoining States and at no time enter international waters.

The Federal-Aid Highway Act of 1973 gave the ferry system limited authority to operate in international waters, between the islands of the State of Hawaii, between Alaska and the State of Washington, and between two points within the State of Alaska. The Act prohibited any other activities in international waters and still maintained the stipulation that docking could only take place at domestic ports.

The Alaska Ferry System can now dock those of its vessels not built with Federal-aid monies at Prince Rupert, British Columbia, a major gateway to southeastern Alaska. Those constructed or reconstructed with Federal-aid funds under the 1970 Act cannot dock at Canadian ports.

The language recommended by the Committee permits the LeConte and the Matanuska, two vessels which received Federal-aid in their construction, and any vessels to be built in the future, to put in at Prince Rupert, British Columbia.

A stop at this port is essential to the economic stability and efficient operation of the Alaska Ferry System.

This provision authorizes no additional funds for construction of either vessels or shore facilities and is intended only to give permission to stop at Canadian ports. Docking facilities could not be constructed at Canadian ports with Federal-aid funds.

HIGHWAY BEAUTIFICATION AND THE CONTROL OF OUTDOOR ADVERTISING

In March, 1973, the Committee approved the Federal-Aid Highway Act of 1973 with a section on highway beautification. The language of that provision passed the Senate, without amendment, but failed to clear Conference with the House of Representatives because Members of the Conference Committee were unable to agree on final language.

On March 12, 1974, Senator Bentsen introduced S. 3161, which was essentially a re-statement of last year's Senate bill. Two days of hearings were held on this bill in April of this year, and the Committee has approved the bill with amendments, as part of the Federal-Aid Highway Amendments of 1974.

By its action, the Committee has clearly indicated that it wishes the beautification program to proceed. Although the Highway Beautification Act was enacted in 1965, a meaningful program did not get underway until substantial funding for the program was provided in the Federal-Aid Highway Act of 1970. Since the substantial authorizations in that Act made clear the commitment to this program of Congress and the Administration, the program has made significant progress. Whereas there were only twelve States (plus the District of Columbia and Puerto Rico) in full compliance with the program's requirements at the time of the 1970 Highway Act, all States now are in full compliance and have funds programmed for sign removal. "Full compliance" means that the States have enacted legislation prohibiting the creation of new signs in all areas except commercial and industrial areas, and have entered into the required agreements with the Secretary regarding the size, lighting, and spacing of signs in commercial and industrial areas.

These steps have constituted the first phase of the program. Now we are well into the second phase—the removal of signs by the States under their own laws. As of the end of calendar year 1973, approxi-

mately 200,000 nonconforming, illegal, and abandoned signs have been removed. Thus far this year, more than 25,000 additional signs have been removed by the States. Clearly, now is not the time, after many years of effort, to slow the program or vitiate its intent to eliminate the visual pollution along our major highways.

The Committee notes that a curtailment of the program is imminent unless new legislation is approved by the Congress. As of June 30, 1973, there were no further authorizations of funds to distribute to the States for compensation. Therefore, it is imperative that this legislation be enacted, in order that the program be allowed to proceed in an orderly manner.

The Committee's bill contains several provisions, which will affect the future course of the program but which will not impede its progress. The first of these would extend controls on outdoor advertising beyond the 660-foot limit now in law.

Both the original 1958 bonus law for control of outdoor advertising along Interstate highways and the 1965 Highway Beautification Act provided for the establishment of an area of control 660 feet wide on each side of the highway. Although it was generally expected that this zone would be sufficient to accomplish the goals of the 1965 Act, the erection of giant billboards (called "jumbo signs") just beyond the 660 foot limit has tended to defeat its purposes. Clearly readable from the highways, these signs are visible for a longer period of time and dominate the landscape to a greater degree than do signs of conventional size located closer to the highways.

Therefore, the Committee recommends that section 131 be amended to require that "effective control" of outdoor advertising should include measures for regulating signs erected more than 660 feet from the nearest edge of the right-of-way if they are legible from the main travelled way of the highway. The test of legibility is whether the message on a sign, either pictorial or written, can be communicated to a motorist with normal vision traveling at the posted speed on the main travelled way. This proposed modification would not prevent States from imposing more stringent controls, including restrictions on all signs visible from the controlled highway.

To implement this extension, the Committee recommends changes in the definition of "effective control" set forth in section 131(b) and various technical amendments in subsections 131 (c), (d) and (e) of title 23, United States Code. The Secretary would be authorized to impose a penalty of 10% of the highway funds apportioned to any State which did not provide after January 1, 1975, or the end of the next session of the State Legislature, whichever is later, for the control of signs beyond 660 feet which are legible from the main travelled way.

The Committee believes that controls on these signs should be implemented as quickly as possible, because further delay could allow the erection of more signs in presently uncontrolled areas. These eventually would have to be removed at additional cost to both the Federal and State Governments. Consequently, the bill guarantees just compensation for the removal only of those signs lawfully erected under State law prior to enactment of the Federal-Aid Highway Act of 1974. While the proposed amendments to the Federal law alone would not prevent signs from going up until the States adopt necessary

compliance legislation, it is the intention of the Committee that compensation not be paid to those who attempt to take advantage of the period between the passage of this Act and State compliance.

Another significant provision of the Committee bill would provide compensation for those signs lawfully erected under State law after October 22, 1965 and before January 1, 1968. This is the so-called "hiatus period" in the beautification program, which has resulted in some severe hardship to the States and to sign owners.

Present law limits signs eligible for Federal participation in compensation payments to those lawfully in existence on October 22, 1965, or which were lawfully erected after January 1, 1968. A problem has arisen because of a misunderstanding over the meaning of the term "lawfully erected". The Committee feels that fairness requires that the test of whether a sign was "lawfully erected" after October 22, 1965 and prior to the enactment of this Act is State, not Federal law, and if signs were lawful under State law during this period, just compensation should be paid for them.

Unless Federal participation is available to help compensate for removal of these signs, some States could be faced with an unduly heavy burden of paying 100% of the cost of removal of signs erected after 1965. In other States, signs erected after 1965 may not be removed because the State law provides that no sign need be removed to comply with the Highway Beautification Act of 1965 unless Federal participation is available for compensation for removal.

It should be stressed that, by proposing additional Federal participation in the cost of compensation paid by States for these signs, the Committee is not suggesting any change in present compensation requirements for the removal of non-conforming signs. Likewise, there is no intention to prejudice or affect in any way the determination by a State of what actually constitutes just compensation under its laws.

The Committee considered and rejected a motion to include a moratorium on the taking down of so-called "directional signs" which were "in the specific interest of the travelling public" until the States provided alternative means of information to the motorist.

The Committee is not unmindful of the need for travel information; however, it does not believe that a moratorium on directional signs would be in the best interests of the public or of the orderly administration of the Act.

The Committee also discussed the often confusing official directional signs along our major highways, and it urges the Department of Transportation, insofar as possible, to encourage uniformity and clarity in signs providing route, exit and other noncommercial information essential to the motorist.

While a major objective of the highway beautification program is the control of outdoor advertising, including the removal of billboards, there are some types of outdoor advertising of a unique character that justify preservation. Some firms advertise their products or services exclusively with signs painted on the sides of rural barns. Others have their messages displayed on rocks in natural settings. Some of this advertising has been utilized for many years and has become a part of the American folk heritage.

Under the Highway Beautification Act, signs of a particular artistic or historic character, including those of such character on barns and natural surfaces, are not differentiated from the majority of

outdoor advertising which the Act is intended to control. The bill, therefore, authorizes the Secretary to exempt from removal those types of signs if they were erected before October 22, 1965.

The Committee recognizes that some States have moved expeditiously to provide alternate information systems to the motorist while allowing their billboard removal programs to proceed. In Oregon, Vermont, and Virginia, for example, it has been demonstrated that sign plazas, pamphlets, or the use of official "logo" signs with brand names or emblems on standard backgrounds, allowed under section 131(f), have provided the needed travel information.

Mr. George Baldwin, Director of the Oregon Department of Transportation, told the Committee that with its expanded use of sign plazas off the highway and the use of "logo" signs, "it appears that a great deal more information will be available to the traveling public than has ever before been available on Oregon's Interstate System."

The Committee is pleased that the Department of Transportation recently relaxed its previously restrictive regulations on "logo" signs, allowing more flexible spacing of signs and larger logos. Moreover, it urges the Department to continue working with the States in developing its 131(f) regulations and in strongly urging the States to provide the alternatives to billboards that are allowed under the present law.

In this legislation, the Committee has taken several steps to further encourage alternative information systems to be developed.

A Committee provision expanding the use of official "logo" signs to the Primary System, as well as the Interstate, is intended to broaden the States' ability to provide important travel information to the motorists.

In addition, the Committee bill provides for amendments to section 307 of title 23 to allow expanded research into highway beautification and the methods of providing significant information to the motorist. The Committee intends that this authority be implemented promptly and urges the Secretary to disseminate information to the States concerning how to improve their travel information services.

More significantly, the Committee, for the first time, provided for Federal financial assistance to the States in establishing information centers at safety rest areas and other travel information systems within the rights-of-way of Interstate and primary highways. The Federal share of the cost of establishing the information centers and other alternate information systems is 75 percent, and up to 20 percent of the funds provided for section 131 may be used for these purposes. The Committee regards this as a positive step, which will give the States new incentives to expand traveler's information services.

By including these provisions, the Committee has broadened the potential for disseminating information along major highways, and it has done so without stopping the billboard removal program in its tracks, just at the time it is beginning to be effective.

The Committee bill provides for an increase in authorizations for highway beautification to \$75 million for each of the three years of the bill. Witnesses indicated during the hearings that at lower levels of funding it would take more than fifty years to remove the non-conforming signs now on the highways.

The Committee received testimony indicating that too often in the past, States have found the Federal Government vacillating on the Beautification Act and failing to give it adequate appropriations.

This, along with "hiatus periods" and a threatened moratorium on the taking down of directional signs has caused confusion and concern among State officials, who are not sure of Federal intentions. The American Association of State Highway and Transportation Officials, in a letter to the Committee, said the following:

Any curtailment in the program can have an adverse effect within the individual States in their ability to move forward expeditiously on this program. It not only causes difficulty in the administration of a program with start and stop features, it causes problems for the administrators with their State legislatures in requesting matching funds to carry on a program, as well as changes in State law to make them compatible with Federal laws when the Federal program is then delayed for one reason or another.

The Committee bill provides funds for sign removal and alternative information systems out of the Highway Trust Fund and also authorizes \$15 million for each of the three fiscal years for the control of junkyards and an additional \$15 million a year for three years for landscaping and scenic enhancement.

SPECIAL BRIDGE REPLACEMENT PROGRAM

Currently, there are an estimated 24,000 critically deficient bridges on Federal-aid routes and close to 70,000 on routes not part of the Federal-aid system. This problem, brought to the forefront by the collapse of the Silver Bridge at Point Pleasant, West Virginia, in December, 1967, was first addressed in the Federal-Aid Highway Act of 1970. This Act required an inventory be taken of all bridges on Federal-aid routes and authorized funds in the amount of \$100 million for fiscal year 1972 and \$150 million for fiscal year 1973 out of the Highway Trust Fund, to pay 75% of the cost of replacing the deficient structures.

The replacement cost of the 24,000 deficient bridges on Federal-aid systems is estimated at \$4 billion by the Department of Transportation. Inclusion of bridges that are not on a Federal-aid system and thereby not eligible for replacement under this program raises the country's total bridge replacement needs to \$16 billion.

Bridge construction is costly, and the diversion of regular Federal-aid highway funds to this purpose could seriously impair the ability of the States to conduct an ongoing highway program. The building of a single major bridge, for instance, could require all of a State's highway apportionments for several years.

In addition, bridges eligible for replacement under this program are not evenly distributed throughout the United States. States in which are located major rivers, such as the Mississippi, Missouri and Ohio, face particularly difficult problems in financing bridge construction. It was for these reasons that the Committee in 1970 developed the Special Bridge Replacement Program to include the establishment of a priority schedule for replacing bridges and without an apportionment formula for the distribution of money to the States.

The Federal-Aid Highway Act of 1973 authorized \$75 million for each of the fiscal years 1974, 1975 and 1976 for the Special Bridge Replacement Program. Based on the total needs of the country, the Committee feels that the additional commitment of funds is necessary

since at the present rate of expenditure it would take 40 years to replace currently eligible bridges. The bill, therefore, increases authorizations for the program by \$75 million for each of fiscal years 1975 and 1976.

UNIFORM NATIONAL SPEED LIMIT

The Emergency Highway Energy Conservation Act (P.L. 93-239) became law on January 2, 1974, establishing a temporary uniform maximum speed limit of 55 miles per hour on all highways. This measure was enacted as a response to the severe shortage of motor fuels resulting from the Arab oil embargo on the United States.

The benefits of the uniform speed limit have been so substantial that the Committee felt it should be established on a permanent basis. Such a provision is included in this bill.

Vehicles operate with decreasing efficiency at higher speeds. Department of Transportation studies show that the fuel economy of the average car decreases from 19.40 miles per gallon at 50 miles per hour to 14.93 miles per gallon at 70 miles per hour.

Although there was generally less driving during the early months of this year, the Federal Energy Administration estimates that the uniform 55 miles per hour limit is now resulting in a daily saving of 200,000 barrels of oil even as vehicle usage approaches earlier levels. This is a substantial saving and is achieved at little inconvenience to the motoring public since less than 25 percent of all vehicle miles traveled were at more than 55 miles per hour prior to the imposition of the uniform speed limit.

While the basis for P.L. 93-239 was fuel conservation, a need which remains, another important benefit is the dramatic reduction in highway deaths. During the first six months of 1974 after the uniform speed limit was required, traffic fatalities declined to 20,052 from 26,037 for the comparable period a year earlier. This 20 percent decline in highway deaths is considerably greater than the drop in fuel consumption and, therefore, must be attributed in large part to slower driving. Lower speed limits have produced the single most effective improvement in highway safety in recent years.

The uniform national speed limit has been widely accepted. The Gallup Poll of June 29, 1974, reported that 72 per cent of the people interviewed favored keeping the maximum speed limit at 55 miles per hour. The poll showed strong acceptance in every part of the country.

