

104TH CONGRESS
1ST SESSION

S. 440

AN ACT

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Highway System Designation Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

- Sec. 101. National Highway System designation.
- Sec. 102. Eligible projects for the National Highway System.
- Sec. 103. Transferability of apportionments.
- Sec. 104. Design criteria for the National Highway System.
- Sec. 105. Applicability of transportation conformity requirements.
- Sec. 106. Use of recycled paving material.
- Sec. 107. Limitation on advance construction.
- Sec. 108. Preventive maintenance.
- Sec. 109. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.
- Sec. 110. Federal share for highways, bridges, and tunnels.
- Sec. 111. Applicability of certain requirements to third party sellers.
- Sec. 112. Streamlining for transportation enhancement projects.
- Sec. 113. Non-Federal share for certain toll bridge projects.
- Sec. 114. Congestion mitigation and air quality improvement program.
- Sec. 115. Limitation of national maximum speed limit to certain commercial motor vehicles.
- Sec. 116. Federal share for bicycle transportation facilities and pedestrian walkways.
- Sec. 117. Suspension of management systems.
- Sec. 118. Intelligent transportation systems.
- Sec. 119. Donations of funds, materials, or services for federally assisted activities.
- Sec. 120. Metric conversion of traffic control signs.
- Sec. 121. Identification of high priority corridors.
- Sec. 122. Revision of authority for innovative project in Florida.
- Sec. 123. Revision of authority for priority intermodal project in California.
- Sec. 124. National recreational trails funding program.
- Sec. 125. Intermodal facility in New York.
- Sec. 126. Clarification of eligibility.
- Sec. 127. Bristol, Rhode Island, street marking.
- Sec. 128. Public use of rest areas.
- Sec. 129. Collection of tolls to finance certain environmental projects in Florida.
- Sec. 130. Hours of service of drivers of ground water well drilling rigs.
- Sec. 131. Rural access projects.
- Sec. 132. Inclusion of high priority corridors.
- Sec. 133. Sense of the Senate regarding the Federal-State funding relationship for transportation.
- Sec. 134. Quality through competition.
- Sec. 135. Federal share for economic growth center development highways.
- Sec. 136. Vehicle weight and longer combination vehicles exemption for Sioux City, Iowa.
- Sec. 137. Revision of authority for congestion relief project in California.
- Sec. 138. Applicability of certain vehicle weight limitations in Wisconsin.
- Sec. 139. Prohibition on new highway demonstration projects.
- Sec. 140. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.
- Sec. 141. Moratorium on certain emissions testing requirements.
- Sec. 142. Elimination of penalties for noncompliance with motorcycle helmet use requirement.
- Sec. 143. Clarification of Eligibility.

- Sec. 144. Toll roads, bridges, tunnels, non-toll roads that have a dedicated revenue source, and ferries.
- Sec. 145. Transfer of funds between certain demonstration projects in Louisiana.
- Sec. 146. Northwest Arkansas regional airport connector.
- Sec. 147. Intercity rail infrastructure investment.
- Sec. 148. Operation of motor vehicles by intoxicated minors.
- Sec. 149. Contingent commitments.
- Sec. 150. Availability of certain funds for Boston-to-Portland rail corridor.
- Sec. 151. Revision of authority of multiyear contracts.
- Sec. 152. Feasibility study of evacuation routes for Louisiana coastal areas.
- Sec. 153. 34th Street corridor project in Moorhead, Minnesota.
- Sec. 154. Safety belt use law requirements for New Hampshire and Maine.
- Sec. 155. Report on accelerated vehicle retirement programs.
- Sec. 156. Intercity rail infrastructure investment from Mass Transit Account of Highway Trust Fund.
- Sec. 157. Moratorium.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE
TRANSPORTATION AUTHORITY

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Purposes.
- Sec. 204. Definitions.
- Sec. 205. Establishment of Authority.
- Sec. 206. Government of Authority.
- Sec. 207. Ownership of Bridge.
- Sec. 208. Capital improvements and construction.
- Sec. 209. Additional powers and responsibilities of Authority.
- Sec. 210. Funding.
- Sec. 211. Availability of prior authorizations.

TITLE III—FEDERAL HIGHWAY AND RAILROAD GRADE CROSSING
SAFETY

- Sec. 301. Short title.
- Sec. 302. Intelligent vehicle-highway systems.
- Sec. 303. State highway safety management systems.
- Sec. 304. Violation of grade-crossing laws and regulations.
- Sec. 305. Safety enforcement.
- Sec. 306. Crossing elimination; statewide crossing freeze.

1 **TITLE I—HIGHWAY PROVISIONS**

2 **SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.**

- 3 (a) IN GENERAL.—Section 103 of title 23, United
4 States Code, is amended by inserting after subsection (b)
5 the following:

1 “(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

2 “(1) DESIGNATION.—The most recent National
3 Highway System (as of the date of enactment of this
4 Act) as submitted by the Secretary of Transpor-
5 tation pursuant to this section is designated as the
6 National Highway System.

7 “(2) MODIFICATIONS.—

8 “(A) IN GENERAL.—At the request of a
9 State, the Secretary may—

10 “(i) add a new route segment to the
11 National Highway System, including a new
12 intermodal connection; or

13 “(ii) delete a route segment in exist-
14 ence on the date of the request and any
15 connection to the route segment;

16 if the total mileage of the National Highway
17 System (including any route segment or connec-
18 tion proposed to be added under this subpara-
19 graph) does not exceed 165,000 miles (265,542
20 kilometers).

21 “(B) PROCEDURES FOR CHANGES RE-
22 QUESTED BY STATES.—Each State that makes
23 a request for a change in the National Highway
24 System pursuant to subparagraph (A) shall es-
25 tablish that each change in a route segment or

1 connection referred to in the subparagraph has
2 been identified by the State, in cooperation with
3 local officials, pursuant to applicable transpor-
4 tation planning activities for metropolitan areas
5 carried out under section 134 and statewide
6 planning processes carried out under section
7 135.

8 “(3) APPROVAL BY THE SECRETARY.—The Sec-
9 retary may approve a request made by a State for
10 a change in the National Highway System pursuant
11 to paragraph (2) if the Secretary determines that
12 the change—

13 “(A) meets the criteria established for the
14 National Highway System under this title; and

15 “(B) enhances the national transportation
16 characteristics of the National Highway Sys-
17 tem.”.

18 (b) ROUTE SEGMENTS IN WYOMING.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall cooperate with the State of Wyoming in
21 monitoring the changes in growth along, and traffic
22 patterns of, the route segments in Wyoming de-
23 scribed in paragraph (2), for the purpose of future
24 consideration of the addition of the route segments
25 to the National Highway System in accordance with

1 paragraphs (2) and (3) of section 103(c) of title 23,
2 United States Code (as added by subsection (a)).

3 (2) ROUTE SEGMENTS.—The route segments
4 referred to in paragraph (1) are—

5 (A) United States Route 191 from Rock
6 Springs to Hoback Junction;

7 (B) United States Route 16 from Worland
8 to Interstate Route 90; and

9 (C) Wyoming Route 59 from Douglas to
10 Gillette.

11 **SEC. 102. ELIGIBLE PROJECTS FOR THE NATIONAL HIGH-**
12 **WAY SYSTEM.**

13 (a) IN GENERAL.—Section 103(i) of title 23, United
14 States Code, is amended—

15 (1) by striking paragraph (8) and inserting the
16 following:

17 “(8) Capital and operating costs for traffic
18 monitoring, management, and control facilities and
19 programs.”; and

20 (2) by adding at the end the following:

21 “(14) Construction, reconstruction, resurfacing,
22 restoration, and rehabilitation of, and operational
23 improvements for, public highways connecting the
24 National Highway System to—

1 “(A) ports, airports, and rail, truck, and
2 other intermodal freight transportation facili-
3 ties; and

4 “(B) public transportation facilities.

5 “(15) Construction of, and operational improve-
6 ments for, the Alameda Transportation Corridor
7 along Alameda Street from the entrance to the ports
8 of Los Angeles and Long Beach to Interstate 10,
9 Los Angeles, California. The Federal share of the
10 cost of the construction and improvements shall be
11 determined in accordance with section 120(b).”.

12 (b) DEFINITION.—Section 101(a) of title 23, United
13 States Code, is amended by striking the undesignated
14 paragraph defining “startup costs for traffic management
15 and control” and inserting the following:

16 “The term ‘operating costs for traffic monitoring,
17 management, and control’ includes labor costs, adminis-
18 trative costs, costs of utilities and rent, and other costs
19 associated with the continuous operation of traffic control
20 activities, such as integrated traffic control systems, inci-
21 dent management programs, and traffic control centers.”.

22 **SEC. 103. TRANSFERABILITY OF APPORTIONMENTS.**

23 The third sentence of section 104(g) of title 23, Unit-
24 ed States Code, is amended by striking “40 percent” and
25 inserting “60 percent”.

1 **SEC. 104. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY**
2 **SYSTEM.**

3 Section 109 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (a) and inserting the
6 following:

7 “(a) IN GENERAL.—The Secretary shall ensure that
8 the plans and specifications for each proposed highway
9 project under this chapter provide for a facility that will—

10 “(1) adequately serve the existing and planned
11 future traffic of the highway in a manner that is
12 conducive to safety, durability, and economy of
13 maintenance; and

14 “(2) be designed and constructed in accordance
15 with criteria best suited to accomplish the objectives
16 described in paragraph (1) and to conform to the
17 particular needs of each locality.”;

18 (2) by striking subsection (c) and inserting the
19 following:

20 “(c) DESIGN CRITERIA FOR THE NATIONAL HIGH-
21 WAY SYSTEM.—

22 “(1) IN GENERAL.—A design for new construc-
23 tion, reconstruction, resurfacing (except for mainte-
24 nance resurfacing), restoration, or rehabilitation of a
25 highway on the National Highway System (other
26 than a highway also on the Interstate System) shall

1 take into account, in addition to the criteria de-
2 scribed in subsection (a)—

3 “(A) the constructed and natural environ-
4 ment of the area;

5 “(B) the environmental, scenic, aesthetic,
6 historic, community, and preservation impacts
7 of the activity; and

8 “(C) as appropriate, access for other
9 modes of transportation.