In approving a permanent 55 miles per hour speed limit, the Committee recognizes that its success depends on strict enforcement as well as public acceptance. There have been news media reports of increasing highway speeds as the fuel shortage has been alleviated. It is, therefore, incumbent on law enforcement agencies to maintain strict adherence to the uniform speed limit. The Committee emphasizes that the uniform speed limit is applicable to all types of vehicles on all roads, including those in States which had no maximum legal speed limits or had only "prima facie" speed limits prior to November 1, 1973.

ACCESS ROADS TO FEDERAL LAKES

Over the years, the Federal Government has participated in the construction of hundreds of dams and lakes, which provide recreational opportunities for tens of millions of Americans annually.

But the recreational potential of such lakes is often undercut by the lack of adequate highway access. Within the projects themselves, Federal agencies often provide excellent road connections. But outside the project boundaries, access is often difficult. Quite understandably, State highway departments often neglect demands to upgrade these roads in favor of pressing State-wide road needs.

Much attention has been focused on the traffic needs that will develop with the completion in two years of Clinton Lake in eastern Kansas. Because of the lake's proximity to the Kansas City metropolitan area, the Corps of Engineers anticipates that more than 1,000,000 persons a year will be using the lake's recreation facilities by the end of this decade. The shortest route to the lake for most of these visitors runs through the southern portion of Lawrence, then west to the lake. Existing roads in the area are inadequate.

To assist in the resolution of such problems, the bill establishes a new section of title 23, authorizing \$15,000,000 annually out of the general fund during fiscal years 1975 and 1976 for constructing access highways to public recreation areas at lakes developed under programs of the Army Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service, and the Tennessee Valley Authority. These roads are to be no more than 20 miles in length, and they must be recommended by both State and responsible local officials.

Previous proposals for such roads, including S. 3141, sought a 70 percent Federal contribution toward construction costs. That would have placed the program in line with the traditional Federal-aid highway program.

The Committee, however, recommends a Federal share of 50 percent because these roads are essentially recreational in character, rather than highways serving state-wide needs. The Committee believes the 50 percent figure is a reasonable standard, since that is the cost sharing basis for other separable recreation costs at Federal reservoir projects. Because these roads may have greatest interest to local groups, the matching share may be contributed by either the State or local agencies, or both.

It is the intent and expectation of the Committee that the initial projects approved under this section will be the Clinton Parkway in Kansas and several access roads to Federal lakes in the State of Indiana that otherwise might have to be constructed as toll roads.

While the 4.1 mile-long Clinton Parkway is planned as a 4-lane highway, the Secretary has the discretion to approve initially only a 2-lane road, if that is what local officials request.

NORTHEAST CORRIDOR DEMONSTRATION—RAIL CROSSINGS

The Committee recommends an amendment to section 322 of title 23, United States Code, to permit, under certain narrowly defined circumstances, selected public railroad-highway crossings along the high speed Northeast rail corridor between Washington, D.C., and Boston to remain at ground level and to be provided with appropriate warning and protection devices. In amending existing law which requires elimination of *all* public ground-level rail-highway crossings, the Committee does not intend to retreat from its commitment to a safe, high speed rail system in the Northeast Corridor. It is the Committee's view that, except in rare instances, such a system requires rail-highway grade separations.

The proposed amendment is specifically designed to accommodate a situation in New London, Connecticut, where trains are presently restricted to speeds of 25-30 m.p.h. because of severe track curvature, and where track relocation is not considered feasible. There are five crossings considered to be of unusually low potential hazard—Spar Yard Street, Coast Guard Dock, Sail Loft, State Street, and Hallam Street—where it is believed the installation of warning and protective devices would offer a more appropriate solution than the elimination of crossings at grade.

The Committee bill also includes proposals made by the Department of Transportation to authorize out of the Highway Trust Fund such additional funds as are necessary to carry out section 322 and to change the current cost-sharing formulas.

The Committee understands that contracts for many of the grade separation projects are expected to be ready to be awarded within a few months and that existing authorizations are not sufficient to fund the work. In order that no delay be encountered in carrying out projects which will substantially improve the safety and speed of transportation in the Northeast Corridor, the Committee believes it is desirable to authorize additional funds at this time. The Department of Transportation estimates that \$30 million in addition to funds already authorized will be needed to complete the demonstration program required under section 322.

The Department of Transportation has also proposed a uniform cost-sharing formula for crossings on Federal-aid and non-Federal-aid routes, 90 percent Federal and 10 percent State funds. Currently, the Federal Government is required to pay 90 percent, and the railroads 10 percent, for elimination of any crossing on a Federal-aid route, and in the case of projects not on any Federal-aid route, the Federal share is 80 percent; the railroads, 10 percent; and the State 10 percent. To date, however, the States have had to contribute the railroads' share. The Committee believes the proposed formula which requires Federal-State participation but no contribution from the railroad will provide for more expeditious completion of projects. It is also felt that the new cost-sharing formula for crossings on non-Federal-aid routes should be made retroactive, to reimburse those States which have already paid the railroads' 10 percent share of projects under section 322.

The Committee did not adopt the DOT recommendation that protection or elimination of rail crossings on private roads should be funded under the program established by section 322. While recognizing the safety hazards and the possible impediment to maintenance of high train speeds posed by such crossings, it is the Committee's belief that this problem is not related to the Federal-aid highway program and is more properly a subject for consideration by the subcommittee of the Senate Commerce Committee having jurisdiction over surface transportation.

OVERSEAS HIGHWAY

The Florida Department of Transportation, after five months of investigations, found that 37 of the 44 bridges of the Overseas Highway in the Florida Keys chain must be replaced.

These bridges, part of U.S. Route 1, provide the only overland access for the Naval defense installations located in the Keys, as well as for

emergency medical, law enforcement, and fire protection services. A pipeline carrying public water supplies for 53,000 permanent residents of the area is also supported by this system. During the Cuban missile crisis, the amount of heavy military equipment using the bridges exceeded the stress limits of the bridges which were constructed in 1910, causing accelerated erosion of the structures.

Florida has taken steps to increase the life of these structures by drastically reducing allowable weights on them and committing \$11.4 million in State funding to keep the bridges in a safe and usable condition over a five-year replacement period. The cost of full restoration or replacement of the bridges, estimated at \$155 million, is beyond the State's capacity. Because of the functional necessity of this bridge system to the Nation as well as the State of Florida, the bill authorizes up to \$116,250,000 from the Highway Trust Fund to replace or reconstruct these bridges.

The Federal share of this project shall not exceed 75 per centum of total cost.

BIKEWAY DEMONSTRATION PROGRAM

In 1970 6.9 million bicycles were sold in this country; in 1973 the figure was 15.3 million, over 5 million more bicycles than automobiles. Accompanying the rise in bicycle sales and use has been a dismaying increase in accidents and fatalities involving bicyclists; between 1971 and 1972 bicycle fatalities rose by 30%.

The Committee believes there is a great potential benefit to be realized from a Federal investment in demonstration programs to build special facilities—bicycle paths or lanes, shelters and traffic control devices—to encourage the use of bicycles as a means of transportation in large urban areas and to provide a safer bicycling environment.

The Committee bill authorizes \$20 million—\$10 million from the Highway Trust Fund and \$10 million in general funds—for expenditure, upon application by a State, in urban areas currently eligible to receive urban system highway funds. These funds are available for expenditure only for bikeway projects and are intended to be supplementary to bikeway funds available under the ongoing Federal-aid highway program. Thus, it is intended that projects funded under this section will be projects not eligible for Federal assistance under section 217 of title 23.

The Committee hopes that by making these funds available as "seed" money, urban areas will be encouraged to integrate bicycle facilities in their transportation programs. To assure integrated planning, the provision requires that any project approved by the Secretary be part of the urban area's comprehensive transportation planning process.

TERMINATION OF FEDERAL HIGHWAY CONSTRUCTION CONTRACTS

The Committee is aware of the hardship suffered by some highway contractors as the result of specific decisions of the Federal government in the allocation of petroleum products. Recognizing the effects of such past Federal actions and the possibility that specific governmental decisions of a similar nature may, again, in the future deprive a contractor of a source of material upon which he reasonably relied in bidding on a contract, the Committee has provided a new adminis-

trative procedure by which highway construction contractors may apply to the Secretary of Transportation for termination of Federal highway contracts.

The Committee established the new procedure as a supplement to existing but time-consuming judicial, statutory and regulatory procedures. The procedure defines grounds upon which a highway contractor may seek to terminate a Federal contract, and, in effect, recognizes certain acts on the part of the Federal government as constituting force majeure. This, of course, could be done through judicial remedies under the doctrine of force majeure. This provision, however, is intended to afford timely redress in contract situations where continued contract performance is frustrated by specific, intervening Federal actions affecting the availability of highway construction materials.

The provision permits a contractor to seek termination of executory contract obligations entered into before November 1, 1973, with the Federal contracting authority, only when his anticipated supplier, that is, the supplier on whom the contractor relied for construction material at the time of bid opening, is incapable of delivering essential highway construction materials at any price. An unforeseeable price increase for a material which is nevertheless available from the anticipated supplier would not constitute sufficient cause for relief under the procedures created by this provision. In any case, the contractor seeking relief under this section has the burden of showing the reasonableness of his reliance on the specific source of materials of which he has been deprived and the direct connection between the unavailability of the material and a specific Federal action.

While the Committee rejected a proposal to allow the modification by the Secretary of prices in Federal-aid highway contracts, it is the intention of the Committee that where State law allows for increases in prices under executory contracts due to inflation or materials shortages, the Secretary will approve any necessary increases in Federal-aid funds for the affected project. Such increases in Federal funding would come from the appropriate existing apportionments.

CARPPOOLING

This section modifies provisions of the Emergency Highway Energy Conservation Act (P.L. 93-239) relating to incentives for carpooling. That law established a carpool demonstration program in an effort to conserve fuel, decrease rush-hour traffic congestion, and improve air quality.

P.L. 93-239 projects may include measures to locate potential carpool riders, buy necessary traffic control devices, and designate existing highway lanes and parking areas for preferential carpool use. Under that law, project financing is to come from authorizations for Federal-aid urban and urban extension highway systems.

Testimony before the Committee, however, showed that some states have failed to allow some major cities to utilize their urban system funds for carpooling work, subverting the intent of Congress for a real national demonstration.

This section extends the date for application for such projects by one year to December 31, 1975, and authorizes \$15,000,000 out of the Highway Trust Fund specifically for carpooling programs.

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.

Total authorizations in this bill are \$716,610,000. Of this amount, \$646,250,000 would be provided from the Highway Trust Fund and \$70,360,000 from general fund appropriations. Not included in the totals is an authorization from the Highway Trust Fund for the expenditure of such funds as are necessary, in addition to general funds authorized, to carry out the railroad crossing demonstration program which is modified by section 118 of the bill. This non-specific funding authorization conforms to Administration recommendations.

Authorizations of \$113,000,000 are provided for fiscal year 1974, \$219,360,000 for fiscal year 1975, and \$248,000,000 for fiscal year 1976. Funds totaling \$136,250,000 also are authorized without reference to a particular year.

The Committee has received no cost estimates prepared by any Federal agency.

ROLLCALL VOTES DURING COMMITTEE CONSIDERATION

During the Committee's consideration of this bill four rollcall votes were taken. Pursuant to section 133 of the Legislative Reorganization Act of 1970, and the Rules of the Committee on Public Works, these votes are announced here.

On July 23, 1974, Senator Gravel moved to amend the beautification portion of the bill, dealing with a moratorium period on non-conforming directional signs. The motion failed, 4-8, with Senators Biden, Gravel, Montoya, and Randolph voting in the affirmative and Senators Baker, Bentsen, Burdick, Clark, Domenici, McClure, Muskie, and Stafford voting in the negative.

Senator Bentsen proposed an increase in truck weights on the Interstate system to 20,000 pounds single axle, 34,000 pounds double axle, with a total gross weight of 80,000 pounds. The provision was adopted 7-5, with Senators Bentsen, Biden, Burdick, Gravel, McClure, Montoya, and Randolph voting in the affirmative and Senators Baker, Buckley, Domenici, Scott, and Stafford voting in the negative.

On July 31, 1974, during full Committee consideration of the bill, Senator Montoya offered an amendment to provide for escalation and termination clauses in highway construction contracts because of material shortages. This motion failed on a tie vote, 5-5, with Senators Clark, Domenici, Gravel, Montoya, and Randolph voting in the affirmative and Senators Baker, Bentsen, Buckley, Burdick, and Stafford voting in the negative.

Senator Buckley offered an alternative amendment limited to termination of highway construction contracts. This amendment was adopted, 9-1, with Senators Baker, Bentsen, Buckley, Clark, Domenici, Gravel, Montoya, Randolph, and Stafford voting in the affirmative and Senator Burdick voting in the negative.

The vote of the Committee to report the bill, taken on July 31, was unanimous by voice.

AGENCY VIEWS

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 7, 1974.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department with respect to the proposed Federal-Aid Highway Act of 1974 which the Committee ordered reported on July 31, 1974. We are pleased that the Committee has acted favorably upon some of our earlier recommendations and substantially reduced the authorizations included in the proposed legislation. In its present form, the bill includes a number of desirable provisions, although we still believe that the authorizations should be further reduced.

Since our review of the bill as it was adopted by the Transportation Subcommittee, a number of additional programs and authorizations have been added. The bill now includes modifications to and authorizations continuing the important Highway Beautification Program. We generally endorse those substantive changes which would expand the coverage of the program to prohibit all outdoor advertising regardless of its distance from the highway right-of-way. However, we note that the authorizations provided for the beautification program total \$315 million, including an authorization of \$105 million for FY 1974. In a similar proposal that we submitted, we recommended authorizations for 1975 and 1976 totaling together \$105 million. We recommend that the 1974 authorizations in the Committee's bill be deleted and that the 1975 and 1976 authorizations be reduced to the levels proposed in our bill. We also recommend that the amendment to section 131(g) of title 23, United States Code, be changed by deleting the concluding phrase "prior to the date of enactment of the Highway Beautification Act of 1974". This would preclude the creation of a new so-called "hiatus period" for signs erected beyond 660 feet of the right-of-way. Many new signs erected during this period would have to be removed later when they become nonconforming under State law, without a Federal contribution to the costs of removal.

The bill ordered reported by the Committee has also added a new program to title 23 which would authorize construction of roads to federally constructed lakes. This provision had been considered previously, and was in fact deleted from the 1973 Highway Act in favor of a study of access to recreation areas. That study is currently underway and will be submitted to the Congress not later than December 31

of this year. Until that study has been completed, we would recommend that a new program not be included in any legislation.