10 “(2) DEVELOPMENT OF CRITERIA.—The Sec-
11 retary, in cooperation with State highway agencies,
12 shall develop criteria to implement paragraph (1). In
13 developing the criteria, the Secretary shall consider
14 the results of the committee process of the American
15 Association of State Highway and Transportation
16 Officials as adopted and published in ‘A Policy on
17 Geometric Design of Highways and Streets’, after
18 adequate opportunity for input by interested par-
19 ties.’; and

20 (3) by striking subsection (q) and inserting the
21 following:

22 “(q) ENVIRONMENTAL, SCENIC, AND HISTORIC VAL-
23 UES.—Notwithstanding subsections (b) and (c), the Sec-
24 retary may approve a project for the National Highway
25 System if the project is designed to—

1 “(1) allow for the preservation of environ-
2 mental, scenic, or historic values;

3 “(2) ensure safe use of the facility; and

4 “(3) comply with subsection (a).”.

5 **SEC. 105. APPLICABILITY OF TRANSPORTATION CONFORM-**
6 **ITY REQUIREMENTS.**

7 (a) HIGHWAY CONSTRUCTION.—Section 109(j) of
8 title 23, United States Code, is amended by striking “plan
9 for the implementation of any ambient air quality stand-
10 ard for any air quality control region designated pursuant
11 to the Clean Air Act, as amended.” and inserting the fol-
12 lowing: “plan for—

13 “(1) the implementation of a national ambient
14 air quality standard for which an area is designated
15 as a nonattainment area under section 107(d) of the
16 Clean Air Act (42 U.S.C. 7407(d)); or

17 “(2) the maintenance of a national ambient air
18 quality standard in an area that was designated as
19 a nonattainment area but that was later redesign-
20 nated by the Administrator as an attainment area
21 for the standard and that is required to develop a
22 maintenance plan under section 175A of the Clean
23 Air Act (42 U.S.C. 7505a).”.

1 (b) CLEAN AIR ACT REQUIREMENTS.—Section
2 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amend-
3 ed by adding at the end the following:

4 “(5) APPLICABILITY.—This subsection shall
5 apply only with respect to—

6 “(A) a nonattainment area and each spe-
7 cific pollutant for which the area is designated
8 as a nonattainment area; and

9 “(B) an area that was designated as a
10 nonattainment area but that was later redesign-
11 nated by the Administrator as an attainment
12 area and that is required to develop a mainte-
13 nance plan under section 175A with respect to
14 the specific pollutant for which the area was
15 designated nonattainment.”.

16 **SEC. 106. USE OF RECYCLED PAVING MATERIAL.**

17 (a) IN GENERAL.—Section 1038 of the Intermodal
18 Surface Transportation Efficiency Act of 1991 (Public
19 Law 102–240; 23 U.S.C. 109 note) is amended—

20 (1) by striking subsection (d) and inserting the
21 following:

22 “(d) ASPHALT PAVEMENT CONTAINING RECYCLED
23 RUBBER.—

24 “(1) CRUMB RUBBER MODIFIER RESEARCH.—
25 Not later than 180 days after the date of enactment

1 of the National Highway System Designation Act of
2 1995, the Administrator of the Federal Highway
3 Administration shall develop testing procedures and
4 conduct research to develop performance grade clas-
5 sifications, in accordance with the strategic highway
6 research program carried out under section 307(d)
7 of title 23, United States Code, for crumb rubber
8 modifier binders. The testing procedures and per-
9 formance grade classifications should be developed in
10 consultation with representatives of the crumb rub-
11 ber modifier industry and other interested parties
12 (including the asphalt paving industry) with experi-
13 ence in the development of the procedures and clas-
14 sifications.

15 “(2) CRUMB RUBBER MODIFIER PROGRAM DE-
16 VELOPMENT.—

17 “(A) IN GENERAL.—The Administrator of
18 the Federal Highway Administration shall make
19 grants to States to develop programs to use
20 crumb rubber from scrap tires to modify as-
21 phalt pavements. Each State may receive not
22 more than \$500,000 under this paragraph.

23 “(B) USE OF GRANT FUNDS.—Grant funds
24 made available to States under this paragraph
25 may be used—

1 “(i) to develop mix designs for crumb
2 rubber modified asphalt pavements;

3 “(ii) for the placement and evaluation
4 of crumb rubber modified asphalt pave-
5 ment field tests; and

6 “(iii) for the expansion of State
7 crumb rubber modifier programs in exist-
8 ence on the date the grant is made avail-
9 able.”; and

10 (2) in subsection (e), by striking paragraph (1)
11 and inserting the following:

12 “(1) the term ‘asphalt pavement containing re-
13 cycled rubber’ means any mixture of asphalt and
14 crumb rubber derived from whole scrap tires, such
15 that the physical properties of the asphalt are modi-
16 fied through the mixture, for use in pavement main-
17 tenance, rehabilitation, or construction applications;
18 and”.

19 (b) FUNDING.—Section 307(e)(13) of title 23, United
20 States Code, is amended by inserting after the second sen-
21 tence the following: “Of the amounts authorized to be ex-
22 pended under this paragraph, \$500,000 shall be expended
23 in fiscal year 1996 to carry out section 1038(d)(1) of the
24 Intermodal Surface Transportation Efficiency Act of 1991
25 (Public Law 102–240; 23 U.S.C. 109 note) and

1 \$10,000,000 shall be expended in each of fiscal years 1996
2 and 1997 to carry out section 1038(d)(2) of the Act.”.

3 **SEC. 107. LIMITATION ON ADVANCE CONSTRUCTION.**

4 Section 115(d) of title 23, United States Code, is
5 amended to read as follows:

6 “(d) REQUIREMENT OF INCLUSION IN TRANSPOR-
7 TATION IMPROVEMENT PROGRAM.—The Secretary may
8 not approve an application under this section unless the
9 project is included in the transportation improvement pro-
10 gram of the State developed under section 135(f).”.

11 **SEC. 108. PREVENTIVE MAINTENANCE.**

12 Section 116 of title 23, United States Code, is
13 amended by adding at the end the following:

14 “(d) PREVENTIVE MAINTENANCE.—A preventive
15 maintenance activity shall be eligible for Federal assist-
16 ance under this title if the State demonstrates to the satis-
17 faction of the Secretary that the activity is a cost-effective
18 means of extending the life of a Federal-aid highway.”.

19 **SEC. 109. ELIGIBILITY OF BOND AND OTHER DEBT INSTRU-**
20 **MENT FINANCING FOR REIMBURSEMENT AS**
21 **CONSTRUCTION EXPENSES.**

22 (a) IN GENERAL.—Section 122 of title 23, United
23 States Code, is amended to read as follows:

1 **“SEC. 122. PAYMENTS TO STATES FOR BOND AND OTHER**
2 **DEBT INSTRUMENT FINANCING.**

3 “(a) DEFINITION OF ELIGIBLE DEBT FINANCING IN-
4 STRUMENT.—In this section, the term ‘eligible debt fi-
5 nancing instrument’ means a bond or other debt financing
6 instrument, including a note, certificate, mortgage, or
7 lease agreement, issued by a State or political subdivision
8 of a State, the proceeds of which are used for an eligible
9 Federal-aid project under this title.

10 “(b) FEDERAL REIMBURSEMENT.—Subject to sub-
11 sections (c) and (d), the Secretary may reimburse a State
12 for expenses and costs incurred by the State or a political
13 subdivision of the State, for—

14 “(1) interest payments under an eligible debt fi-
15 nancing instrument;

16 “(2) the retirement of principal of an eligible
17 debt financing instrument;

18 “(3) the cost of the issuance of an eligible debt
19 financing instrument;

20 “(4) the cost of insurance for an eligible debt
21 financing instrument; and

22 “(5) any other cost incidental to the sale of an
23 eligible debt financing instrument (as determined by
24 the Secretary).

25 “(c) CONDITIONS ON PAYMENT.—The Secretary may
26 reimburse a State under subsection (b) with respect to a

1 project funded by an eligible debt financing instrument
2 after the State has complied with this title to the extent
3 and in the manner that would be required if payment were
4 to be made under section 121.

5 “(d) FEDERAL SHARE.—The Federal share of the
6 cost of a project payable under this section shall not ex-
7 ceed the pro-rata basis of payment authorized in section
8 120.

9 “(e) STATUTORY CONSTRUCTION.—Notwithstanding
10 any other law, the eligibility of an eligible debt financing
11 instrument for reimbursement under subsection (a) shall
12 not—

13 “(1) constitute a commitment, guarantee, or
14 obligation on the part of the United States to pro-
15 vide for payment of principal or interest on the eligi-
16 ble debt financing instrument; or

17 “(2) create any right of a third party against
18 the United States for payment under the eligible
19 debt financing instrument.”.

20 (b) DEFINITION OF CONSTRUCTION.—The first sen-
21 tence of the undesignated paragraph defining “construc-
22 tion” of section 101(a) of title 23, United States Code,
23 is amended by inserting “bond costs and other costs relat-
24 ing to the issuance of bonds or other debt instrument fi-

1 nancing in accordance with section 122,” after “highway,
2 including”.

3 (c) CONFORMING AMENDMENT.—The analysis for
4 chapter 1 of title 23, United States Code, is amended by
5 striking the item relating to section 122 and inserting the
6 following:

“122. Payments to States for bond and other debt instrument financing.”.

7 **SEC. 110. FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND**
8 **TUNNELS.**

9 Section 129(a) of title 23, United States Code, is
10 amended by striking paragraph (5) and inserting the fol-
11 lowing:

12 “(5) LIMITATION ON FEDERAL SHARE.—The
13 Federal share payable for an activity described in
14 paragraph (1) shall be a percentage determined by
15 the State, but not to exceed 80 percent.”.

16 **SEC. 111. APPLICABILITY OF CERTAIN REQUIREMENTS TO**
17 **THIRD PARTY SELLERS.**

18 Section 133(d) of title 23, United States Code, is
19 amended by adding at the end the following:

20 “(5) APPLICABILITY OF CERTAIN REQUIRE-
21 MENTS TO THIRD PARTY SELLERS.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraphs (B) and (C), in the case of a
24 transportation enhancement activity funded
25 from the allocation required under paragraph

1 (2), if real property or an interest in real prop-
2 erty is to be acquired from a qualified organiza-
3 tion exclusively for conservation purposes (as
4 determined under section 170(h) of the Internal
5 Revenue Code of 1986), the organization shall
6 be considered to be the owner of the property
7 for the purpose of the Uniform Relocation As-
8 sistance and Real Property Acquisition Policies
9 Act of 1970 (42 U.S.C. 4601 et seq.).

10 “(B) FEDERAL APPROVAL PRIOR TO IN-
11 VOLVEMENT OF QUALIFIED ORGANIZATION.—If
12 Federal approval of the acquisition of the real
13 property or interest predates the involvement of
14 a qualified organization described in subpara-
15 graph (A) in the acquisition of the property, the
16 organization shall be considered to be an ac-
17 quiring agency or person as described in section
18 24.101(a)(2) of title 49, Code of Federal Regu-
19 lations, for the purpose of the Uniform Reloca-
20 tion Assistance and Real Property Acquisition
21 Policies Act of 1970 (42 U.S.C. 4601 et seq.).

22 “(C) ACQUISITIONS ON BEHALF OF RE-
23 CIPIENTS OF FEDERAL FUNDS.—If a qualified
24 organization described in subparagraph (A) has
25 contracted with a State highway administration

1 or other recipient of Federal funds to acquire
 2 the real property or interest on behalf of the re-
 3 cipient, the organization shall be considered to
 4 be an agent of the recipient for the purpose of
 5 the Uniform Relocation Assistance and Real
 6 Property Acquisition Policies Act of 1970 (42
 7 U.S.C. 4601 et seq.).”.

8 **SEC. 112. STREAMLINING FOR TRANSPORTATION EN-**
 9 **HANCEMENT PROJECTS.**

10 Section 133(e) of title 23, United States Code, is
 11 amended—

12 (1) in paragraph (3)—

13 (A) by striking “(3) PAYMENTS.—The”
 14 and inserting the following:

15 “(3) PAYMENTS.—

16 “(A) IN GENERAL.—Except as provided in
 17 subparagraph (B), the”; and

18 (B) by adding at the end the following:

19 “(B) ADVANCE PAYMENT OPTION FOR
 20 TRANSPORTATION ENHANCEMENT ACTIVI-
 21 TIES.—

22 “(i) IN GENERAL.—The Secretary
 23 may advance funds to the State for trans-
 24 portation enhancement activities funded
 25 from the allocation required by subsection

1 (d)(2) for a fiscal year if the Secretary cer-
2 tifies for the fiscal year that the State has
3 authorized and uses a process for the se-
4 lection of transportation enhancement
5 projects that involves representatives of af-
6 fected public entities, and private citizens,
7 with expertise related to transportation en-
8 hancement activities.

9 “(ii) LIMITATION ON AMOUNTS.—
10 Amounts advanced under this subpara-
11 graph shall be limited to such amounts as
12 are necessary to make prompt payments
13 for project costs.

14 “(iii) EFFECT ON OTHER REQUIRE-
15 MENTS.—This subparagraph shall not ex-
16 empt a State from other requirements of
17 this title relating to the surface transpor-
18 tation program.”; and

19 (2) by adding at the end the following:

20 “(5) TRANSPORTATION ENHANCEMENT ACTIVI-
21 TIES.—

22 “(A) CATEGORICAL EXCLUSIONS.—To the
23 extent appropriate, the Secretary shall develop
24 categorical exclusions from the requirement
25 that an environmental assessment or an envi-

1 ronmental impact statement under section 102
2 of the National Environmental Policy Act of
3 1969 (42 U.S.C. 4332) be prepared for trans-
4 portation enhancement activities funded from
5 the allocation required by subsection (d)(2).

6 “(B) NATIONWIDE PROGRAMMATIC AGREE-
7 MENT.—The Administrator of the Federal
8 Highway Administration, in consultation with
9 the National Conference of State Historic Pres-
10 ervation Officers and the Advisory Council on
11 Historic Preservation established under title II
12 of the National Historic Preservation Act (16
13 U.S.C. 470i et seq.), shall develop a nationwide
14 programmatic agreement governing the review
15 of transportation enhancement activities funded
16 from the allocation required by subsection
17 (d)(2), in accordance with—

18 “(i) section 106 of the National His-
19 toric Preservation Act (16 U.S.C. 470f);
20 and

21 “(ii) the regulations of the Advisory
22 Council on Historic Preservation.”.

1 **SEC. 113. NON-FEDERAL SHARE FOR CERTAIN TOLL**
2 **BRIDGE PROJECTS.**

3 Section 144(l) of title 23, United States Code, is
4 amended by adding at the end the following: “Any non-
5 Federal funds expended for the seismic retrofit of the
6 bridge may be credited toward the non-Federal share re-
7 quired as a condition of receipt of any Federal funds for
8 seismic retrofit of the bridge made available after the date
9 of the expenditure.”.

10 **SEC. 114. CONGESTION MITIGATION AND AIR QUALITY IM-**
11 **PROVEMENT PROGRAM.**

12 (a) AREAS ELIGIBLE FOR FUNDS.—

13 (1) IN GENERAL.—The first sentence of section
14 149(b) of title 23, United States Code, is amend-
15 ed—

16 (A) by inserting “for areas in the State
17 that were designated as nonattainment areas
18 under section 107(d) of the Clean Air Act (42
19 U.S.C. 7407(d))” after “may obligate funds”;
20 and

21 (B) in paragraph (1)(A)—

22 (i) by striking “contribute to the” and
23 inserting the following: “contribute to—
24 “(i) the”; and

25 (ii) by adding at the end the follow-
26 ing:

1 “(ii) the maintenance of a national ambi-
2 ent air quality standard in an area that was
3 designated as a nonattainment area but that
4 was later redesignated by the Administrator of
5 the Environmental Protection Agency as an at-
6 tainment area under section 107(d) of the
7 Clean Air Act (42 U.S.C. 7407(d)); or”.

8 (2) APPORTIONMENT.—Section 104(b)(2) of
9 title 23, United States Code, is amended—

10 (A) in the second sentence, by striking “is
11 a nonattainment area (as defined in the Clean
12 Air Act) for ozone” and inserting “was a non-
13 attainment area (as defined in section 171(2) of
14 the Clean Air Act (42 U.S.C. 7501(2))) for
15 ozone during any part of fiscal year 1994”; and

16 (B) in the third sentence—

17 (i) by striking “is also” and inserting
18 “was also”; and

19 (ii) by inserting “during any part of
20 fiscal year 1994” after “monoxide”.

21 (3) ORANGE STREET BRIDGE, MISSOULA, MON-
22 TANA.—Notwithstanding section 149 of title 23,
23 United States Code, or any other law, a project to
24 construct new capacity for the Orange Street Bridge
25 in Missoula, Montana, shall be eligible for funding

1 under the congestion mitigation and air quality im-
2 provement program established under the section.

3 (b) REMOVAL OF CERTAIN FUNDING LIMITA-
4 TIONS.—Section 149(b)(1)(A) of title 23, United States
5 Code, is amended by striking “(other than clauses (xii)
6 and (xvi) of such section), that the project or program”
7 and inserting “, that the publicly sponsored project or pro-
8 gram”.

9 (c) EFFECT OF LIMITATION ON APPORTIONMENT.—
10 Notwithstanding any other law, for each of fiscal years
11 1996 and 1997, any limitation under this section or an
12 amendment made by this section on an apportionment
13 otherwise authorized under section 1003(a)(4) of the
14 Intermodal Surface Transportation Efficiency Act of 1991
15 (Public Law 102–240; 105 Stat. 1919) shall not affect
16 any hold harmless apportionment adjustment under sec-
17 tion 1015(a) of the Act (Public Law 102–240; 105 Stat.
18 1943).

19 (d) TRAFFIC MONITORING, MANAGEMENT, AND CON-
20 TROL FACILITIES AND PROGRAMS.—The first sentence of
21 section 149(b) of title 23, United States Code, is amend-
22 ed—

23 (1) in paragraph (2), by striking “or” at the
24 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(4) to establish or operate a traffic monitor-
5 ing, management, and control facility or program if
6 the Secretary, after consultation with the Adminis-
7 trator of the Environmental Protection Agency, de-
8 termines that the facility or program is likely to con-
9 tribute to the attainment of a national ambient air
10 quality standard.”.