The bill also authorizes \$116 million for the overseas highway bridge connecting the Florida mainland with the Florida keys. As a general rule, we believe that provisions of this type should be financed out of regular Federal-aid and State highway programs, including the special bridge replacement program. Given the current need to restrain Federal expenditures, we do not believe that there is sufficient justification at this time for special Federal financing to carry out such a project.

Another provision which we believe should be omitted from the bill establishes a new program for the construction of bikeways in urban and urbanized areas. Only last year section 217 was added to title 23, United States Code, relative to bicycle transportation, and we believe it is unnecessary to establish a new and separate categorical grant program for bikeway development.

The authorizations in the bill for the special bridge replacement program are somewhat lower than they were in the bill approved by the Transportation Subcommittee. However, we still believe they are excessive and, particularly in view of the current problems brought about by inflation, they should be further reduced.

This bill, like earlier drafts, includes certain provisions which we strongly endorse, such as the permanent establishment of a 55 mph speed limit and the amendment to the 1973 Highway Act regarding the use of Federal transit funds for charter bus service. We are also pleased that the bill includes amendments which will be important to completion of the program for the elimination of the critical public rail-highway grade crossings along the Northeast Corridor. We note that the provision on vehicle sizes and weights increases somewhat the weight limitations applicable to operations on the Interstate system. However, we do not believe that the proposed increase in the limitation on maximum gross weight (80,000 pounds) goes far enough, and we would prefer enactment of the provision on sizes and weights proposed by the Department.

We understand that the bill may also include a section containing special provisions respecting the modification or termination of certain highway construction contracts. The Department opposed a provision of this type contained in the bill approved by the Transportation Subcommittee and would like to reserve the opportunity to comment on any substitute provision.

In conclusion, we appreciate the elimination from the earlier version of the bill of across-the-board increases in authorizations, and we believe that the bill contains many very useful provisions which will go far to help solve a number of serious transportation problems. However, particularly in view of the serious inflation problem we are now facing, we strongly oppose the new special funding provisions discussed above and the large increases proposed for the Highway Beautification and the Special Bridge Replacement programs.

Sincerely,

CLAUDE S. BRINEGAR.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., August 5, 1974.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of June 6, 1974, in which you requested the views of the Federal Energy Administration on S. 3556, the "Highway Energy Conservation and Safety Act of 1974."

The bill would preclude the Secretary of Transportation from approving plans for proposed projects in any State which has a maximum speed limit on any public highway in excess of 55 miles per hour. It would also preclude such approval if a State does not apply its speed limits uniformly on public highways or generally has a speed limit other than 55 miles per hour on divided public highways.

The Federal Energy Administration strongly supports enactment of this bill, with the technical amendments proposed in this letter. We are enclosing a fact sheet on the effects of the 55 miles per hour speed limit. It shows a fuel savings of 5 million gallons per day, which alone would warrant enactment of this legislation. In addition, however, however, this Nation is enjoying a sharp reduction in highway fatalities because of the 55 miles per hour speed limit. The National Highway Traffic Safety Administration has estimated a 22.6% drop in traffic fatalities attributable principally to lower speed limits, which drop represents 1,000 fewer Americans being killed each month. Thus, because of the savings of lives and of fuel, we support this legislation.

However, we believe that certain changes should be made to strengthen and clarify the legislation. First, the language of the bill states that the Secretary of Transportation shall not approve plans in any State which has (1) a maximum speed limit in excess of 55 miles per hour, and (2), a speed limit other than 55 miles per hour on certain highways, and (3) a speed limit not uniformly applied. Although clearly not the intent of Congress, this would be interpreted to require disapproval only if all three prohibited activities are present. We would suggest that the conjunctive "and" be amended with the alternative "or" on page 2, line 1, and page 2, line 8.

Second, the legislation does not clearly require disapproval in a State which has no speed limit since it might be argued that if a State has no speed limit, it does not have a maximum speed limit in excess of 55 miles per hour. We believe that this should be amended at page 2, line 1 to read "hour, or no speed limit at all."

Third, and finally, a question has arisen because some seventeen States have "prima facie speed limits" instead of "fixed speed limits." Those States have traffic laws making it a criminal offense to drive at an unreasonable speed. A speed limit is established and driving in excess of that speed gives rise to a presumption of driving at an unreasonable rate of speed. However, that presumption is rebuttable; and, once in court, the driver can escape criminal liability by showing that his higher rate of speed was reasonable from the standpoint of safety. In those situations, it becomes difficult to enforce posted

limits of 55 miles per hour on the so-called super highways. Congress may wish to consider clarifying this potential problem in achieving the purpose of this legislation.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

JOHN C. SAWHILL, *Administrator.*

Enclosure.

ENERGY CONSERVATION AND ENVIRONMENT,
FEDERAL ENERGY OFFICE,
Washington, D.C., June 1974.

FACT SHEET

EFFECTS OF 55 M.P.H. SPEED LIMIT ON HIGHWAY FATALITIES AND GASOLINE CONSUMPTION

Traffic fatalities dropped an estimated 23.7 percent during the first 4 months of 1974, compared to the corresponding period last year, continuing a trend which began last November as a result of the nationwide gasoline shortage. The total reduction in traffic fatalities since last November now stands at an estimated 4,775.

The number of people killed on the Nation's roads was down in April for the sixth consecutive month compared to a year ago. Preliminary figures released by the Department of Transportation's National Highway Traffic Safety Administration showed that total traffic fatalities for the 50 States in April were 1,004 below the same month last year, a reduction of 22.6 percent. A total of 3,444 persons were killed in April compared to 4,448 traffic deaths for the corresponding period a year ago.

The reduction in fatalities is attributed to reduced speed limits more than to reduced driving. National Safety Council's figures for January and February indicate an average reduction of 17.5 percent in turnpike miles traveled, but a 55 percent average reduction in turnpike fatalities. This would tend to emphasize the importance of reduced speed as the major safety factor.

ESTIMATED TRAFFIC FATALITIES AND CHANGES

	1974	1973	Percent change
January.....	2,928	3,781	-22.6
February.....	2,566	3,458	-23.2
March.....	3,191	4,343	-26.5
April.....	3,444	4,448	-22.6

ESTIMATED TRAFFIC FATALITIES, JANUARY-APRIL

State	1974	1973	Percent change
Alabama.....	315	387	-18.60
Alaska.....	19	13	+46.15
Arizona.....	184	293	-37.2
Arkansas.....	147	193	-23.83
California.....	1,040	1,434	-27.4
Colorado.....	147	166	-11.44
Connecticut.....	100	147	-31.97
Delaware.....	20	42	-52.38
Florida.....	752	963	-21.9
Georgia.....	456	561	-18.7
Hawaii.....	42	40	+5.0
Idaho.....	71	93	-13.65
Illinois.....	511	622	-17.8
Indiana.....	309	509	-39.2
Iowa.....	174	224	-22.32
Kansas.....	132	162	-18.51
Kentucky.....	228	322	-29.19
Louisiana.....	218	310	-29.67
Maine.....	42	53	-20.75
Maryland.....	170	264	-35.60
Massachusetts.....	256	304	-15.78
Michigan.....	447	572	-21.8
Minnesota.....	217	261	-16.23
Mississippi.....	211	271	-22.14
Missouri.....	232	364	-36.2
Montana.....	55	83	-33.73
Nebraska.....	95	122	-22.13
Nevada.....	55	77	-28.57
New Hampshire.....	31	28	+10.78
New Jersey.....	282	423	-33.3
New Mexico.....	123	172	-28.48
New York.....	701	955	-26.5
North Carolina.....	462	526	-12.1
North Dakota.....	28	51	-41.07
Ohio.....	565	666	-15.1
Oklahoma.....	189	205	-7.80
Oregon.....	139	196	-30.61
Pennsylvania.....	597	728	-17.0
Rhode Island.....	19	51	-62.74
South Carolina.....	256	293	-12.62
South Dakota.....	51	63	-19.04
Tennessee.....	406	438	-7.30
Texas.....	811	1,144	-28.8
Utah.....	40	100	-60.0
Vermont.....	23	39	-41.02
Virginia.....	270	355	-23.94
Washington.....	180	224	-19.64
West Virginia.....	126	115	+9.56
Wisconsin.....	126	308	-59.0
Wyoming.....	38	39	-2.56
Total.....	12,129	16,030	-23.7

ENERGY CONSERVATION

NATIONAL GASOLINE SAVINGS ESTIMATED AT 5 MILLION GALLONS PER DAY

Fuel savings can also be attributed to both reduced vehicle miles driven, and the inherent savings of lowered speed limits. Information provided by the Federal Highway Administration, based on random speed checks conducted by 10 states, shows that while the 55 m.p.h. speed limit may not be strictly observed everywhere, actual average travel speeds are ranging between 55 and 60 m.p.h. Based upon data now available, this would result in a total national gasoline savings of approximately 5 million gallons per day, or 600 million gallons in the first 4 months of 1974.

These figures are based upon a composite car average, and upon rural and interstate driving. Urban areas, with their already less than 55 m.p.h. speed limits, were not considered in the data. Using the same composite car as a basis, automobiles get about 21 percent better gas mileage at 55 m.p.h. than they do at 70 m.p.h.

EFFECT OF SPEED LIMITS UPON HIGHWAY FUEL CONSUMPTION

[Derived from data in DOT's "Analysis of Fuel Saving Through Reduced Speed Limits" dated December 1973]

Speed limit (miles per hour)	Annual fuel savings (in millions of gallons)	
	Cars	All vehicles
No speed limit.....	0	0
60.....	886	1,220
55.....	1,896	3,051
50.....	2,991	5,491
45.....	4,003	7,916

SPEED LIMIT SUPPORTED

FEO Administrator John C. Sawhill has recently sent a telegram to the Nation's Governors urging continued enforcement of the 55 m.p.h. speed limit.

Sawhill told the Governors that "Speed limits of 55 miles an hour can save hundreds of thousands of barrels of oil per day, not to mention the reduction numbered in thousands of Americans injured and killed by accidents on our highways. I urge you to maintain enforcement of the nationwide 55 mile-an-hour highway speed limit, and to continue moving forward with other energy conservation measures."

MINORITY VIEWS OF SENATOR STAFFORD AND SENATOR BUCKLEY

The Committee has recommended an increase in allowable weights of vehicles using the Interstate System to permit 20,000 pounds per single axle, 34,000 pounds per tandem axle, with gross weight determined by a formula, but in no case to exceed 80,000 pounds. We are opposed to such increases because we believe they will have a detrimental effect on highway safety, on the amenities of highway travel, and could hamper long-term efforts to rationalize our freight transportation system.

The Committee points out that the reported measure does not deal with truck dimensions, but, only with weights. While this is an accurate characterization of the actual language, we do not believe it provides a complete picture of the provision's effect. The primary reason for increasing weight limitations is to permit trucks to carry heavier payloads. The 80,000 pound gross weight limit would increase current payload limits by 10 percent. But, as the Federal Highway Administrator noted in his testimony before the Transportation Subcommittee:

Of course, such increases of this magnitude could not be obtained without increases in State-permitted lengths where the commodity is of low density, since full cubic capacity of the vehicle would be obtained before the weight limit was reached.

Thus, permitting heavier weights on the Interstate could, in our opinion, bring about pressures at the State level for increases in existing length limitations, in order to permit a larger segment of the trucking industry to take advantage of increased weight allowances.

The trend toward longer trucks had been steadily rising since 1946. A chart compiled by the Truck Trailer Manufacturers Association shows that in 1946 no trailers longer than 34 feet were being produced, and the majority were less than 26 feet long. In 1972, 32 percent of the trailers produced were 45 feet or more in length and 85 percent exceeded 40 feet. Add to this the fact that over 10 percent of the 1972 production was the 27-foot model that is often used in pairs, and the dramatic increase in the number of very large truck combinations becomes even more apparent. Length increases of one or two feet are almost imperceptible but the cumulative effect of numerous increases can be staggering. Virtually no studies have been carried out to test the effect of length increases on highway safety, but we believe that the widening gap between automobile and truck sizes must be considered a growing safety hazard to highway travel.

There is data to show that the increased vehicle weights proposed will result in increased pavement maintenance costs of approximately 20 percent and will accelerate requirements for bridge replacement.

Also, in States which do not currently permit the heavier trucks to run on non-Interstate roads, the pressure will be to conform off-Interstate weight limits to those permitted on the Interstate System, thus raising serious questions about the safety of older bridge structures not designed to accommodate the heavy vehicles.

Finally, we are concerned about enacting weight increases for trucks at a time when efforts are underway to encourage greater use of railroads for long-haul, economical transportation of freight. It is generally agreed that the railroads are more efficient and economical for certain types of freight service than trucks. To take action now that could encourage a further shift of freight transportation from rail to trucks, despite the long-term advantage of rail use, seems to us ill-advised.

It is for the foregoing reasons that we oppose any increase in Federal truck weight limitations.

ROBERT T. STAFFORD.
JAMES L. BUCKLEY.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, 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):

TITLE 23, UNITED STATES CODE—"HIGHWAYS"

CHAPTER 1.—FEDERAL-AID HIGHWAYS

- Sec.
- 101. Definitions and declaration of policy.
- 102. Authorizations.
- 103. Federal-aid systems.
- 104. Apportionment.
- 105. Programs.
- 106. Plans, specifications, and estimates.
- 107. Acquisition of rights-of-way—Interstate System.
- 108. Advance acquisition of rights-of-way.
- 109. Standards.
- 110. Project agreements.
- 111. Use of and access to rights-of-way—Interstate System.
- 112. Letting of contracts.
- 113. Prevailing rate of wage.
- 114. Construction.
- 115. Construction by States in advance of apportionment.
- 116. Maintenance.
- 117. Certification acceptance.
- 118. Availability of sums apportioned.
- 119. Administration of Federal-aid for highways in Alaska.
- 120. Federal share payable.
- 121. Payment to States for construction.
- 122. Payment to States for bond retirement.
- 123. Relocation of utility facilities.
- 124. Advances to States.
- 125. Emergency relief.
- 126. Diversion.
- 127. Vehicle weight and width limitations—Interstate System.
- 128. Public hearings.
- 129. Toll roads, bridges, tunnels, and ferries.
- 130. Railway-highway crossings.
- 131. Control of outdoor advertising.
- 132. Payments on Federal-aid projects undertaken by a Federal agency.
- 133. Relocation assistance.
- 134. Transportation planning in certain urban areas.
- 135. Urban area traffic operations improvement program.
- 136. Control of junkyards.
- 137. Fringe and corridor parking facilities.
- 138. Preservation of parklands.
- 139. Additions to Interstate System.
- 140. Equal employment opportunity.
- 141. Real property acquisition policies.
- 142. Public transportation.
- 143. Economic growth center development highways.
- 144. Special bridge replacement program.
- 145. Federal-State relationship.
- 146. Special urban high density traffic program.

- Sec.
 147. Priority primary routes.
 148. Development of a national scenic and recreational highway.
 149. Truck lanes.
 150. Allocation of urban system funds.
 151. Pavement marking demonstration program.
 152. Projects for high-hazard locations.
 153. Program for the elimination of roadside obstacles.
 154. National maximum speed limit.
 155. Access highways to public recreation areas on Federal lakes.

SEC. 101. DEFINITIONS AND DECLARATION OF POLICY.

(a) As used in this title, unless the context requires otherwise—

* * * * *

【The term "Indian reservation roads and bridges" means roads and bridges 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 "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.

* * * * *

SEC. 127. VEHICLE WEIGHT AND WIDTH LIMITATIONS—INTERSTATE SYSTEM.

(a) 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 [eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds,] *twenty thousand pounds carried on any one axle, including all enforcement tolerance; 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, whichever 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. 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.

(b) *The Secretary shall require each State to certify annually that existing State law respecting maximum vehicle sizes and weights permitted on the Federal-aid primary, the Federal-aid urban system, and the Federal-aid secondary system in such State is being enforced by such State. The Secretary shall not approve programs for projects on any such system in any State until he has received certification satisfactory to him that such laws are being enforced on such system.*

* * * * *

SEC. 129. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

* * * * *

(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) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington, or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters.】

(5) *Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii 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 unprogrammed 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.

* * * * *

SEC. 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, and legible from the main traveled way of the system, 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 after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other 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 the 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, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.]

(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, and legible from the main traveled way of the system, 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.*

(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 re-

quired 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 after 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.* Such signs shall conform to national standards to be promulgated by the Secretary.

(g) 【Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

(1) those lawfully in existence on the date of enactment of this subsection,

(2) those lawfully on any highway made a part of the Interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and

(3) those lawfully erected on or after January 1, 1968.】

Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Amendments of 1974. 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.】

(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 information centers and travel information systems shall be 75 per centum.

(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 \$20,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year end-

ing 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.]

(m) There is authorized to be apportioned 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 each of the fiscal years 1966 and 1967, not to exceed \$2,000,000 for the fiscal year 1970, not to exceed \$27,000,000 for the fiscal year 1971, not to exceed \$20,500,000 for the fiscal year 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, \$75,000,000 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: Provided, That beginning July 1, 1974, no more than 20 per centum of funds obligated in any fiscal year shall be obligated for projects under subsection (i) of this section. 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 such sign, display, or device is not available to make such payment.

* * * * *

SEC. 136. CONTROL OF JUNKYARDS.

* * * * *

(j) [Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards—

- (1) those lawfully in existence on the date of enactment of this subsection,
- (2) those lawfully along any highway made a part of the Interstate or primary system on or after the enactment of this subsection and before January 1, 1968, and
- (3) those lawfully established on or after January 1, 1968.]

Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section. The Federal share of such compensation shall be 75 per centum.

* * * * *

[(m) There is authorized to be appropriated to carry out 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 \$3,000,000 for the fiscal year ending June 30, 1970, not to exceed \$3,000,000 for the fiscal year ending June 30, 1971, not to exceed \$3,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$5,000,000 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.]

(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed \$20,000,000 for each of the fiscal years 1966 and 1967, not to exceed \$3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed \$5,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, not to exceed \$15,000,000 for the fiscal year ending June 30, 1974, \$15,000,000 for the fiscal year ending June 30, 1975, and \$15,000,000 for the fiscal year ending June 30, 1976. 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.

* * * * *

SEC. 144. SPECIAL BRIDGE REPLACEMENT PROGRAM.

* * * * *

[(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 \$75,000,000 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.]

(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 or the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, \$150,000,000 for the fiscal year ending June 30, 1975, and \$150,000,000 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.

* * * * *

SEC. 154. NATIONAL MAXIMUM SPEED LIMIT.

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit for all types of motor vehicles other than fifty-five miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of fifty-five miles, or more, per hour on November 1, 1973; or (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this subsection shall not apply to

any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(b) As used in this section the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate official that complies with this section.

SEC. 155. ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON FEDERAL LAKES.

(a) There is hereby authorized to be appropriated out of any monies in the Treasury not otherwise appropriated \$15,000,000 for the fiscal year ending June 30, 1975, and \$15,000,000 for the fiscal year ending June 30, 1976, for the construction or reconstruction of access highways to public recreation areas on Federal lakes in order to accommodate present and future high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

(1) Routes designated by the Secretary shall not extend beyond 20 miles from the recreation area.

(2) The designation of routes under this section shall comply with section 138 of this title.

(3) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 50 per centum of the cost of construction or reconstruction of such project.

(c) Any highway not part of the Federal-aid system when constructed or reconstructed pursuant to this section shall thereafter be part of the Federal-aid secondary system except as otherwise provided pursuant to this section.

(d) For the purpose of this section the term "Federal lake" means a lake constructed by the Corps of Engineers, Department of the Army, or the Tennessee Valley Authority, or the Bureau of Reclamation, Department of the Interior, or a multipurpose lake constructed with the assistance of the Soil Conservation Service, Department of Agriculture.

CHAPTER 2.—OTHER HIGHWAYS

* * * * *

SEC. 207. PARKWAYS.

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

(d) Any parkway project on a Federal-aid system shall be subject to all of the requirements of this title and of any other law applicable to highways on such systems.

(e) Parkways and all associated lands and rights-of-way funded in whole or part from the Highway Trust Fund shall be managed solely for scenic and recreational use and passenger car travel.

SEC. 208. INDIAN RESERVATION ROADS.

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

[(c)] (d) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

[(d)] (e) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds, received from a State, county, or local subdivision shall be credited to appropriations available for Indian reservation roads and bridges.

* * * * *
CHAPTER 3.—GENERAL PROVISIONS
* * * * *

SEC. 307. RESEARCH AND PLANNING.

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, [and traffic conditions,] traffic conditions, beautification, roadside development, and scenic enhancement, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title, funds authorized to carry out section 403 of

this title, and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

* * * * *
SEC. 322. DEMONSTRATION PROJECT—RAIL CROSSINGS.

(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631 et seq.). *The Secretary may permit selected individual public crossings of unusually low-potential hazard to remain at ground level, if they are provided with the best available protection.*

(b) *The Federal share of the cost of work, either off or on any Federal-aid system, under subsection (a) of this section shall be 90 per centum and the remaining 10 per centum of such cost shall be paid by the State in which the crossing is located.*

[(b)] (c) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings, in, or in the vicinity of, Greenwood, South Carolina.

[(c)] (d) (1) If the highway involved is on any Federal-aid system, the Federal share of the cost of [such work] work under subsection (c) of this section shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of [such work] work under subsection (c) of this section shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

[(d)] (e) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

[(e)] (f) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

[(f)] There is authorized to be appropriated not to exceed \$9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed \$22,000,000 to carry out paragraph (2) of subsection (c) of this section.]

(g) *There are authorized to be appropriated from the general fund not to exceed \$22,000,000, and out of the Highway Trust Fund such additional sums as are necessary, to carry out the provisions of this section (exclusive of subsection (f)).*

(h) *In any case where, under an agreement made before the date of enactment of this subsection, a State pays or has paid the railroad's share of the cost of work under subsection (a) of this section, the Secretary shall pay that State 100 per centum of the amount of such costs paid by the State, if the highway involved is not on any Federal-aid system.*

FEDERAL-AID HIGHWAY ACT OF 1973

PUBLIC LAW 93-162, 93D CONG., AUGUST 13, 1973, 87 STAT. 250

* * * * *

HIGHWAY AUTHORIZATIONS

SEC. 104. (a)

* * * * *

[(8) For parkways, \$60,000,000 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, 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.]

(8) *For parkways, out of the Highway Trust Fund, \$60,000,000 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.*

[(9) For Indian reservation roads and bridges, \$75,000,000 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.]

(9) *For Indian reservation roads and bridges, \$83,000,000 for the fiscal year ending June 30, 1974, \$84,000,000 for the fiscal year ending June 30, 1975, and \$83,000,000 for the fiscal year ending June 30, 1976.*

* * * * *

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 147. [To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated \$30,000,000 for the two-fiscal-year period ending June 30, 1976, of which \$20,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and the purchase of passenger equipment other than rolling stock for fixed rail.]

(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1975, and \$60,000,000 for the fiscal year ending June 30, 1976, of which \$50,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas and small urban areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, the purchase of passenger equipment other than rolling stock for fixed rail, and the payment from the General Fund for operating expenses incurred as a result of providing such service. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

(b) Prior to the obligation of any funds for a demonstration project under this section, the Secretary shall provide for public notice of any application for funds under this section which notice shall include the name of the applicant and the area to be served. Within sixty days thereafter, a public hearing on the project shall be held within the proposed service area.

* * * * *

DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSINGS

SEC. 163. [a] (1) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, Wheeling, West Virginia, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Wheeling, West Virginia, and Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out an engineering and feasibility study for a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph \$360,000 for the fiscal year ending June 30, 1975.

* * * * *

FINANCIAL ASSISTANCE AGREEMENTS

SEC. 164. [(a) No Federal financial assistance shall be provided under (1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have first entered into an agreement that such applicant will not engage in charter bus operations in competition with private bus operators outside of the area within which such applicant provides regularly scheduled mass transportation service. A violation of such agreement shall bar such applicant from receiving any other Federal financial assistance under those provisions of law referred to in clauses (1), (2), and (3) of this subsection.]

(a)(1) No Federal financial assistance may be provided under (A) subsection (a) or (c) of section 142 of title 23, United States Code, (B) section 103(e)(4) of title 23, United States Code, or (C) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant or such assistance unless as a condition of such assistance the applicant enters into an agreement with the Secretary of Transportation that neither the applicant nor any public or private entity that will have use of the buses will engage in charter bus operations outside of any urban area within which it provides regularly scheduled mass transportation services, except as provided in the agreement authorized by this subsection. Such agreement shall provide for fair and equitable arrangements appropriate in the judgment of the Secretary to assure that the financial assistance will not enable the applicant nor any public or private entity that will have the use of the buses to engage in charter bus operations outside of any urban area within which it provides regularly scheduled mass transportation service in a manner that forecloses private operators from performing charter bus operations outside of any such area where private operators are willing and able to provide charter service. Agreements required by this section shall be binding on any public or private entity that will have use of buses financed under any provisions of law referred to in clause (A), (B), or (C) of this subsection. In addition to all other remedies specified in such an agreement, the Secretary shall have authority to bar a grantee or any user of buses financed under this Act from the receipt of further financial assistance for mass transportation facilities and equipment where he determines that there has been a continuing pattern of violations of the terms of an agreement. Upon receiving a complaint regarding an alleged violation, the Secretary shall investigate and shall determine whether a violation has occurred. If he finds a violation, the Secretary shall take appropriate action to correct the violation under the terms and conditions of the agreement.

(2) The Secretary shall amend any agreements entered into pursuant to section 164(a) of the Federal-Aid Highway Act of 1973 to conform them to the requirements of subsection (a)(1) of section 1641 as amended by this section. The effective date of such conformed agreements shall be the effective date of the original agreements entered into pursuant to section 164(a).

* * * * *

BUS AND OTHER PROJECT STANDARDS

SEC. 165.

* * * * *

[(b) The Secretary of Transportation shall assure that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-Aid Highway Act of 1973 shall be planned and designed so that mass transportation facilities and services can effectively be utilized by elderly and handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability are unable without special facilities or special planning or design to utilize such facilities and services as effectively as persons not so affected.]

(b) The Secretary of Transportation shall require that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-aid Highway Act of 1973 shall be planned, designed, constructed and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are non-ambulatory wheelchair-bound and those with semi-ambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. The Secretary shall not approve any program or project to which this section applies which does not comply with the provisions of this subsection requiring access to public mass transportation facilities, equipment and services for elderly or handicapped persons.

* * * * *

EMERGENCY HIGHWAY ENERGY CONSERVATION ACT

PUBLIC LAW 239, 93D CONG., JANUARY 2, 1974, 87 STAT. 1046

* * * * *

[SEC. 2. (a) The purpose of this section is to conserve fuel during periods of current and imminent fuel shortages through the establishment of a national maximum highway speed limit.

[(b) After the sixtieth day after the date of enactment of this Act, the Secretary of Transportation shall not approve any project under section 106 of title 23 of the United States Code in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit for all types of motor vehicles other than 55 miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of 55 miles, or more, per hour on November 1, 1973, and (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A

lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

[(c)(1) For the purposes of this section the terms "highway" and "State" shall have the same meanings as in section 101 of title 23, United States Code.

[(2) As used in this Act, the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

[(d) Notwithstanding the provisions of section 120 of title 23, United States Code, sums apportioned to any State under section 104 of title 23, United States Code, shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

[(e) This section shall cease to be in effect (1) on and after the date on which the President declares that there is not a fuel shortage requiring the application of this Act, or (2) on and after June 30, 1975, whichever date first occurs.

[(f) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.]

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.]

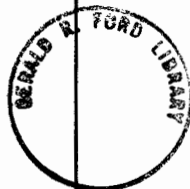
THE FEDERAL-AID HIGHWAY AMENDMENTS
OF 1974

REPORT
OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
TOGETHER WITH MINORITY VIEWS
TO ACCOMPANY
S. 3934



AUGUST 20, 1974.—Ordered to be printed

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FEDERAL-AID HIGHWAY AMENDMENT OF 1974

DECEMBER 11, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLATNIK, from the Committee on Public Works,
submitted the following

REPORT

[To accompany S. 3934]

The Committee on Public Works, to whom was referred the bill (S. 3934) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The committee amendment struck out all after the enacting clause and inserted a new text which is printed in italic in the reported bill.