11 **SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED**

12 **LIMIT TO CERTAIN COMMERCIAL MOTOR VE-**
13 **HICLES.**

14 (a) IN GENERAL.—Section 154 of title 23, United
15 States Code, is amended—

16 (1) by striking the section heading and insert-
17 ing the following:

18 **“§ 154. National maximum speed limit for certain**
19 **commercial motor vehicles”;**

20 (2) in subsection (a)—

21 (A) by inserting “, with respect to motor
22 vehicles” before “(1)”; and

23 (B) in paragraph (4), by striking “motor
24 vehicles using it” and inserting “vehicles driven
25 or drawn by mechanical power manufactured

1 primarily for use on public highways (except
2 any vehicle operated exclusively on a rail or
3 rails) using it”;

4 (3) by striking subsection (b) and inserting the
5 following:

6 “(b) MOTOR VEHICLE.—In this section, the term
7 ‘motor vehicle’ has the meaning provided for ‘commercial
8 motor vehicle’ in section 31301(4) of title 49, United
9 States Code, except that the term does not include any
10 vehicle operated exclusively on a rail or rails.”;

11 (4) in the first sentence of subsection (e), by
12 striking “all vehicles” and inserting “all motor vehi-
13 cles”; and

14 (5) by redesignating subsection (i) as subsection
15 (f).

16 (b) CONFORMING AMENDMENTS.—

17 (1) The analysis for chapter 1 of title 23, Unit-
18 ed States Code, is amended by striking the item re-
19 lating to section 154 and inserting the following:

“154. National maximum speed limit for certain commercial motor vehicles.”.

20 (2) Section 153(i)(2) of title 23, United States
21 Code, is amended to read as follows:

22 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
23 cle’ means any vehicle driven or drawn by mechani-
24 cal power manufactured primarily for use on public

1 highways, except any vehicle operated exclusively on
2 a rail or rails.”.

3 (3) Section 157(d) of title 23, United States
4 Code, is amended by striking “154(f) or”.

5 (4) Section 410(i)(3) of title 23, United States
6 Code, is amended to read as follows:

7 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
8 cle’ means any vehicle driven or drawn by mechani-
9 cal power manufactured primarily for use on public
10 highways, except any vehicle operated exclusively on
11 a rail or rails.”.

12 **SEC. 116. FEDERAL SHARE FOR BICYCLE TRANSPORTATION**
13 **FACILITIES AND PEDESTRIAN WALKWAYS.**

14 Section 217(f) of title 23, United States Code, is
15 amended by striking “80 percent” and inserting “deter-
16 mined in accordance with section 120(b)”.

17 **SEC. 117. SUSPENSION OF MANAGEMENT SYSTEMS.**

18 Section 303 of title 23, United States Code, is
19 amended—

20 (1) by striking subsection (c) and inserting the
21 following:

22 “(c) STATE ELECTION.—A State may, at the option
23 of the State, elect, at any time, not to implement, in whole
24 or in part, 1 or more of the management systems required
25 under this section. The Secretary may not impose any

1 sanction on, or withhold any benefit from, a State on the
2 basis of such an election.”; and

3 (2) in subsection (f)—

4 (A) by striking “(f) ANNUAL REPORT.—
5 Not” and inserting the following:

6 “(f) REPORTS.—

7 “(1) ANNUAL REPORTS.—Not”; and

8 (B) by adding at the end the following:

9 “(2) REPORT ON IMPLEMENTATION.—Not later
10 than October 1, 1996, the Secretary, in consultation
11 with States, shall transmit to Congress a report on
12 the management systems required under this section
13 that makes recommendations as to whether, to what
14 extent, and how the management systems should be
15 implemented.”.

16 **SEC. 118. INTELLIGENT TRANSPORTATION SYSTEMS.**

17 (a) IMPROVED COLLABORATION IN INTELLIGENT
18 TRANSPORTATION SYSTEMS RESEARCH AND DEVELOP-
19 MENT.—Section 6054 of the Intermodal Surface Trans-
20 portation Efficiency Act of 1991 (Public Law 102-240;
21 23 U.S.C. 307 note) is amended by adding at the end the
22 following:

23 “(e) COLLABORATIVE RESEARCH AND DEVELOP-
24 MENT.—In carrying out this part, the Secretary may carry

1 out collaborative research and development in accordance
2 with section 307(a)(2) of title 23, United States Code.”.

3 (b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR IN-
4 TELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—

5 Section 6058 of the Intermodal Surface Transportation
6 Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C.
7 307 note) is amended by adding at the end the following:

8 “(f) OBLIGATION OF FUNDS.—

9 “(1) IN GENERAL.—Funds made available pur-
10 suant to subsections (a) and (b) after the date of en-
11 actment of this subsection, and other funds made
12 available after that date to carry out specific intel-
13 ligent transportation systems projects, shall be obli-
14 gated not later than the last day of the fiscal year
15 following the fiscal year with respect to which the
16 funds are made available.

17 “(2) REALLOCATION OF FUNDS.—If funds de-
18 scribed in paragraph (1) are not obligated by the
19 date described in the paragraph, the Secretary may
20 make the funds available to carry out any other ac-
21 tivity with respect to which funds may be made
22 available under subsection (a) or (b).”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) The table in section 1107(b) of the Inter-
25 modal Surface Transportation Efficiency Act of

1 1991 (Public Law 102–240; 105 Stat. 2048) is
2 amended—

3 (A) in item 10, by striking “(IVHS)” and
4 inserting “(ITS)”; and

5 (B) in item 29, by striking “intelligent/ve-
6 hicle highway systems” and inserting “intel-
7 ligent transportation systems”.

8 (2) Section 6009(a)(6) of the Intermodal Sur-
9 face Transportation Efficiency Act of 1991 (Public
10 Law 102–240; 105 Stat. 2176) is amended by strik-
11 ing “intelligent vehicle highway systems” and insert-
12 ing “intelligent transportation systems”.

13 (3) Part B of title VI of the Intermodal Surface
14 Transportation Efficiency Act of 1991 (Public Law
15 102–240; 23 U.S.C. 307 note) is amended—

16 (A) by striking the part heading and in-
17 serting the following:

18 **“PART B—INTELLIGENT TRANSPORTATION**

19 **SYSTEMS”;**

20 (B) in section 6051, by striking “Intel-
21 ligent Vehicle-Highway Systems” and inserting
22 “Intelligent Transportation Systems”;

23 (C) by striking “intelligent vehicle-highway
24 systems” each place it appears and inserting
25 “intelligent transportation systems”;

1 (D) in section 6054—

2 (i) in subsection (a)(2)(A), by striking
3 “intelligent vehicle-highway” and inserting
4 “intelligent transportation systems”; and

5 (ii) in the subsection heading of sub-
6 section (b), by striking “INTELLIGENT VE-
7 HICLE-HIGHWAY SYSTEMS” and inserting
8 “INTELLIGENT TRANSPORTATION SYS-
9 TEMS”;

10 (E) in the subsection heading of section
11 6056(a), by striking “IVHS” and inserting
12 “ITS”;

13 (F) in the subsection heading of each of
14 subsections (a) and (b) of section 6058, by
15 striking “IVHS” and inserting “ITS”; and

16 (G) in the paragraph heading of section
17 6059(1), by striking “IVHS” and inserting
18 “ITS”.

19 (4) Section 310(c)(3) of the Department of
20 Transportation and Related Agencies Appropriations
21 Act, 1995 (Public Law 103–331; 23 U.S.C. 104
22 note), is amended by striking “intelligent vehicle
23 highway systems” and inserting “intelligent trans-
24 portation systems”.

1 (5) Section 109(a) of the Hazardous Materials
2 Transportation Authorization Act of 1994 (Public
3 Law 103–311; 23 U.S.C. 307 note) is amended—

4 (A) by striking “Intelligent Vehicle-High-
5 way Systems” each place it appears and insert-
6 ing “Intelligent Transportation Systems”; and

7 (B) by striking “intelligent vehicle-highway
8 system” and inserting “intelligent transpor-
9 tation system”.

10 (6) Section 5316(d) of title 49, United States
11 Code, is amended—

12 (A) in the subsection heading, by striking
13 “INTELLIGENT VEHICLE-HIGHWAY” and insert-
14 ing “INTELLIGENT TRANSPORTATION”; and

15 (B) by striking “intelligent vehicle-high-
16 way” each place it appears and inserting “intel-
17 ligent transportation”.

18 **SEC. 119. DONATIONS OF FUNDS, MATERIALS, OR SERVICES**

19 **FOR FEDERALLY ASSISTED ACTIVITIES.**

20 Section 323 of title 23, United States Code, is
21 amended—

22 (1) by redesignating subsection (c) as sub-
23 section (d); and

24 (2) by inserting after subsection (b) the follow-
25 ing:

1 “(c) CREDIT FOR DONATIONS OF FUNDS, MATE-
2 RIALS, OR SERVICES.—Nothing in this title or any other
3 law shall prevent a person from offering to donate funds,
4 materials, or services in connection with an activity eligible
5 for Federal assistance under this title. In the case of such
6 an activity with respect to which the Federal Government
7 and the State share in paying the cost, any donated funds,
8 or the fair market value of any donated materials or serv-
9 ices, that are accepted and incorporated into the activity
10 by the State highway agency shall be credited against the
11 State share.”.

12 **SEC. 120. METRIC CONVERSION OF TRAFFIC CONTROL**
13 **SIGNS.**

14 (a) Notwithstanding section 3(2) of the Metric Con-
15 version Act of 1975 (15 U.S.C. 205b(2)) or any other law,
16 no State shall be required to—

17 (1) erect any highway sign that establishes any
18 speed limit, distance, or other measurement using
19 the metric system; or

20 (2) modify any highway sign that establishes
21 any speed limit, distance, or other measurement so
22 that the sign uses the metric system.