BACKGROUND

Congress completed action on a comprehensive multi-year highway bill in 1973. Passage of the Federal-Aid Highway Act of 1973 culminated over 3,000 legislative man-days devoted to the highway bill over a two-year period. The Act included, in addition to other substantive provisions, funding authority through fiscal year 1976 for the basic Federal-Aid highway and safety programs, and through fiscal year 1979 for the Interstate Highway program. The bill was signed into law on August 13, 1973.

After the bill became law, there was general agreement that further consideration of highway legislation would not be necessary until calendar year 1975. However, soon after passage of the Act, the Arab oil embargo was imposed and the nation was faced with an imminent fuel shortage. The Committee took the matter under study, held hearings, and subsequently took action to establish a temporary maximum speed limit of 55 miles per hour on the nation's highways. The Committee also adopted a one-year carpool incentive demonstration program as an additional energy conservation measure. The emergency bill was signed into law on January 2, 1974.

Not anticipated was the Administration's desire for early consideration of its proposed six-year Unified Transportation Assistance Act of 1974 providing for combined funding of the public mass transportation and urban highways programs.

Comprehensive hearing on the Administration's proposal were held by the Committee in Washington and around the country in the Spring of 1974. The greatest amount of testimony dealt with the critical need for additional capital and operating assistance for public mass transportation systems in the major urban areas. The Federal-Aid Highway Act of 1973 had included a three-year extension of continuing highway programs and several new initiatives were yet untested; therefore, it was felt that major changes in highway legislation should await full implementation and appraisal of the existing highway law. Mass transportation legislation was to be the Committee's main effort for 1974.

What eventually emerged from the Committee was a comprehensive six-year program of Federal assistance for the construction and operation of the nation's public mass transportation systems. Separate legislation providing a simple two-year extension of the basic Federal-Aid highway programs was later introduced but did not receive immediate action. Final passage of a comprehensive public mass transportation bill occurred late in 1974.

The time remaining in the current session of Congress will not permit the consideration of a major highway bill. To provide continuity of the existing Federal-aid highway program, action on a new authorization bill must be completed during the first session of the 94th Congress. Congress must also act next year to continue the highway Trust Fund beyond its present termination date of October 1, 1977; otherwise, Congress will have to provide some other source of financing for the highway program.

The 1975 Interstate Cost Estimate is scheduled to be submitted to Congress in January 1975. Major issues regarding the source of financing and future funding levels for the various Federal-aid systems can be resolved after the Committee has had the opportunity to review the new cost estimate, has held hearings to receive the benefit of testimony from the Administration and other witnesses.

However, there are several critical issues which should not be put off until next year. There are provisions in the reported bill directed at the country's energy problems. One would continue the national 55 miles per hour speed limit until Congress declares by concurrent resolution that it is no longer necessary; a second provision would require State certification of enforcement of the 55 miles per hour speed limit; a third provision would extend for one year the authority to make grants for demonstration carpooling programs. Action on these measures need not await a comprehensive review of the total highway program.

The bill also contains a modest increase in the authorizations for the rural primary and secondary systems for fiscal year 1976 and establishes two categorical programs which provide for improvement of highways off the Federal-aid systems and for the construction of access roads to public recreation areas on Federal lakes.

In addition, the bill contains (1) amendments to the Highway Beautification Act and continuing authorizations for the basic beautification

programs; (2) a provision permitting buses of up to 102 inches in width to be operated on the Interstate System; (3) a provision permitting the donation of real property for highway projects without the requirement for an appraisal; (4) authorization of \$25 million over two years for the repair of Federal-aid primary routes in the State of Florida; (5) a demonstration project for the construction of a high-density urban highway intermodal transportation connection in Minneapolis, Minnesota; (6) a project for the construction of a highway bridge in Auburn, California; (7) an amendment to section 103(e) (2) and (4) of title 23, United States Code, increasing or decreasing the dollar amounts available for substitute Interstate highway or public mass transportation projects to offset the effects of inflation or deflation, as the case may be; (8) a program for the training of school bus drivers; and (9) increased authorization of \$2,500,000 to continue construction of a bridge over Markland Dam.

While not a comprehensive measure, the reported bill responds to some of the issues raised by the energy crisis and various other issues requiring immediate attention. In drafting the bill, the Committee attempted, to the extent possible, to avoid complicated and controversial issues; however, no attempt was made to compromise positions which have been taken heretofore by a majority of the members of the House. Hopefully, the Committee has developed a bill which will be expeditiously approved by the House.

During the formulation of the bill, the issue was raised as to the types of resurfacing improvements which are eligible for funding under the Federal-aid highway program. The custom, as developed by the Federal Highway Administration over a period of years, has been to limit Federal aid to those projects which are considered to be "betterments." This concept is a natural extension of section 116(a), title 23, United States Code, which imposes upon the States the duty "to maintain, or cause to be maintained, any project constructed under the provisions of this chapter."

The Federal Highway Administration guidelines on resurfacing and reconstruction of pavement surfaces have been narrowly drawn to exclude much general resurfacing work. Such distinctions are not necessary. It is not the intent to bring routine maintenance operations such as spot patching into the Federal-aid program. Any project involving resurfacing of a substantial portion of a highway should be eligible for Federal funding.

The Committee stands ready to hold hearings if necessary to resolve any questions on the issue.

HIGHWAY AUTHORIZATIONS

Great concern is being expressed about the additional demands being placed on our highway systems because of the abandonment of railroad service and lines across the country. 46,000 miles have already been abandoned, mostly in rural areas. Many of our rural highways are simply unable to accommodate the heavier loads borne by trucks moving goods to market.

The Committee believes that a greater effort should be made to upgrade our rural highways to accommodate safely all types of vehicles. For fiscal year 1976, this section provides an additional authorization,

from the Highway Trust Fund, of \$200 million for the Federal-aid primary system in rural areas and \$100 million for the Federal-aid secondary system in rural areas. These funds are in addition to funds previously authorized by the Federal-Aid Highway Act of 1973.

This section also authorizes \$200 million for fiscal year 1976 for the construction, reconstruction and improvement of roads off the Federal-aid system.

Authorizations are provided in this section to continue the highway beautification programs. \$50 million for each of the fiscal years 1975 and 1976 is authorized for the control of outdoor advertising; \$15 million for each of the fiscal years 1975 and 1976 for the control of junkyards; and \$10 million for each of the fiscal years 1975 and 1976 for landscaping and scenic enhancement.

HIGHWAY BEAUTIFICATION AND THE CONTROL OF OUTDOOR ADVERTISING

The Commission on Highway Beautification was established by the Federal-aid Highway Act of 1970 to study the Highway Beautification Act of 1965 and to recommend methods for preserving and enhancing natural beauty along the Nation's highways. The original intention was that the report of the Commission would be submitted one year after funding. Unfortunately, however, it did not become fully operational until late in 1971. Thereafter, public hearings were held throughout the country, and a large amount of data and information concerning highway beautification was assembled.

The Commission completed its work and submitted a final report to Congress in December 1973. The Committee has carefully considered changes suggested by the Commission and others to correct several basic defects in the 1965 Beautification Act which have thus far hindered the effective implementation of the program by the States. To remedy them, several amendments are recommended by the Committee.

First, subsection (b) of section 131, title 23, United States Code, would be amended to extend outdoor advertising controls beyond the present 660 feet from the edge of the highway right-of-way to cover signs which are visible from the main traveled way and which were erected for the purpose of being read from the main traveled way of the Interstate or Federal-aid primary system. Extending controls to include such signs outside of urban areas is necessary to prevent the mushrooming of giant billboards which are being erected beyond the present 660 foot limit to circumvent the intention of the Beautification Act.

In determining whether State controls over signs located beyond 660 feet from the right-of-way are in compliance with the requirements of this bill the Committee believes that the Secretary should be able to exercise a certain amount of discretion and flexibility. For instance, he might approve a State law which extended controls to a specified distance beyond 660 feet, if it could be demonstrated that such a limit, combined with restrictions on the size of signs, would in effect eliminate the possibility of signs being visible, and erected with the purpose of being read, from the main traveled ways of the controlled roadway.

The States would be given until January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to conform to the extended control requirements.

Subsection (d) of section 131, title 23, U.S.C., would also be amended to assure that outdoor advertising in areas zoned industrial or commercial will be permitted in the extended control zone.

Second, the Committee notes with particular concern the need for motorists to get information about such travel-oriented services and facilities as lodging, food service, automobile service, camping areas, truck stops, tourist and recreation attractions, and the like. Currently a substantial amount of such information is offered to the traveling public by billboards and other commercial signs. The Committee believes that the States have a responsibility for assuring that there is not a diminution of the traveling public's information as outdoor advertising control laws are implemented. Clearly, as nonconforming commercial signs are removed under State outdoor advertising control laws, other means of informing the traveling public must be provided. Remaining systems of delivering information would include conforming commercial signs in commercial and industrial areas; signs advertising activities conducted on the property on which they are located; official and directional signs authorized by section 131(c)(1) of title 23, United States Code; signs giving specific information to the traveling public authorized within the right-of-way by section 131(f) of title 23 of the United States Code; and tourist information centers, map plazas, radio transmitters and other devices.

As an additional means of providing information to the traveling public, electronic information displays which have a sequential and flexible changeable message capacity and which may be changed by electronic process or by remote control should be permitted to the extent consistent with law. Such information as time, date, temperature, weather, directional information or other public service or commercial messages of interest to the traveling public may be offered by way of such systems.

In this connection, along with the efforts of the States to maintain an effective information system, the Secretary of Transportation should carefully reevaluate standards promulgated by him for directional and official signs and notices authorized by section 131(c)(1) and signs giving specific information in the interest of the traveling public authorized by section 131(f), to determine whether these standards are truly responsive to the needs of the traveling public. Finally, in this regard, the Committee believes the Secretary should carefully review the terms of agreements between the Secretary and the respective States covering definitions of unzoned commercial and industrial areas, and size, lighting, and spacing of signs as they relate to needs for directional signing.

With the foregoing in mind, the Committee recommends the following amendments relating to directional signs:

(1) Section 131(c)(1) of title 23 would be amended to authorize directional and official signs and notices giving information in the specific interest of the traveling public, including, but not limited to, signs for rest stops, camping grounds, truck stops, food services, gas, and automotive services, and lodging.

Section 131(c) (1) is also amended to permit directional signs for a variety of services and facilities for motorists. It is the hope of the Committee, however, that the Secretary will employ innovative approaches in the exercise of his authority to set flexible standards to allow States to develop systems of directional signing suitable to varying conditions in different areas.

(2) Section 131(f) of title 23 of the United States Code would be amended to authorize the Secretary to permit the States to allow certain directional signs within the right-of-way of Federal-aid primary highways.

(3) The law would be further amended to provide that no sign lawfully in existence on June 1, 1972, giving directional information in the specific interest of the traveling public need be removed until December 31, 1975, or until the State where the sign is located certifies that directional information is reasonably available from other sources, whichever first occurs.

The provisions of the subsection 131(o) are intended to structure the priorities in the removal of nonconforming signs so that the removal of signs providing necessary directional information concerning services and facilities of specific interest to motorists will be deferred until last.

The provisions would apply only to signs containing, on June 1, 1972, necessary directional information about services and facilities in the specific interest of motorists including, gas and automotive services, food services, lodging, campgrounds, resorts, tourist attractions, truck stops, and such other facilities which the Secretary may determine are in the specific interest of motorists.

(4) 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.

Third, subsection (g) of section 131 would be amended to assure that just compensation will be paid for all signs required to be removed which were lawfully erected under State law. This amendment would eliminate the previous ambiguities by assuring that all lawfully erected signs will be treated alike.

Fourth, to prevent inequities from arising where a second removal of a sign is required by virtue of the provisions contained in this bill, a new amendment authorizing 100 percent Federal funding for removing such signs is added.

Fifth, would be a change in section 131(e) to remove obsolete language and to provide that all signs must be removed not later than the end of the fifth year after they become nonconforming pursuant to State, not Federal law. The Secretary is also given authority to extend the time for removals in the event Federal priorities change or other similar circumstances arise necessitating a delay in the program.

Section 104 of the bill pertaining to the control of junkyards would assure that just compensation is paid the owner for the relocation, removal, or disposal of junkyards which were lawfully established under State law. This amendment would eliminate the previous ambiguities by assuring that all lawfully established junkyards will be treated alike.

ADVANCE CONSTRUCTION

Section 115 of title 23, United States Code, provides that when a State has obligated all funds for any Federal-aid system, including the Interstate System, apportioned to it, and proceeds to construct any project on that Federal-aid system without the aid of Federal funds, the Secretary is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to the State. The Secretary is not authorized to approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought.

Because of the withholding of highway funds over the years by the Executive Branch, States have generally been unable to exhaust their apportionments in order to take advantage of the advance construction authority under section 115. Therefore, the Committee has included in the bill a technical amendment to allow the States to proceed with advance construction of projects on the Interstate System and to be reimbursed from present or future apportionments even though present apportionments have not been exhausted.

BUS WIDTHS

One of the major reasons for the increase in bus widths from 96 inches to 102 inches as provided in section 106 is to make the seating of passengers in these vehicles more comfortable and attractive. In addition there is a preponderance of 102 inches buses in the mass transit fleet which operate on narrower lanes than those on the Interstate system. This provision will allow these buses to use 12 foot or wider lanes on Interstate systems.

As the trend continues throughout the country toward mass transportation usage in greater volume by the public, and as more and more buses go on the line for use, every effort must be made to give these passengers, be they commuters, shoppers, or whatever, a clean, fast, effective and comfortable ride.

There is conclusive evidence that increased bus width will certainly add to the comfort and attractiveness for passengers.

Increasing the width of buses from 96 inches to 102 inches will not in any way have an adverse affect on highway safety. The proof of this is contained in an in-depth study made by the Department of Transportation. A copy of the letter attesting to the safety of the increased width follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 29, 1974.

HON. JOHN A. BLATNIK,
Chairman, Committee on Public Works,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In 1972 your committee held hearings on a bill which would have increased the permissible maximum width of buses on the Interstate Highway System from 96 to 102 inches. At these hearings Department of Transportation witnesses identified a need for more information on the safety impact of wider buses, and research studies were subsequently initiated.

On January 22, 1973, we sent the committee copies of a report which indicated that the 102-inch buses would operate safely on Interstate highways. A copy of this report is enclosed.

Following receipt of this report, you and Senator Randolph asked for our comments on a legislative proposal to authorize the wider buses. In our response, on March 30, 1973, we pointed out that, although the Interstate highway could safely accommodate the wider buses, we had not evaluated the likely impact on other intersecting highway systems which were not built to Interstate standards. We indicated that succeeding research studies would evaluate this issue. A copy of our response is enclosed.

We are pleased to inform you that the follow-up research has been completed, and a copy of the report is enclosed. Principal findings are:

1. Drivers tend to center their 96- and 102-inch wide buses in the lane if clearances on both sides of the bus are unrestricted. When clearances are restricted, such as in tunnels, drivers of the 102-inch wide buses tend to use the clearance on the unrestricted side to accommodate the additional width.

2. No significant differences were found in the turning characteristics of 96- and 102-inch wide buses.

3. Aerodynamic disturbances generated by buses are negligible for the lower speeds found on city streets. Such disturbances may have significant safety implications on primary and secondary highways where operating speeds are greater. The difference in aerodynamic effects between 96- and 102-inch wide buses is negligible when lanes are 12-feet wide, the lane width for 66 percent of the primary system. As lanes become progressively narrower and crosswind velocities increase, the situation becomes more critical and control of bus speeds or restricted operation of 102-inch wide buses is suggested.

4. No significant differences were found in the accident rates of 96- and 102-inch wide intercity buses when traveling on city streets and primary highways.

As a result of this research, we are fully satisfied that there is no appreciable safety difference between 96-inch and 102-inch buses when traveling on the Interstate System. Accordingly, we would not object

to amending the present language of 23 U.S.C. 127 to permit 102-inch buses to use the Interstate System.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of these views for your consideration.

Sincerely,

CLAUDE S. BRINEGAR

UNIFORM NATIONAL SPEED LIMIT AND ENFORCEMENT

This era of energy shortage has brought about a dramatic change in the public attitude toward energy and its use. The Arab oil embargo in November 1973 focused public attention on the issue and prompted a series of measures designed to reduce our consumption of fuel. Congressional action was taken to reduce the speed limits on our Nation's highways.

The Emergency Highway Energy Conservation Act (Public Law 93-239) was signed into law on January 2, 1974, establishing a temporary maximum speed limit of 55 miles per hour on all highways. The speed limit continues in effect until the President declares that there is not a fuel shortage requiring the application of the Act or until June 30, 1975, whichever first occurs.

The benefits of the lower maximum speed limit has been so substantial that the Committee is proposing that it be continued until such time as the Congress declares by concurrent resolution that it is no longer necessary.

According to reports from the Federal Energy Administration, over five million gallons of fuel have been saved daily as a result of the reduction in speeds and travel on the highways. This should be reason enough to maintain the lower speed limits; however, there has also been a sharp reduction in highway fatalities. The National Highway Traffic Safety Administration has estimated a 20-percent drop in traffic fatalities, which represents 1,000 fewer Americans being killed each month.

Several recent studies have attempted to identify factors contributing to the reduction of traffic fatalities. Results of a National Safety Council study indicate that 46 percent of the reduction is the result of reduced speeds, 21 percent the result of reduced travel on the highways, and the remainder attributable to other factors such as reduced occupancy and greater use of safety belts. A recent study by the American Association of State Highway and Transportation Officials found that approximately half of the reduction in traffic fatalities is the result of reduced speeds and more uniform speeds and half as attributable to all other factors.

A recent Gallup Poll showed that 72 percent of the American people favor keeping the 55 miles per hour speed limit. A solid majority in each major region of the nation favored keeping the speed limit, even in the Midwest and West where highway traffic is often lighter. Despite the fact that fuel conservation was the reason for reducing the speed limits, the key reason given by those who favored the lower speed was the saving of lives.

In terms of realizing greater fuel conservation and fatality reduction on the highways, the Emergency Highway Energy Conservation

Act has been a success. The Committee is concerned about the lack of enforcement of the 55 miles per hour speed limit.

If the 55 miles per hour speed limit is to remain effective as an energy and life saving measure, it must be effectively enforced. The Committee has included in the bill a provision requiring States to certify annually that they are enforcing all State laws with respect to existing maximum vehicle sizes and weights permitted on the Interstate System and with respect to the 55 miles per hour speed limit. Failure to comply will result in the withholding of approval of Federal-aid highway projects, under section 106 of Title 23, United States Code.

EXTENSION OF CARPOOLS

The Emergency Highway Energy Conservation Act (P.L. 93-239) permits Federal-aid urban system and urban extension funds to be used for demonstration projects to encourage the use of carpools in urban areas. A project may include, but not be limited to, measures such as systems for locating potential riders and informing them of convenient opportunities, designating existing highway lanes as preferential carpool 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.

The Federal share for such projects is 90 percent and is limited to \$1,000,000 for any single project. The statute limits the program to the period ending December 31, 1974.

Because of the short duration of the program as presently authorized, it has not been possible for the Administration to fully implement the program or to assess its effectiveness. The Committee, therefore, is proposing that the termination date for approving carpooling projects be extended one year until December 31, 1975.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

This section of the bill provides a unique opportunity for the rural areas of our nation to take advantage of the \$25 million authorization earmarked in this bill for the construction of roadways into and around inland lakes and waterways. This is a new provision which authorizes the Secretary of Transportation to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density.

There is great potential for economic and recreational development in such areas but only if there is an adequate highway system to handle the influx of people and automobiles that such projects will surely attract.

It is the intent and expectation of the Committee that projects initially approved under this section will include the following: County Road 125 designated by the Corps of Engineers connecting farm to market road 982 to Tickey Creek Park east of Dallas, Texas; Rapid Forge Road, between U.S. 50 and State Road 28 providing access to Paint Creek Reservoir near Greenfield, Ohio; access roads to Lake Raystown, located in Huntingdon County, Pennsylvania; and Hemlock Road, located in Glade Township, Warren County, Pennsylvania, beginning at the end of Pennsylvania Avenue and running along the north side of the Allegheny River to the dam.

The guidelines and standards to be developed by the Secretary, shall include, as criteria: (1) such highway constructed or reconstructed shall not exceed 35 miles in length nor shall be located more than 35 miles from the nearest part of the recreation area; and (2) such routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

The Federal share payable for such project shall not exceed 70 per centum of the cost of construction or reconstruction of the project; and all the provisions of Title 23 which are applicable to non-Interstate highways on the Federal-aid system, and which are determined appropriate and not inconsistent with this section by the Secretary, will apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

A "lake" for the purposes of this section would mean any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multi-purpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section applies to lakes heretofore or hereafter constructed or authorized for construction.

Not to exceed \$25,000,000 for fiscal year 1976 is authorized to be appropriated to carry out these provisions; such amount is to be available for the fiscal year for which authorized and for the two succeeding years.

BRIDGES OVER FEDERAL DAMS

This section would amend subsection 320(d) of title 23, United States Code, by increasing the authorization for the emergency fund from \$25,261,000 to \$27,761,000 which shall be available for expenditure by the Secretary of Transportation in accordance with section 320. The increase in authorization of \$2,500,000 is intended for expenditure only in connection with the construction of a bridge on Markland Dam, a Federal dam on the Ohio River near Markland, Indiana and Warsaw, Kentucky.

OFF-SYSTEM ROADS

This is a new section authorizing the Secretary to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road. This would include, but not be limited to, the replacement of bridges, the elimination of high-hazard locations, and roadside obstacles.

The sums authorized to be appropriated shall be apportioned by the Secretary, on or before January 1 next preceding the commencement of each fiscal year as follows: (1) $\frac{1}{3}$ in the ratio in which the area of each State bears to the total area of all States; (2) $\frac{1}{3}$ in the ratio in which the population of rural areas of each State bears to the total population of rural areas of all States; and (3) $\frac{1}{3}$ 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.

The off-system road mileage will 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 counties in each State shall receive any sums apportioned to the State, on a fair and equitable basis.

The provisions of Chapter 1 of title 23 applicable to the Federal-aid secondary system will govern all sums apportioned under this section with the exception of the provisions relating to the formula for apportionment, the requirement that these roads be on the Federal-aid system, and such other provisions determined by the Secretary to be consistent with this section. The Secretary does not have the authority to determine as inconsistent with this section any provision relating to the obligation and availability of funds. It is intended that when the Secretary determines it to be appropriate, such roads may be designed and constituted to standards lower than those approved for the Federal-aid secondary system.

The term "off-system road" means any toll-free road, including bridges, in a rural area, 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.

State and local officials in selecting roads under this section should consider, among other matters, improvement and construction of access highways to rural areas substantially impacted by accelerated mining and power generation activities to meet national energy demands. The Committee feels it would be in the national interest to provide for the construction or improvement of such roads and to place them on the Federal-aid system or in the off-system roads program provided in this section. Furthermore, it is evident that traffic loads and counts on some existing roads on Federal-aid system to areas of accelerated mining and extraction of mineral resources, including related minemouth power production activities to meet the Nation's growing energy needs, are creating transportation demands exceeding the roads' capabilities and posing new road safety hazards. The Committee recommends that the Department of Transportation give increased attention to the need for providing highway construction and improvements in energy mining impacted areas of the various states.

Furthermore, the Secretary is expected to establish and follow abbreviated procedures to minimize paperwork and red tape in the development and approval of programs and projects under the off-system road program.

DONATIONS

Section 323 of title 23, United States Code, provides that nothing in that title or any other law prevents a person whose real property is being acquired under that title, after he has been tendered just compensation as established by an approved appraisal of the fair market value of the real property, from making a gift or donation of the property to a Federal agency, State, State agency, or political subdivision of a State. The Federal Highway Administration has interpreted this provision as requiring a detailed appraisal to be made in each instance before a voluntary donation of property could be offered and accepted. This has caused an unnecessary and unintended delay in the processing of donated property. The bill, as reported, would

amend section 323 so as to no longer require either an appraisal or a tender of the full amount of the estimated just compensation where a party has indicated a desire to donate property.

RECONSTRUCTION OF ROUTES

This section authorizes from the Highway Trust Fund \$10,000,000 for fiscal year 1975 and \$15,000,000 for fiscal year 1976 for the reconstruction of Federal-aid primary routes in the State of Florida. This would be at the regular 70 percent federal matching ratio.

There is a unique and unusual emergency problem in Florida brought to the Committee's attention. This is with regard to the Overseas Highway, linking the Florida Keys with the mainland of the United States, a portion of Federal-Aid Primary Route Number 003-1.

The Florida Department of Transportation conducted a thorough investigation of this route and found extremely dangerous conditions that must be remedied.

The analysis included the use of the most advanced methods of bridge inspection procedures currently available. The Committee finds the State's analysis to be a totally accurate and comprehensive one, fully justifying immediate Federal assistance.

The route provides the only land vehicular access to the Keys and also provides the only land access to the substantial and important naval defense installation in the Keys.

This installation proved to be strategically vital during the Cuban missile crisis. The Department of Defense has advised the Federal Highway Administration of its support of this program as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 4, 1974.

HON. NORBERT T. TIEMAN,
*Federal Highway Administrator,
Washington, D.C.*

DEAR MR. TIEMAN: This refers to the State of Florida request for Federal assistance for reconstruction of the "Overseas Highway" to Key West, Florida.

The Overseas Highway (Route 1) is of considerable importance to the Department of Defense as it is the only highway access to the Key West Naval Air Station. Over 7,000 Naval personnel and their families are based in Key West. Continued weight restrictions on vehicles using the bridges will adversely impact upon the DoD in effectively supplying and servicing the air station, especially if mobilization becomes necessary at some future time.

As a result, Route 1 is a vital land link connecting the mainland to Key West where this department has several important installations and activities. Therefore, we strongly favor its reconstruction and support the State of Florida in their efforts to obtain additional Federal funds provided there is no impact upon the Defense Access Highway Program or any related DoD program.

Sincerely,

ARTHUR I. MENDOLIA,
*Assistant Secretary of Defense
(Installations and Logistics.)*

In addition to providing highway access, including access required by emergency medical, law enforcement and fire vehicles, the route also carries waterlines, which are the only supply of potable water. The Committee notes that this water is essential for both civilian and military needs. Immediate failure of any of the extremely deteriorated bridges, along the route, would produce not only a devastating economic impact on Monroe County and a possible jeopardy to the National defense, but a severe health hazard and emergency as well.

However, because of the lead time required to begin actual construction, and the inability of the State to obligate major portions of the total cost during the initial phase of the project, the Committee has placed a reasonable limitation on the amounts which can be obligated during the first two years of this program. The Committee expects that additional authorizations will be required in the future to correct the entire problem.

In the interim period, the State of Florida has taken steps to increase the life of the bridges and also for safety purposes has drastically reduced allowable vehicular weights along this route from 72,000 to 50,000 pounds. The State has also approved the expenditure of \$10.8 million in State funding to keep the bridges along the route in a safe and usable condition during reconstruction.

As it applies to this section, an "authorization" of funds to carry out the section is intended to be an "authorization for the appropriation" of such funds.

DEMONSTRATION PROJECT

The Special Urban High Density Traffic Program, newly created in the Federal-Aid Highway Act of 1973, authorizes the Secretary of Transportation to make grants to the States for the construction of high traffic volume urban highways connecting to the Interstate System. Each State is permitted to select one project for improvement.

The States have selected and submitted candidate projects proposed to be funded under the program. However, due to an inadequate level of authorization, projects have been approved in only three States—Indiana, Texas and Arkansas. Moreover, additional authorizations for the special program are not likely considering the ultimate cost estimated to carry out the program and the prevailing fiscal conditions.

Among the best proposals submitted, however, is a project for improvement of Trunk Highway 55 between Franklin Avenue and 59th Street South in Minneapolis, Minnesota, a route approximately five miles in length. It forms the connecting link between the Central Business District and I-94-I-35 junction in Minneapolis, and the Minneapolis-St. Paul International Airport and the junction of I-495 and proposed I-35 E. It also serves the Veterans' Administration Hospital and the recently designated Fort Snelling Historic District in south Minneapolis.

Currently, Trunk Highway 55 between Trunk Highway 94 and Trunk Highway 5 carries an average daily traffic of 15,667 vehicles on the four lanes provided. Projected traffic volumes along the route indicate a maximum of 105,600 vehicles per day in 1985. The route is a principal arterial and the only major highway facility in the six mile distance that separates I-35 W and I-35 E. Trunk Highway 55, due to its location and the absence of other major transportation channels, is a logical route to upgrade to freeway status. The project is an inte-

gral part of local development plans published by the Metropolitan Council in April 1973.