23 (b) Upon receipt of a written notification by a State,
24 referring to its right to provide notification under this sub-
25 section, the Secretary of Transportation shall waive, with

1 respect to such State, any requirement that such State
2 use or plan to use the metric system with respect to de-
3 signing, preparing plans, specifications and estimates, ad-
4 vertising, or taking any other action with respect to Fed-
5 eral-aid highway projects or activities utilizing funds au-
6 thorized pursuant to title 23, United States Code. Such
7 waiver shall remain effective for the State until the State
8 notifies the Secretary to the contrary: *Provided*, That a
9 waiver granted by the Secretary will be in effect until Sep-
10 tember 30, 2000.

11 **SEC. 121. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.**

12 Section 1105(c) of the Intermodal Surface Transpor-
13 tation Efficiency Act of 1991 (Pub. L. 102-240; 105 Stat.
14 2032) is amended—

15 (1) by striking paragraph (5) and inserting the
16 following:

17 “(5)(A) I-73/74 North-South Corridor from
18 Charleston, South Carolina, through Winston-Salem,
19 North Carolina, to Portsmouth, Ohio, to Cincinnati,
20 Ohio, to termini at Detroit, Michigan and Sault Ste.
21 Marie, Michigan.

22 “(B)(i) In the Commonwealth of Virginia, the
23 Corridor shall generally follow—

1 “(I) United States Route 220 from the
2 Virginia-North Carolina border to I-581 south
3 of Roanoke;

4 “(II) I-581 to I-81 in the vicinity of Roa-
5 noke;

6 “(III) I-81 to the proposed highway to
7 demonstrate intelligent transportation systems
8 authorized by item 29 of the table in section
9 1107(b) in the vicinity of Christiansburg to
10 United States Route 460 in the vicinity of
11 Blacksburg; and

12 “(IV) United States Route 460 to the
13 West Virginia State line.

14 “(ii) In the States of West Virginia, Kentucky,
15 and Ohio, the Corridor shall generally follow—

16 “(I) United States Route 460 from the
17 West Virginia State line to United States Route
18 52 at Bluefield, West Virginia; and

19 “(II) United States Route 52 to United
20 States Route 23 at Portsmouth, Ohio.

21 “(iii) In the States of North Carolina and
22 South Carolina, the Corridor shall generally follow—

23 “(I) in the case of I-73—

1 “(aa) United States Route 220 from
2 the Virginia State line to State Route 68
3 in the vicinity of Greensboro;

4 “(bb) State Route 68 to I-40;

5 “(cc) I-40 to United States Route
6 220 in Greensboro;

7 “(dd) United States Route 220 to
8 United States Route 1 near Rockingham;

9 “(ee) United States Route 1 to the
10 South Carolina State line; and

11 “(ff) South Carolina State line to
12 Charleston, South Carolina; and

13 “(II) in the case of I-74—

14 “(aa) I-77 from Bluefield, West Vir-
15 ginia, to the junction of I-77 and the
16 United States Route 52 connector in Surry
17 County, North Carolina;

18 “(bb) the I-77/United States Route
19 52 connector to United States Route 52
20 south of Mount Airy, North Carolina;

21 “(cc) United States Route 52 to Unit-
22 ed States Route 311 in Winston-Salem,
23 North Carolina;

1 “(dd) United States Route 311 to
2 United States Route 220 in the vicinity of
3 Randleman, North Carolina.

4 “(ee) United States Route 220 to
5 United States Route 74 near Rockingham;

6 “(ff) United States Route 74 to Unit-
7 ed States Route 76 near Whiteville;

8 “(gg) United States Route 74/76 to
9 the South Carolina State line in Brunswick
10 County; and

11 “(hh) South Carolina State line to
12 Charleston, South Carolina.

13 “(iv) Each route segment referred to in clause
14 (i), (ii), or (iii) that is not a part of the Interstate
15 System shall be designated as a route included in
16 the Interstate System, at such time as the Secretary
17 determines that the route segment—

18 “(I) meets Interstate System design stand-
19 ards approved by the Secretary under section
20 109(b) of title 23, United States Code; and

21 “(II) meets the criteria for designation
22 pursuant to section 139 of title 23, United
23 States Code, except that the determination shall
24 be made without regard to whether the route

1 segment is a logical addition or connection to
2 the Interstate System.”;

3 (2) in paragraph (18)—

4 (A) by striking “and”; and

5 (B) by inserting before the period at the
6 end the following: “, and to the Lower Rio
7 Grande Valley at the border between the United
8 States and Mexico”; and

9 (3) by adding at the end the following:

10 “(22) The Alameda Transportation Corridor
11 along Alameda Street from the entrance to the ports
12 of Los Angeles and Long Beach to Interstate 10,
13 Los Angeles, California.

14 “(23) The Interstate Route 35 Corridor from
15 Laredo, Texas, through Oklahoma City, Oklahoma,
16 to Wichita, Kansas, to Kansas City, Kansas/Mis-
17 souri, to Des Moines, Iowa, to Minneapolis, Min-
18 nesota, to Duluth, Minnesota.

19 “(24) The Dalton Highway from Deadhorse,
20 Alaska to Fairbanks, Alaska.

21 “(25) State Route 168 (South Battlefield Bou-
22 levard), Virginia, from the Great Bridge Bypass to
23 the North Carolina State line.”.

1 **SEC. 122. REVISION OF AUTHORITY FOR INNOVATIVE**
2 **PROJECT IN FLORIDA.**

3 Item 196 of the table in section 1107(b) of the Inter-
4 modal Surface Transportation Efficiency Act of 1991
5 (Public Law 102-240; 105 Stat. 2058) is amended—

6 (1) by striking “Orlando,”; and

7 (2) by striking “Land & right-of-way acquisi-
8 tion & guideway construction for magnetic limitation
9 project” and inserting “1 or more regionally signifi-
10 cant, intercity ground transportation projects”.

11 **SEC. 123. REVISION OF AUTHORITY FOR PRIORITY INTER-**
12 **MODAL PROJECT IN CALIFORNIA.**

13 Item 31 of the table in section 1108(b) of the Inter-
14 modal Surface Transportation Efficiency Act of 1991
15 (Public Law 102-240; 105 Stat. 2062) is amended by
16 striking “To improve ground access from Sepulveda Blvd.
17 to Los Angeles, California” and inserting the following:
18 “For the Los Angeles International Airport central termi-
19 nal ramp access project, \$3,500,000; for the widening of
20 Aviation Boulevard south of Imperial Highway,
21 \$3,500,000; for the widening of Aviation Boulevard north
22 of Imperial Highway, \$1,000,000; and for transportation
23 systems management improvements in the vicinity of the
24 Sepulveda Boulevard/Los Angeles International Airport
25 tunnel, \$950,000”.

1 **SEC. 124. NATIONAL RECREATIONAL TRAILS FUNDING PRO-**
2 **GRAM.**

3 (a) CONTRACT AUTHORITY.—Section 1302 of the
4 Intermodal Surface Transportation Efficiency Act of 1991
5 (16 U.S.C. 1261) is amended—

6 (1) by redesignating subsection (g) as sub-
7 section (i); and

8 (2) by inserting after subsection (f) the follow-
9 ing:

10 “(g) CONTRACT AUTHORITY.—Funds authorized to
11 be appropriated under this section shall be available for
12 obligation in the manner as if the funds were apportioned
13 under title 23, United States Code, except that the Fed-
14 eral share of any project under this section shall be deter-
15 mined in accordance with this section.

16 “(h) FEDERAL SHARE.—The Federal share of the
17 cost of a project under this section shall be 50 percent.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) IN GENERAL.—Section 1302 of the Inter-
20 modal Surface Transportation Efficiency Act of
21 1991 (16 U.S.C. 1261) is amended—

22 (A) by striking subsection (c) and inserting
23 the following:

24 “(c) STATE ELIGIBILITY.—A State shall be eligible
25 to receive moneys under this part if—

1 “(1) the Governor of the State has designated
2 the State agency responsible for administering allo-
3 cations under this section;

4 “(2) the State proposes to obligate and ulti-
5 mately obligates any allocations received in accord-
6 ance with subsection (e); and

7 “(3) a recreational trail advisory board on
8 which both motorized and nonmotorized recreational
9 trail users are represented exists in the State.”;

10 (B) in subsection (d), by striking para-
11 graph (3);

12 (C) in subsection (e)—

13 (i) in paragraphs (3)(A), (5)(B), and
14 (8)(B), by striking “(c)(2)(A) of this sec-
15 tion” and inserting “(c)(3)”; and

16 (ii) in paragraph (5)(A)(i), by striking
17 “(g)(5)” and inserting “(i)(5)”; and

18 (D) in subsection (i) (as redesignated by
19 subsection (a)(1)), by striking paragraph (1)
20 and inserting the following:

21 “(1) ELIGIBLE STATE.—The term ‘eligible
22 State’ means a State (as defined in section 101 of
23 title 23, United States Code) that meets the require-
24 ments of subsection (c).”.

1 (2) Section 104 of title 23, United States Code,
2 is amended—

3 (A) by redesignating subsection (h) as sub-
4 section (i); and

5 (B) by inserting after subsection (g) the
6 following:

7 “(h) NATIONAL RECREATIONAL TRAILS FUNDING.—
8 The Secretary shall expend, from administrative funds de-
9 ducted under subsection (a), to carry out section 1302 of
10 the Intermodal Surface Transportation Efficiency Act of
11 1991 (16 U.S.C. 1261) \$15,000,000 for each of fiscal
12 years 1996 and 1997.”.

13 **SEC. 125. INTERMODAL FACILITY IN NEW YORK.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall make grants to the National Railroad Passenger Cor-
16 poration for—

17 (1) engineering, design, and construction activi-
18 ties to permit the James A. Farley Post Office in
19 New York, New York, to be used as an intermodal
20 transportation facility and commercial center; and

21 (2) necessary improvements to and redevelop-
22 ment of Pennsylvania Station and associated service
23 buildings in New York, New York.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

1 a total of \$69,500,000 for fiscal years following fiscal year
2 1995, to remain available until expended.

3 **SEC. 126. CLARIFICATION OF ELIGIBILITY.**

4 The improvements to, or adjacent to, the main line
5 of the National Railroad Passenger Corporation between
6 milepost 190.23 at Central Falls, Rhode Island, and mile-
7 post 168.53 at Davisville, Rhode Island, that are nec-
8 essary to support the rail movement of freight shall be
9 eligible for funding under sections 103(e)(4), 104(b), and
10 144 of title 23, United States Code.

11 **SEC. 127. BRISTOL, RHODE ISLAND, STREET MARKING.**

12 Notwithstanding any other law, a red, white, and blue
13 center line in the Main Street of Bristol, Rhode Island,
14 shall be deemed to comply with the requirements of section
15 3B-1 of the Manual on Uniform Traffic Control Devices
16 of the Department of Transportation.

17 **SEC. 128. PUBLIC USE OF REST AREAS.**

18 Notwithstanding section 111 of title 23, United
19 States Code, or any project agreement under the section,
20 the Secretary of Transportation shall permit the conver-
21 sion of any safety rest area adjacent to Interstate Route
22 95 within the State of Rhode Island that was closed as
23 of May 1, 1995, to use as a motor vehicle emissions testing
24 facility. At the option of the State, vehicles shall be per-

mitted to gain access to and from any such testing facility directly from Interstate Route 95.

SEC. 129. COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.

Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary of Transportation shall modify the agreement entered into with the transportation department of the State and described in section 129(a)(3) of the title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 130. HOURS OF SERVICE OF DRIVERS OF GROUND WATER WELL DRILLING RIGS.

(a) DEFINITIONS.—In this section:

(1) 8 CONSECUTIVE DAYS.—The term “8 consecutive days” means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term “24-hour period” means any 24-consecutive-hour period beginning at the time designated by the motor carrier for

1 the terminal from which the driver is normally dis-
2 patched.

3 (3) GROUND WATER WELL DRILLING RIG.—The
4 term “ground water well drilling rig” means any ve-
5 hicle, machine, tractor, trailer, semi-trailer, or spe-
6 cialized mobile equipment propelled or drawn by me-
7 chanical power and used on highways to transport
8 water well field operating equipment, including
9 water well drilling and pump service rigs equipped to
10 access ground water.

11 (b) GENERAL RULE.—In the case of a driver of a
12 commercial motor vehicle subject to regulations prescribed
13 by the Secretary of Transportation under sections 31136
14 and 31502 of title 49, United States Code, who is used
15 primarily in the transportation and operation of a ground
16 water well drilling rig, for the purpose of the regulations,
17 any period of 8 consecutive days may end with the begin-
18 ning of an off-duty period of 24 or more consecutive hours.

19 (c) REPORT.—The Secretary of Transportation shall
20 monitor the commercial motor vehicle safety performance
21 of drivers of ground water well drilling rigs. If the Sec-
22 retary determines that public safety has been adversely af-
23 fected by the general rule established by subsection (b),
24 the Secretary shall report to Congress on the determina-
25 tion.

1 **SEC. 131. RURAL ACCESS PROJECTS.**

2 Item 111 of the table in section 1106(a)(2) of the
3 Intermodal Surface Transportation Efficiency Act of 1991
4 (Public Law 102–240; 105 Stat. 2042) is amended—

5 (1) by striking “Parker County” and inserting
6 “Parker and Tarrant Counties”; and

7 (2) by striking “to four-lane” and inserting “in
8 Tarrant County to freeway standards and in Parker
9 County to a 4-lane”.

10 **SEC. 132. INCLUSION OF HIGH PRIORITY CORRIDORS.**

11 Section 1105(d) of the Intermodal Surface Transpor-
12 tation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat.
13 2033) is amended by adding at the end the following:
14 “The Secretary of Transportation shall include High Pri-
15 ority Corridor 18 as identified in section 1105(c) of this
16 Act, as amended, on the approved National Highway Sys-
17 tem after completion of the feasibility study by the States
18 as provided by such Act.”.

19 **SEC. 133. SENSE OF THE SENATE REGARDING THE FED-**
20 **ERAL-STATE FUNDING RELATIONSHIP FOR**
21 **TRANSPORTATION.**

22 (a) FINDINGS.—

23 (1) The designation of high priority roads
24 through the National Highway System is required by
25 the Intermodal Surface Transportation Efficiency
26 Act (ISTEA) and will ensure the continuation of

1 funding which would otherwise be withheld from the
2 States.

3 (2) The Budget Resolution supported the re-
4 evaluation of all Federal programs to determine
5 which programs are more appropriately a respon-
6 sibility of the States.

7 (3) Debate on the appropriate role of the Fed-
8 eral Government in transportation will occur in the
9 re-authorization of ISTEA.

10 (b) SENSE OF SENATE.—Therefore, it is the sense
11 of the Senate that the designation of the NHS does not
12 assume the continuation or the elimination of the current
13 Federal-State relationship nor preclude a re-evaluation of
14 the Federal-State relationship in transportation.

15 **SEC. 134. QUALITY THROUGH COMPETITION.**

16 (a) CONTRACTING FOR ENGINEERING AND DESIGN
17 SERVICES.—Section 112(b)(2) of title 23, United States
18 Code, is amended by adding at the end the following new
19 subparagraphs:

20 “(C) PERFORMANCE AND AUDITS.—Any
21 contract or subcontract awarded in accordance
22 with subparagraph (A), whether funded in
23 whole or in part with Federal-aid highway
24 funds, shall be performed and audited in com-
25 pliance with cost principles contained in the

1 Federal acquisition regulations of part 31 of
2 title 48 of the Code of Federal Regulations.

3 “(D) INDIRECT COST RATES.—In lieu of
4 performing its own audits, a recipient of funds
5 under a contract or subcontract awarded in ac-
6 cordance with subparagraph (A) shall accept in-
7 direct cost rates established in accordance with
8 the Federal acquisition regulations for 1-year
9 applicable accounting periods by a cognizant
10 Federal or State government agency, if such
11 rates are not currently under dispute. Once a
12 firm’s indirect cost rates are accepted, the re-
13 cipient of such funds shall apply such rates for
14 the purposes of contract estimation, negotia-
15 tion, administration, reporting, and contract
16 payment and shall not be limited by administra-
17 tive or de facto ceilings of any kind. A recipient
18 of such funds requesting or using the cost and
19 rate data described in this subparagraph shall
20 notify any affected firm before such request or
21 use. Such data shall be confidential and shall
22 not be accessible or provided, in whole or in
23 part, to another firm or to any government
24 agency which is not part of the group of agen-
25 cies sharing cost data under this subparagraph,

1 except by written permission of the audited
2 firm. If prohibited by law, such cost and rate
3 data shall not be disclosed under any cir-
4 cumstances.

5 “(E) EFFECTIVE DATE/STATE OPTION.—
6 Subparagraphs (C) and (D) shall take effect
7 upon the date of enactment of this Act: *Pro-*
8 *vided however,* That if a State, during the first
9 regular session of the State legislature conven-
10 ing after the date of enactment of this Act,
11 adopts by statute an alternative process in-
12 tended to promote engineering and design qual-
13 ity, reduce life-cycle costs, and ensure maximum
14 competition by professional companies of all
15 sizes providing engineering and design services.
16 Such subparagraphs shall not apply in that
17 State.”.

18 **SEC. 135. FEDERAL SHARE FOR ECONOMIC GROWTH CEN-**
19 **TER DEVELOPMENT HIGHWAYS.**

20 Section 1021(c) of the Intermodal Surface Transpor-
21 tation Efficiency Act of 1991 (Public Law 102–240) (as
22 amended by section 417 of the Department of Transpor-
23 tation and Related Agencies Appropriations Act, 1993
24 (Public Law 102–388; 106 Stat. 1565)) is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end and inserting “or”; and

3 (2) in paragraph (3), by striking “section 143
4 of title 23” and inserting “a project for the con-
5 struction, reconstruction, or improvement of a devel-
6 opment highway on a Federal-aid system, as de-
7 scribed in section 103 of such title (as in effect on
8 the day before the date of enactment of this Act)
9 (other than the Interstate System), under section
10 143 of such title”.

11 **SEC. 136. VEHICLE WEIGHT AND LONGER COMBINATION**
12 **VEHICLES EXEMPTION FOR SIOUX CITY,**
13 **IOWA.**

14 (a) **VEHICLE WEIGHT LIMITATIONS.**—The proviso in
15 the second sentence of section 127(a) of title 23, United
16 States Code, is amended by striking “except for those”
17 and inserting the following: “except for vehicles using
18 Interstate 29 between Sioux City, Iowa, and the border
19 between Iowa and South Dakota and vehicles using Inter-
20 state Route 129 between Sioux City, Iowa, and the border
21 between Iowa and Nebraska, and except for”.

22 (b) **LONGER COMBINATION VEHICLES.**—Section
23 127(d)(1) of title 23, United States Code, is amended by
24 adding at the end the following:

1 “(F) IOWA.—In addition to vehicles that
2 the State of Iowa may continue to allow to be
3 operated under subparagraph (A), the State of
4 Iowa may allow longer combination vehicles
5 that were not in actual operation on June 1,
6 1991, to be operated on Interstate Route 29 be-
7 tween Sioux City, Iowa, and the border between
8 Iowa and South Dakota and Interstate 129 be-
9 tween Sioux City, Iowa, and the border between
10 Iowa and Nebraska.”.