The Committee feels that this project is of such importance as to justify a separate authorization of \$53 million, out of the Highway Trust Fund, for its construction. The Federal share of the cost of the project is set at 90% of the total cost thereof.

AUBURN BRIDGE

Auburn Reservoir in California was authorized in 1965. A dam 4,000 feet long, 685 feet high will be constructed on the north fork of the American River at the edge of the City of Auburn. As part of the project, it was mandated that State Highway 49 be relocated. The new route chosen passes through 6 acres owned by the City of Auburn for future development as a park.

In reviewing the project, the Committee found it obvious that such a proposal would not be satisfactory nor compatible with park uses. Accordingly, it is spelled out that the basic project authorization should be such that a small bridge would be constructed on the relocated Highway 49 at Federal cost in order to provide access between the sections of the park otherwise divided by the highway. This is essential for preservation of the park. Additionally, it is in conformity with sound highway engineering design criteria.

This section authorizes \$250,000 to carry out the bridge project.

ROUTE WITHDRAWALS

Section 103(e)(4) of title 23, United States Code, permits a State, from which an Interstate route in an urbanized area is withdrawn, to receive an amount out of general funds of the Treasury equal to the Federal share of the cost of the removed route for use on non-highway public mass transportation projects in such urbanized area involving the construction of rail facilities or the purchase of passenger equipment for any mode of public mass transportation. Funding available for transfer is limited to the cost of the withdrawn route as reflected in the 1972 Interstate Cost Estimate. Section 103(e)(2) permits Interstate funds to be transferred from a withdrawn route to a substitute route, also limited to the dollar amounts in the 1972 cost estimate.

Because of the growing concern over rising costs, the Committee believes that some increase should be permitted in the dollar amounts available for transfer in order to compensate for the effects of inflation. Consequently, the bill provides that the funds available for transfer shall be based upon the Federal share of the cost of the withdrawn route as reflected by the design utilized in the 1972 Interstate Cost Estimate, increased or decreased, as the case may be, by an amount equivalent to the cost attributable to changes in the composite cost of construction as determined by the Secretary.

SCHOOL BUS DRIVER TRAINING PROGRAM

A recent survey by the National Highway Traffic Safety Administration regarding school bus driver training programs revealed that many States have no required program; about 20 have requirements

which must be met during the first year the driver is on the road; and the balance have suggested driver training guidelines only.

The data from a few States indicate that school bus driver error and other motorists contribute to 85% of school bus accidents and that they are indeed preventable. Mechanical failure alone accounts for only 4% of all school bus accidents.

All of the major tragic school bus accidents of the past few years have been in part attributable to driver error: Waterloo, Nebraska; Gunnison, Colorado; Littlefield, Texas; Congers, New York; and such non-school accidents as Fort Sumner, New Mexico and Allentown, Pennsylvania.

Considering the fact that there are more than 300,000 school buses on the road during the school year, making up to 4 trips a day or more, the fact that all of these drivers have not had a minimum training course is cause for great concern. Present 402 funds fall short of the needed revenue to reach 300,000 school bus drivers who are required to receive driver training as set forth in Highway Safety Standard 17.

The Committee bill authorizes out of the Highway Trust Fund \$7.5 million for fiscal year 1976 for the purpose of carrying out state programs for driver education and training for persons driving school buses.

COST OF THE LEGISLATION

In accordance with Rule XIII (7) of the Rules of the House of Representatives, the estimated costs to the United States which would be incurred in carrying out S. 3934, as reported, in fiscal year 1975 and each of the following five years are set forth herein. It is not possible at this time to predict the anticipated rate of obligations or expenditure of funds authorized in this bill. Accordingly, the estimate which has been prepared by the Committee is based on the total amount of authorizations contained in S. 3934, as reported, for the six fiscal year periods.

Fiscal year—	Highway trust fund	General fund	Estimated total
1975.....	63,000,000	77,750,000	140,750,000
1976.....	322,500,000	300,000,000	622,500,000
1977.....			
1978.....			
1979.....			
1980.....			

Total new authorization generally for two fiscal years under this bill is \$763,250,000.

VOTE

The Committee ordered the bill reported by voice vote.

CHANGES 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) :

TITLE 23.—UNITED STATES CODE

HIGHWAYS

Chap.	Sec.
1. Federal-Aid Highways.....	101
2. Other Highways.....	201
3. General Provisions.....	301
4. Highway Safety.....	401

Chapter 1.—FEDERAL-AID HIGHWAYS

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System. ¹
112. Letting of contracts.
113. Prevailing rate of wage.
114. Construction.
115. Construction by States in advance of apportionment.
116. Maintenance.
117. Certification acceptance.
118. Availability of sums apportioned.
119. Administration of Federal-aid for highways in Alaska. ²
120. Federal share payable.
121. Payment to States for construction.
122. Payments to States for bond retirement.
123. Relocation of utility facilities.
124. Advances to States.
125. Emergency relief.
126. Diversion.
127. Vehicle weight and width limitations—Interstate System.
128. Public hearings.
129. Toll roads, bridges, tunnels, and ferries.
130. Railway-highway crossings.
131. Control of outdoor advertising.
132. Payments on Federal-aid project undertaken by a Federal agency.
[133. Relocation assistance.]
<i>133. Bus widths.</i>
134. Transportation planning in certain urban areas.
135. Urban area traffic operations improvement program.
136. Control of junkyards.
137. Fringe and corridor parking facilities.
138. Preservation of parklands.
139. Additions to Interstate System.
140. Equal employment opportunity.
[141. Real property acquisition policies.]
<i>141. Enforcement of requirements.</i>
142. Public transportation.
143. Economic growth center development highways.
144. Special bridge replacement program.
145. Federal-State relationship.
146. Special urban high density traffic program.
147. Priority primary routes.
148. Development of a national scenic and recreational highway.
149. Truck lanes.
150. Allocation of urban system funds.
151. Pavement marking demonstration program.

152. Projects for high-hazard locations.
 153. Program for the elimination of roadside obstacles.

154. Access highways to public recreation areas on certain lakes.

§ 103. Federal-aid systems.

(a) ***

(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, to 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 system 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 of 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 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. 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.

(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.

§ 115. Construction by States in advance of apportionment.

(a) When a State has obligated all funds for any of the Federal-aid systems, [including] *other than* the Interstate System, apportioned to it under section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on any of the Federal-aid systems in such State, [including] *other than* the Interstate System, as any of those systems may be designated at that time, in accordance with all procedures and all requirements applicable to projects on any such system, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title;

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorizations.

(b) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) Prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) The project conforms to the applicable standards under section 109 of this title.

[b](c) In determining the apportionment for any fiscal year under the provisions of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

* * * * *

§ 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

tive 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 after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other 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 the 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, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.]

(e) *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, and lodging, 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 section (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. 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 June 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 the following outdoor advertising signs, displays, and devices—

[(1) those lawfully in existence on the date of enactment of this subsection,

[(2) those lawfully on any highway made a part of the Interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968; and

[(3) those lawfully erected on or after January 1, 1968.]

(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.

(l) 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 \$20,000,000 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-air 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 such 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, 1975, 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(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) *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, 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 information 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 nonconforming 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 subsections 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.

§ 132. Payments on Federal-aid projects undertaken by a Federal agency.

Where a proposed Federal-aid project is to be undertaken by a Federal agency pursuant to an agreement between a State and such Federal agency and the State makes a deposit with or payment to such Federal agency as may be required in fulfillment of the State's obligation under such agreement for the work undertaken or to be undertaken by such Federal agency, the Secretary, upon execution of a project agreement with such State for the proposed Federal-aid project, may reimburse the State out of the appropriate appropriations the estimated Federal share under the provisions of this title of the State's obligation so deposited or paid by such State. Upon completion of such project and its acceptance by the Secretary, an adjustment shall be made in such Federal share payable on account of such project based on the final cost thereof. Any sums reimbursed to the State under this section which may be in excess of the Federal pro rata share under the provisions of this title of the State's share of the cost as set forth in the approved final voucher submitted by the State shall be recovered and credited to the same class of funds from which the Federal payment under this section was made.

§ 133. Bus widths.

Notwithstanding any other provision of this title relating to vehicle widths, any bus having a width of one hundred and two inches or less may operate on any lane of twelve feet or more in width on the Interstate System.

§ 136. Control of junkyards.

(a) The Congress hereby finds and declares that the establishment and use and maintenance of junkyards 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 establishment and maintenance along the Interstate System and the primary system of outdoor junkyards, which are within one thousand feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, 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 by January 1, 1968, such junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight.

(d) The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(e) The term "automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(f) The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(g) Notwithstanding any provision of this section, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the Interstate System and the primary system which are within one thousand feet of the nearest edge of the right-of-way and which are zoned industrial under authority of State law, or which are not zoned under authority of State law, but are used for industrial activities, as determined by the several States subject to approval by the Secretary.

(h) Notwithstanding any provision of this section, any junkyard in existence on the date of enactment of this section which does not

conform to the requirements of this section and which the Secretary finds as a practical matter cannot be screened, shall not be required to be removed until July 1, 1970.

(i) The Federal share of landscaping and screening costs under this section shall be 75 per centum.

[(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards—

[(1) those lawfully in existence on the date of enactment of this subsection,

[(2) those lawfully along any highway made a part of the Interstate or primary system on or after the enactment of this subsection and before January 1, 1968, and

[(3) those lawfully established on or after January 1, 1968.]

(j) *Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law.*

The Federal share of such compensation shall be 75 per centum.

(k) All public lands or reservations of the United States which are adjacent to any portion of the interstate and primary systems shall be effectively controlled in accordance with the provisions of this section.

(l) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to outdoor junkyards on the Federal-aid highway systems than those established under this section.

(m) There is authorized to be appropriated to carry out 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 \$3,000,000 for the fiscal year ending June 30, 1970, not to exceed \$3,000,000 for the fiscal year ending June 30, 1971, not to exceed \$3,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$5,000,000 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.

* * * * *

§ 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 projects 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 with 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 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. 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.

§ 154. Access highway to public recreation areas on certain lakes.

Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle sizes and weights permitted on the Interstate System in accordance with section 127 of this title, and all speed limits on public highways in accordance with section 2 of the Emergency Highway Energy Conservation Act (Public Law 93-239). The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section.

* * * * *

§ 141. Enforcement of requirements.

(a) *The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:*

(1) *No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.*

(2) *Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.*

(b) *The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.*

(c) *All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.*

(d) *For the purpose of this section the term "lake" means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multi-purpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.*

(e) *There is authorized to be appropriated not to exceed \$25,000,000 for the 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

Sec.

- 201. Authorizations.
- 202. Apportionment or allocation.
- 203. Availability of funds.
- 204. Forest highways.
- 205. Forest development roads and trails.
- 206. Park roads and trails.
- 207. Parkways.
- 208. Indian reservation roads.
- 209. Public lands highways.
- 210. Defense access roads.
- 211. Timber access road hearings.
- 212. Inter-American Highway.
- 213. Rama Road.
- 214. Public lands development roads and trails.
- 215. Territories highway development program.
- 216. Darien Gap Highway.
- 217. Bicycle transportation and pedestrian walkways.
- 218. Alaska Highway.
- 219. *Off-system roads.*

§ 219. 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 replacement of bridges, the elimination of high-hazard locations, and roadside obstacles).*

(b) *On or before January 1 next preceding the commencement 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) *one-third in the ratio which the area of each State bears to the total area of all States;*

(2) *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*

(3) *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.*

(c) *Sums apportioned to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.*

(d) *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.*

(e) *As used in this section the term "off-system road" means any toll-free road (including bridges) in a rural area, 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.*

Chapter 3.—GENERAL PROVISIONS

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§ 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 ~~["\$25,261,000"]~~ \$27,761,000 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.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

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§ 323. Donations.

Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been [tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real] *fully informed of his right to receive just compensation for the acquisition of his property*, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine.

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Chapter 4.—HIGHWAY SAFETY

Sec.

401. Authority of the Secretary.
 402. Highway safety programs.
 403. Highway safety research and development.
 404. National Highway Safety Advisory Committee.
 405. Federal-aid safer roads demonstration program.
 406. School bus driver training.

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§ 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 school 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) *There is authorized to be appropriated out of the Highway Trust Fund for the fiscal year 1976, \$7,500,000 per fiscal year. Such sums shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title. 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.*

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EMERGENCY HIGHWAY ENERGY CONSERVATION ACT

AN ACT to conserve energy on the Nation's highways

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Emergency Highway Energy Conservation Act".

SEC. 2. (a) The purpose of this section is to conserve fuel during periods of current and imminent fuel shortages through the establishment of a national maximum highway speed limit.

(b) After the sixtieth day after the date of enactment of this Act, the Secretary of Transportation shall not approve any project under section 106 of title 23 of the United States Code in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit for all types of motor vehicles other than 55 miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of 55 miles, or more, per hour on November 1, 1973, and (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to

all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(c) (1) For the purposes of this section the terms "highway" and "State" shall have the same meanings as in section 101 of title 23, United States Code.

(2) As used in this Act, the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(d) Notwithstanding the provisions of section 120 of title 23, United States Code, sums apportioned to any State under section 104 of title 23, United States Code, shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(e) This section shall cease to be in effect [1] on and after the date on which [the President declares that there is not a fuel shortage requiring the application of this Act, or (2) on and after June 30, 1975, whichever date first occurs] *Congress by concurrent resolution declares there is no need requiring the application of this section.*

(f) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

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] 1975.

(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.

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S. 3934

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Amendments of 1974."

HIGHWAY AUTHORIZATIONS

SEC. 101. 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, out of the Highway Trust Fund, an additional \$100,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, an additional \$50,000,000 for the fiscal year 1976. Sums authorized by this paragraph are in addition to the authorizations for fiscal year 1976 for these systems in section 104(a)(1) of the Federal-Aid Highway Act of 1973.

(2) For control of outdoor advertising under section 131 of title 23, United States Code, \$50,000,000 for the fiscal year 1975.

(3) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 for the fiscal year 1975.

(4) For landscaping the scenic enhancement under section 319(b) of title 23, United States Code, \$10,000,000 for the fiscal year 1975.

(5) Nothing in paragraph (1) or (6) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(6) For off-system roads under section 219, title 23, United States Code, \$200,000,000 for the fiscal year 1976.