11 **SEC. 137. REVISION OF AUTHORITY FOR CONGESTION RE-**
12 **LIEF PROJECT IN CALIFORNIA.**

13 Item 1 of the table in section 1104(b) of the Inter-
14 modal Surface Transportation Efficiency Act of 1991
15 (Public Law 102–240; 105 Stat. 2029) is amended by
16 striking “Construction of HOV Lanes on I–710” and in-
17 serting “Construction of automobile and truck separation
18 lanes at the southern terminus of I–710”.

19 **SEC. 138. APPLICABILITY OF CERTAIN VEHICLE WEIGHT**
20 **LIMITATIONS IN WISCONSIN.**

21 Section 127 of title 23, United States Code, is
22 amended by adding at the end the following:

23 “(f) OPERATION OF CERTAIN SPECIALIZED HAULING
24 VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the
25 104-mile portion of Wisconsin State Route 78 and United

1 States Route 51 between Interstate Route 94 near Por-
2 tage, Wisconsin, and Wisconsin State Route 29 south of
3 Wausau, Wisconsin, is designated as part of the Interstate
4 System under section 139(a), the single axle weight, tan-
5 dem axle weight, gross vehicle weight, and bridge formula
6 limits set forth in subsection (a) shall not apply to the
7 104-mile portion with respect to the operation of any vehi-
8 cle that could legally operate on the 104-mile portion be-
9 fore the date of enactment of this subsection.”.

10 **SEC. 139. PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.**
11

12 (a) IN GENERAL.—Notwithstanding any other law,
13 neither the Secretary of Transportation nor any other offi-
14 cer or employee of the United States may make funds
15 available for obligation to carry out any demonstration
16 project described in subsection (b) that has not been au-
17 thorized, or for which no funds have been made available,
18 as of the date of enactment of this Act.

19 (b) PROJECTS.—Subsection (a) applies to a dem-
20 onstration project or program that the Secretary of Trans-
21 portation determines—

22 (1)(A) concerns a State-specific highway project
23 or research or development in a specific State; or

24 (B) is otherwise comparable to a demonstration
25 project or project of national significance authorized

1 under any of sections 1103 through 1108 of the
2 Intermodal Surface Transportation Efficiency Act of
3 1991 (Public Law 102–240; 105 Stat. 2027); and

4 (2) does not concern a federally owned highway.

5 **SEC. 140. TREATMENT OF CENTENNIAL BRIDGE, ROCK IS-**
6 **LAND, ILLINOIS, AGREEMENT.**

7 For purposes of section 129(a)(6) of title 23, United
8 States Code, the agreement concerning the Centennial
9 Bridge, Rock Island, Illinois, entered into under the Act
10 entitled “An Act authorizing the city of Rock Island, Illi-
11 nois, or its assigns, to construct, maintain, and operate
12 a toll bridge across the Mississippi River at or near Rock
13 Island, Illinois, and to a place at or near the city of Dav-
14 enport, Iowa”, approved March 18, 1938 (52 Stat. 110,
15 chapter 48), shall be treated as if the agreement had been
16 entered into under section 129 of title 23, United States
17 Code, as in effect on December 17, 1991, and may be
18 modified in accordance with section 129(a)(6) of the title.

19 **SEC. 141. MORATORIUM ON CERTAIN EMISSIONS TESTING**
20 **REQUIREMENTS.**

21 (a) MORATORIUM.—

22 (1) IN GENERAL.—The Administrator of the
23 Environmental Protection Agency (referred to in
24 this subsection as the “Administrator”) shall not re-
25 quire adoption or implementation by a State of a

1 test-only or I/M240 enhanced vehicle inspection and
2 maintenance program as a means of compliance with
3 section 182 of the Clean Air Act (42 U.S.C. 7511a),
4 but the Administrator may approve such a program
5 if a State chooses to adopt the program as a means
6 of compliance.

7 (2) REPEAL.—Paragraph (1) is repealed effec-
8 tive as of the date that is 1 year after the date of
9 enactment of this Act.

10 (b) PLAN APPROVAL.—

11 (1) IN GENERAL.—The Administrator of the
12 Environmental Protection Agency (referred to in
13 this subsection as the “Administrator”) shall not
14 disapprove a State implementation plan revision
15 under section 182 of the Clean Air Act (42 U.S.C.
16 7511a) on the basis of a regulation providing for a
17 50-percent discount for alternative test-and-repair
18 inspection and maintenance programs.

19 (2) CREDIT.—If a State provides data for a
20 proposed inspection and maintenance system for
21 which credits are appropriate under section 182 of
22 the Clean Air Act (42 U.S.C. 7511a), the Adminis-
23 trator shall allow the full amount of credit for the
24 system that is appropriate without regard to any

1 regulation that implements that section by requiring
2 centralized emissions testing.

3 (3) DEADLINE.—The Administrator shall com-
4 plete and present a technical assessment of data for
5 a proposed inspection and maintenance system sub-
6 mitted by a State not later than 45 days after the
7 date of submission.

8 **SEC. 142. ELIMINATION OF PENALTIES FOR NONCOMPLI-**
9 **ANCE WITH MOTORCYCLE HELMET USE RE-**
10 **QUIREMENT.**

11 Section 153(h) of title 23, United States Code, is
12 amended by striking “a law described in subsection (a)(1)
13 and” each place it appears.

14 **SEC. 143. CLARIFICATION OF ELIGIBILITY.**

15 The improvements to the former Pocono Northeast
16 Railway Company freight rail line by the Luzerne County
17 Redevelopment Authority that are necessary to support
18 the rail movement of freight, shall be eligible for funding
19 under sections 130, 144, and 149 of title 23, United
20 States Code.

21 **SEC. 144. TOLL ROADS, BRIDGES, TUNNELS, NON-TOLL**
22 **ROADS THAT HAVE A DEDICATED REVENUE**
23 **SOURCE, AND FERRIES.**

24 Section 129 of title 23, United States Code, is
25 amended—

1 (1) by revising the title to read as follows:

2 **“§ 129. Toll roads, bridges, tunnels, non-toll roads**
3 **that have a dedicated revenue source,**
4 **and ferries”;** and

5 (2) by revising paragraph 129(a)(7) to read as
6 follows:

7 “(7) LOANS.—

8 “(A) IN GENERAL.—A State may loan an
9 amount equal to all or part of the Federal share
10 of a toll project or a non-toll project that has
11 a dedicated revenue source, specifically dedi-
12 cated to such project or projects under this sec-
13 tion, to a public entity constructing or propos-
14 ing to construct a toll facility or non-toll facility
15 with a dedicated revenue source. Dedicated rev-
16 enue sources for non-toll facilities include: ex-
17 cise taxes, sales taxes, motor vehicle use fees,
18 tax on real property, tax increment financing,
19 or such other dedicated revenue source as the
20 Secretary deems appropriate.”.

21 **SEC. 145. TRANSFER OF FUNDS BETWEEN CERTAIN DEM-**
22 **ONSTRATION PROJECTS IN LOUISIANA.**

23 Notwithstanding any other law, the funds available
24 for obligation to carry out the project in West Calcasieu
25 Parish, Louisiana, authorized by section 149(a)(87) of the

1 Surface Transportation and Uniform Relocation Assist-
2 ance Act of 1987 (Public Law 100–17; 101 Stat. 194)
3 shall be made available for obligation to carry out the
4 project for Lake Charles, Louisiana, authorized by item
5 17 of the table in section 1106(a)(2) of the Intermodal
6 Surface Transportation Efficiency Act of 1991 (Public
7 Law 102–240; 105 Stat. 2038).

8 **SEC. 146. NORTHWEST ARKANSAS REGIONAL AIRPORT**
9 **CONNECTOR.**

10 Notwithstanding any other provision of law, the Fed-
11 eral share for the intermodal connector to the Northwest
12 Arkansas Regional Airport from U.S. Highway 71 in Ar-
13 kansas shall be 95 percent.

14 **SEC. 147. INTERCITY RAIL INFRASTRUCTURE INVESTMENT.**

15 (a) INTERSTATE RAIL COMPACTS.—

16 (1) CONSENT TO COMPACTS.—Congress grants
17 consent to States with an interest in a specific form,
18 route, or corridor of intercity passenger rail service
19 (including high speed rail service) to enter into
20 interstate compacts to promote the provision of the
21 service, including—

22 (A) retaining an existing service or com-
23 mencing a new service;

24 (B) assembling rights-of-way; and

1 (C) performing capital improvements, in-
2 cluding—

3 (i) the construction and rehabilitation
4 of maintenance facilities;

5 (ii) the purchase of locomotives; and

6 (iii) operational improvements, includ-
7 ing communications, signals, and other
8 systems.

9 (2) FINANCING.—An interstate compact estab-
10 lished by States under paragraph (1) may provide
11 that, in order to carry out the compact, the States
12 may—

13 (A) accept contributions from a unit of
14 State or local government or a person;

15 (B) use any Federal or State funds made
16 available for intercity passenger rail service (ex-
17 cept funds made available for the National Rail-
18 road Passenger Corporation);

19 (C) on such terms and conditions as the
20 States consider advisable—

21 (i) borrow money on a short-term
22 basis and issue notes for the borrowing;
23 and

24 (ii) issue bonds; and

1 (D) obtain financing by other means per-
2 mitted under Federal or State law.