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 102. (a) Paragraph (9) of subsection (a) of section 104 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(9) For Indian reservation roads and bridges, \$83,000,000 for the fiscal year ending June 30, 1974, \$84,000,000 for the fiscal year ending June 30, 1975, and \$83,000,000 for the fiscal year ending June 30, 1976."

(b) The definition of the term "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read as follows:

"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."

(c) Section 208 of title 23, United States Code, is amended by relettering subsections (c) and (d) as (d) and (e), respectively, and adding a new subsection (c) as follows:

"(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian

reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title.”

(d) No funds appropriated under the expanded definition of this section shall be expended without the formal consent of the governing body of the tribe band or group of Indians or Alaskan Natives for whose use the Indian reservation roads and bridges are intended.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 103. Section 147 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

“(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1975, and \$60,000,000 for the fiscal year ending June 30, 1976, of which \$50,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas and small urban areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, the purchase of passenger equipment other than rolling stock for fixed rail, and the payment from the General Fund for operating expenses incurred as a result of providing such service. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

“(b) Prior to the obligation of any funds for a demonstration project under this section, the Secretary shall provide for public notice of any application for funds under this section which notice shall include the name of the applicant and the area to be served. Within sixty days thereafter, a public hearing on the project shall be held within the proposed service area.”

DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSING

SEC. 104. Section 163 of the Federal-Aid Highway Act of 1973 is amended by relettering subsection (a) as paragraph (a)(1) and adding the following new paragraph:

“(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out an engineering and feasibility study for a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph \$360,000 for the fiscal year ending June 30, 1975.”

TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 105. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning, design, construction, and operation of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation

which they can effectively utilize will be assured; and that all Federal programs offering assistance for mass transportation (including the programs under title 23, United States Code, the Federal-Aid Highway Act of 1973, and this Act) effectively implement this policy.

(b) Subsection (b) of section 165 of the Federal-Aid Highway Act of 1973 (87 Stat. 282) is amended to read as follows:

“(b) The Secretary of Transportation shall require that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-Aid Highway Act of 1973 shall be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. The Secretary shall not approve any program or project to which this section applies which does not comply with the provisions of this subsection requiring access to public mass transportation facilities, equipment, and services for elderly or handicapped persons.”

VEHICLE SIZES AND WEIGHTS

SEC. 106. (a) Section 127 of title 23, United States Code, is amended by striking out “eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds,” and inserting in lieu thereof the following: “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.”

(b) The first sentence of section 127 of title 23, United States Code, is amended by inserting immediately after “July 1, 1956,” the following: “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.” The third sentence of such section 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 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.”

ENFORCEMENT

SEC. 107. (a) Chapter 1 of title 23 of the United States Code is amended by inserting after section 140 the following new section:

“§ 141. Enforcement of requirements

“Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary, the Federal-aid urban system and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title, and all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section.”

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

“141. Real property acquisition policies.”

and inserting in lieu thereof the following:

“141. Enforcement of requirements.”

ALASKA FERRY OPERATIONS

SEC. 108. Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended to read as follows:

“(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii 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.”

CONTROL OF OUTDOOR ADVERTISING

SEC. 109. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after “main traveled way of the system,” the following: “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.”

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

“(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) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

CONTROL OF JUNKYARDS

SEC. 110. Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

ADVANCE CONSTRUCTION

SEC. 111. (a) Subsection (a) of section 115 of title 23, United States Code, is amended by striking out "including the Interstate System," each of the two places it appears and inserting in lieu thereof at each such place the following: "other than the Interstate System,".

(b) Section 115 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by adding immediately after subsection (a) the following new subsection:

"(b) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

"(2) the project conforms to the applicable standards under section 109 of this title."

DONATIONS

SEC. 112. Section 323 of title 23, United States Code, is amended by striking out "after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property," and by inserting in lieu thereof the following: "after he has been fully informed of his right to receive just compensation for the acquisition of his property,".

SPECIAL BRIDGE REPLACEMENT PROGRAM

SEC. 113. Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(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."

UNIFORM NATIONAL SPEED LIMIT

SEC. 114. (a) Chapter 1 of title 23 of the United States Code, relating to highways, is amended by inserting at the end thereof a new section as follows:

"§ 154. National maximum speed limit

"(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

"(b) As used in this section the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

"(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

"(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section."

(b) The analysis of such chapter 1 is amended by inserting at the end thereof the following:

"154. National maximum speed limit."

(c) Section 2 of the Emergency Highway Energy Conservation Act is repealed.

S. 3934—7

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

SEC. 115. (a) Chapter 1 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

“§ 155. Access highways to public recreation areas on certain lakes

“(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

“(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

“(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

“(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

“(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

“(d) For the purpose of this section the term ‘lake’ means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.

“(e) There is authorized to be appropriated not to exceed \$25,000,000 for the 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.”.

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

“155. Access highways to public recreation areas on certain lakes.”.

AUBURN BRIDGE

SEC. 116. (a) In order to provide access between the historical portion of the city of Auburn, California, Auburn District Fairgrounds, city park and parking lots, and the Auburn Dam Overlook area, for motor vehicles and for passage of pedestrians, equestrians, and cyclists under a highway relocation, the Secretary of the Interior is authorized to construct, in lieu of a drainage culvert, an intermediate size bridge across a shallow ravine. The bridge, at approximate stations 154+46 to 155+30 (84 feet), shall be part of the State Highway Number 49 relocation through the city of Auburn, California.

(b) Upon completion such bridge shall be transferred to the State of California for operation and maintenance as a part of the highway relocation. The cost of the bridge, less the original planned drainage culvert, shall be considered as nonreimbursable.

(c) There is authorized to be appropriated to carry out this section the sum of \$250,000 (October 1974 price levels) plus or minus such amounts as may be justified by changes in price indexes applicable to the type of development involved herein.

NORTHEAST CORRIDOR DEMONSTRATION-RAIL CROSSINGS

SEC. 117. Subsection (a) of section 322 of title 23, United States Code, is amended by inserting at the end thereof the following:

"The Secretary may permit selected individual public crossings of unusually low-potential hazard to remain at ground level, if they are provided with the best available protection."

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.

BIKEWAY DEMONSTRATION PROGRAM

SEC. 119. (a) For the purpose of this section the term--

(1) "bikeway" means a bicycle lane or path, or support facility, a bicycle traffic control device, a shelter, or a parking facility to serve bicycles and persons using bicycles;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(b) (1) The Secretary is authorized to make grants to States for demonstration projects for the construction of bikeways. Such bikeways shall be for commuting and for recreational purposes and shall be located in urbanized areas and such other urban areas as are designated by the State highway department under subsection 103(d) of title 23, United States Code.

(2) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total cost of such project. The remaining 20 per centum of such cost shall be paid by the grantee.

(3) No grant shall be made under authority of this Act unless such bikeway project is in accordance with continuing comprehensive transportation planning process carried on cooperatively by States and local communities in accordance with section 134 of title 23, United States Code.

(4) The Secretary shall establish, by regulation, construction standards for bikeway projects for which grants are authorized by this Act, and shall establish, by regulation, such other requirements as may be necessary to carry out this Act.

(c) Grants made under this Act shall be in addition to, and not in lieu of, any sums available for bicycle projects under section 217 of title 23, United States Code.

(d) There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for the fiscal year 1976.

EXTENSION OF CARPOOLS

SEC. 120. (a) The last sentence of section 3(d) of the Emergency Highway Energy Conservation Act (Public Law 93-239) is amended by striking out "December 31, 1974" and inserting in lieu thereof "December 31, 1975".

(b) The Secretary of Transportation is authorized to make grants for demonstration projects designed to encourage the use of carpools in urban areas. Such 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. There is authorized to be appropriated not to exceed \$7,500,000 to carry out this subsection.

SAFER ROADS PROGRAM

SEC. 121. The first sentence of subsection (c) of section 405 of title 23, United States Code, is amended by striking the word "and" after "crossings," and inserting in lieu thereof the following: "the correction of high-hazard locations, and".

OFF-SYSTEM ROADS

SEC. 122. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

§ 219. 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 replacement of bridges, the elimination of high-hazard locations, and roadside obstacles).

"(b) On or before January 1 next preceding the commencement 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) one-third in the ratio which the area of each State bears to the total area of all States;

"(2) 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

"(3) 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.

"(c) Sums appropriated to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.

“(d) 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.

“(e) As used in this section the term ‘off-system road’ means any toll-free road (including bridges) in a rural area, 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 2, title 23, United States Code, is amended by adding at the end thereof the following:

“219. Off-system roads.”.

BRIDGES ON FEDERAL DAMS

SEC. 123. (a) Section 320(d) of title 23 of the United States Code (as amended) is amended by striking out “\$25,261,000” and inserting in lieu thereof “\$27,761,000”.

(b) All sums appropriated under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be available for expenditure in the same manner and for the same purpose as provided for in subsection (b) of section 116 of the Federal-Aid Highway Act of 1970 (Public Law 91-605).

DEMONSTRATION PROJECTS

SEC. 124. The Secretary of Transportation shall carry out a demonstration project for construction of a high-density urban highway intermodal transportation connection between Franklin Avenue and Fifty-ninth Street, South, in Minneapolis, Minnesota. The Federal share of such project shall be 90 per centum of the cost thereof. Such highway shall be placed on a Federal-aid system before any funds are expended under this section. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$53,000,000 to carry out this section, except that not to exceed \$10,000,000 for the fiscal year 1975, and \$15,000,000 for the fiscal year 1976, shall be expended to carry out this section.

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.”

SCHOOL BUS DRIVER TRAINING

SEC. 126. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

“§ 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 school 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) 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. 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.”

(b) The analysis of chapter 4, title 23, United States Code, is amended by adding at the end thereof the following:

“406. School bus driver training.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

JANUARY 4, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am signing S. 3934, the Federal-Aid Highway Amendments of 1974.

This bill contains three energy-related provisions which I find highly desirable. First, it will establish 55 miles per hour as the national speed limit on a permanent basis. This limit has proven to be of great value in not only saving fuel but in decreasing the loss of life on our highways.

Second, this bill will extend the carpooling demonstration program for one year, until December 31, 1975. This program provides funds to states and localities to encourage the use of carpools. The Department of Transportation has estimated that it could save this country five billion gallons of gasoline a year. In addition, it will reduce air pollution and urban congestion.

Third, the bill will increase the allowable weights for trucks on interstate highways. Largely because of the lower speed limit, many truckers have found themselves in an economic bind, with decreased productivity. This modest increase in allowable truck weights should help them regain that productivity, without threatening public safety on the highways.

Unfortunately, the bill would also make many undesirable changes in the highway programs. For one, it would provide \$347 million in additional authorizations for existing highway programs and \$405 million for new categorical grants. Of these amounts, more than \$500 million in contract authority would be available to States without further action by the Congress.

Since funds for many of the existing programs are already being deferred, these extra authorizations are not needed. Approving these funds at this time would not only be unnecessary but highly inflationary as well. In addition, one of the objectives of this Administration is reduce or eliminate categorical grants. This bill provides authorizations for numerous new categorical grant programs. Accordingly, I will recommend to Congress that release of most of this highway obligational authority be deferred for 1975. I hope Congress will agree with this plan.

The 94th Congress and the Administration must work together to develop a highway program for this decade which is compatible with our national transportation and economic objectives. I will work with the Congress to develop such a program.

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December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

- | | | | |
|-----------------|------------------|--------------|--------------|
| S.J. Res. 40 ✓ | S. 3481 ✓ | H.R. 8958 ✓ | H.R. 14600 ✓ |
| S.J. Res. 133 ✓ | S. 3548 ✓ | H.R. 8981 ✓ | H.R. 14689 ✓ |
| S.J. Res. 262 ✓ | S. 3934 ✓ | H.R. 9182 ✓ | H.R. 14718 ✓ |
| S. 251 ✓ | S. 3943 ✓ | H.R. 9199 ✓ | H.R. 15173 ✓ |
| S. 356 ✓ | S. 3976 ✓ | H.R. 9588 ✓ | H.R. 15223 ✓ |
| S. 521 ✓ | S. 4073 ✓ | H.R. 9654 ✓ | H.R. 15229 ✓ |
| S. 544 ✓ | S. 4206 ✓ | H.R. 10212 ✓ | H.R. 15322 ✓ |
| S. 663 ✓ | H.J. Res. 1178 ✓ | H.R. 10701 ✓ | H.R. 15977 ✓ |
| S. 754 ✓ | H.J. Res. 1180 ✓ | H.R. 10710 ✓ | H.R. 16045 ✓ |
| S. 1017 ✓ | H.R. 421 ✓ | H.R. 10827 ✓ | H.R. 16215 ✓ |
| S. 1083 ✓ | H.R. 1715 ✓ | H.R. 11144 ✓ | H.R. 16596 ✓ |
| S. 1296 ✓ | H.R. 1820 ✓ | H.R. 11273 ✓ | H.R. 16925 ✓ |
| S. 1418 ✓ | H.R. 2208 ✓ | H.R. 11796 ✓ | H.R. 17010 ✓ |
| S. 2149 ✓ | H.R. 2933 ✓ | H.R. 11802 ✓ | H.R. 17045 ✓ |
| S. 2446 ✓ | H.R. 3203 ✓ | H.R. 11847 ✓ | H.R. 17085 ✓ |
| S. 2807 ✓ | H.R. 3339 ✓ | H.R. 11897 ✓ | H.R. 17468 ✓ |
| S. 2854 ✓ | H.R. 5264 ✓ | H.R. 12044 ✓ | H.R. 17558 ✓ |
| S. 2888 ✓ | H.R. 5463 ✓ | H.R. 12113 ✓ | H.R. 17597 ✓ |
| S. 2994 ✓ | H.R. 5773 ✓ | H.R. 12427 ✓ | H.R. 17628 ✓ |
| S. 3022 ✓ | H.R. 7599 ✓ | H.R. 12884 ✓ | H.R. 17655 ✓ |
| S. 3289 ✓ | H.R. 7684 ✓ | H.R. 13022 ✓ | |
| S. 3358 ✓ | H.R. 7767 ✓ | H.R. 13296 ✓ | |
| S. 3359 ✓ | H.R. 8214 ✓ | H.R. 13869 ✓ | |
| S. 3394 ✓ | H.R. 8322 ✓ | H.R. 14449 ✓ | |
| S. 3433 ✓ | H.R. 8591 ✓ | H.R. 14461 ✓ | |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.