3 (b) ELIGIBILITY OF PASSENGER RAIL AS SURFACE
4 TRANSPORTATION PROGRAM PROJECT.—Section 133(b)
5 of title 23, United States Code, is amended—

6 (1) in paragraph (1), by inserting “, railroads,”
7 after “highways)”;

8 (2) in paragraph (2)—

9 (A) by inserting “, all eligible activities
10 under section 5311 of title 49, United States
11 Code,” before “and publicly owned”;

12 (B) by inserting “or rail passenger” after
13 “intercity bus”; and

14 (C) by inserting before the period at the
15 end the following: “, including terminals and fa-
16 cilities owned by the National Railroad Pas-
17 senger Corporation”; and

18 (3) in paragraph (6), by inserting “, and for
19 passenger rail services,” after “programs”.

20 (c) ELIGIBILITY OF PASSENGER RAIL UNDER CON-
21 GESTION MITIGATION AND AIR QUALITY IMPROVEMENT
22 PROGRAM.—The first sentence of section 149(b) of title
23 23, United States Code, is amended—

24 (1) in paragraph (2), by striking “or” at the
25 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(4) if the project or program will have air
5 quality benefits through construction of and oper-
6 ational improvements for intercity passenger rail fa-
7 cilities, operation of intercity passenger rail trains,
8 and acquisition of rolling stock for intercity pas-
9 senger rail service, except that not more than 50
10 percent of the amount received by a State for a fis-
11 cal year under this paragraph may be obligated for
12 operating support.”.

13 **SEC. 148. OPERATION OF MOTOR VEHICLES BY INTOXI-**
14 **CATED MINORS.**

15 Section 158(a) of title 23, United States Code, is
16 amended—

17 (1) by striking paragraph (1) and inserting the
18 following:

19 “(1) OPERATION OF MOTOR VEHICLES BY IN-
20 TOXICATED MINORS.—

21 “(A) FISCAL YEAR 1998.—If the condition
22 described in subparagraph (C) exists in a State
23 as of October 1, 1998, the Secretary shall with-
24 hold, on October 1, 1998, 5 percent of the
25 amount required to be apportioned to the State

1 under each of paragraphs (1), (2), (5), and (6)
2 of section 104(b) for fiscal year 1998.

3 “(B) FISCAL YEARS THEREAFTER.—If the
4 condition described in subparagraph (C) exists
5 in a State as of October 1, 1999, or any Octo-
6 ber 1 thereafter, the Secretary shall withhold,
7 on that October 1, 10 percent of the amount re-
8 quired to be apportioned to the State under
9 each of paragraphs (1), (2), (5), and (6) of sec-
10 tion 104(b) for the fiscal year beginning on that
11 October 1.

12 “(C) CONDITION.—The condition referred
13 to in subparagraphs (A) and (B) is that an in-
14 dividual under the age of 21 who has a blood
15 alcohol concentration of 0.02 percent or greater
16 when operating a motor vehicle in the State is
17 not considered to be driving while intoxicated or
18 driving under the influence of alcohol.”; and

19 (2) in paragraph (2), by striking “AFTER THE
20 FIRST YEAR” and inserting “PURCHASE AND POS-
21 SESSION OF ALCOHOLIC BEVERAGES BY MINORS”.

22 **SEC. 149. CONTINGENT COMMITMENTS.**

23 At the end of section 5309(g)(4) of title 49, United
24 States Code, add the following new sentence: “The Sec-
25 retary may enter future obligations in excess of 50 percent

1 of said uncommitted cash balance for the purpose of con-
2 tingent commitments for projects authorized under section
3 3032 of Public Law 102–240.”.

4 **SEC. 150. AVAILABILITY OF CERTAIN FUNDS FOR BOSTON-**
5 **TO-PORTLAND RAIL CORRIDOR.**

6 Section 5309 of title 49, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(p) BOSTON-TO-PORTLAND RAIL CORRIDOR.—Not-
10 withstanding any other provision of law, up to \$3,600,000
11 of the funds made available under this section for the rail
12 corridor between Boston, Massachusetts and Portland,
13 Maine may be used to pay for operating costs arising in
14 connection with such rail corridor under section
15 5333(b).”.

16 **SEC. 151. REVISION OF AUTHORITY OF MULTIYEAR CON-**
17 **TRACTS.**

18 Section 3035(w) of the Intermodal Surface Trans-
19 portation Efficiency Act of 1991 (Public Law 102–240;
20 105 Stat. 2136) is amended by adding at the end the fol-
21 lowing: “Of the funds provided by this subsection,
22 \$100,000,000 is authorized to be appropriated for region-
23 ally significant ground transportation projects in the State
24 of Hawaii.”.

1 **SEC. 152. FEASIBILITY STUDY OF EVACUATION ROUTES**
2 **FOR LOUISIANA COASTAL AREAS.**

3 Notwithstanding any other provisions of law, section
4 1105(e)(2) of Public Law 102–240 is amended by adding
5 at the end the following new sentence: “A feasibility study
6 may be conducted under this subsection to identify routes
7 that will expedite future emergency evacuations of coastal
8 areas of Louisiana.”.

9 **SEC. 153. 34TH STREET CORRIDOR PROJECT IN MOOR-**
10 **HEAD, MINNESOTA.**

11 Section 149(a)(5)(A) of the Surface Transportation
12 and Uniform Relocation Assistance Act of 1987 (Public
13 Law 100–17; 101 Stat. 181) is amended—

14 (1) in clause (i), by striking “and” at the end;
15 and

16 (2) by inserting “and (iii) a safety overpass,”
17 after “interchange,”.

18 **SEC. 154. SAFETY BELT USE LAW REQUIREMENTS FOR NEW**
19 **HAMPSHIRE AND MAINE.**

20 The State of New Hampshire and the State of Maine
21 shall be deemed as having met the safety belt use law re-
22 quirements of section 153 of title 23, United States Code,
23 upon certification by the Secretary of Transportation that
24 the State has achieved—

1 (1) a safety belt use rate in each of fiscal years
2 ending September 30, 1995 and September 30,
3 1996, of not less than 50 percent; and

4 (2) a safety belt use rate in each succeeding fis-
5 cal year thereafter of not less than the national aver-
6 age safety belt use rate, as determined by the Sec-
7 retary of Transportation.

8 **SEC. 155. REPORT ON ACCELERATED VEHICLE RETIRE-**
9 **MENT PROGRAMS.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Administrator of the Environmental Pro-
12 tection Agency shall transmit to Congress a report evalu-
13 ating the effectiveness of all accelerated vehicle retirement
14 programs described in section 108(f)(1)(A)(xvi) of the
15 Clean Air Act (42 U.S.C. 7408(f)(1)(A)(xvi)) in existence
16 on the date of enactment of this Act. The report shall
17 evaluate—

18 (1) the certainties of emissions reductions
19 gained from each program;

20 (2) the variability of emissions of retired vehi-
21 cles;

22 (3) the reduction in the number of vehicle miles
23 traveled by the vehicles retired as a result of each
24 program;

1 (4) the subsequent actions of vehicle owners
2 participating in each program concerning the pur-
3 chase of a new or used vehicle or the use of such
4 a vehicle;

5 (5) the length of the credit given to a purchaser
6 of a retired vehicle under each program;

7 (6) equity impacts of the programs on the used
8 car market for buyers and sellers; and

9 (7) such other factors as the Administrator de-
10 termines appropriate.

11 **SEC. 156. INTERCITY RAIL INFRASTRUCTURE INVESTMENT**
12 **FROM MASS TRANSIT ACCOUNT OF HIGHWAY**
13 **TRUST FUND.**

14 Section 5323 of title 49, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(m) INTERCITY RAIL INFRASTRUCTURE INVEST-
18 MENT.—Any assistance provided to a State that does not
19 have Amtrak service as of date of enactment of this Act
20 from the Mass Transit Account of the Highway Trust
21 Fund may be used for capital improvements to, and oper-
22 ating support for, intercity passenger rail service.”.

23 **SEC. 157. MORATORIUM.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, no agency of the Federal Government may

1 take any action to prepare, promulgate, or implement any
2 rule or regulation addressing rights-of-way authorized
3 pursuant to Revised Statutes 2477 (43 U.S.C. 932), as
4 such law was in effect prior to October 21, 1976.

5 (b) SUNSET.—This section shall cease to have any
6 force or effect after December 1, 1995.

7 **TITLE II—NATIONAL CAPITAL**
8 **REGION INTERSTATE TRANS-**
9 **PORTATION AUTHORITY**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “National Capital Re-
12 gion Interstate Transportation Authority Act of 1995”.

13 **SEC. 202. FINDINGS.**

14 Congress finds that—

15 (1) traffic congestion imposes serious economic
16 burdens on the metropolitan Washington, D.C.,
17 area, costing each commuter an estimated \$1,000
18 per year;

19 (2) the volume of traffic in the metropolitan
20 Washington, D.C., area is expected to increase by
21 more than 70 percent between 1990 and 2020;

22 (3) the deterioration of the Woodrow Wilson
23 Memorial Bridge and the growing population of the
24 metropolitan Washington, D.C., area contribute sig-
25 nificantly to traffic congestion;

1 (4) the Bridge serves as a vital link in the
2 Interstate System and in the Northeast corridor;

3 (5) identifying alternative methods for main-
4 taining this vital link of the Interstate System is
5 critical to addressing the traffic congestion of the
6 area;

7 (6) the Bridge is—

8 (A) the only drawbridge in the metropoli-
9 tan Washington, D.C., area on the Interstate
10 System;

11 (B) the only segment of the Capital Belt-
12 way with only 6 lanes; and

13 (C) the only segment of the Capital Belt-
14 way with a remaining expected life of less than
15 10 years;

16 (7) the Bridge is the only part of the Interstate
17 System owned by the Federal Government;

18 (8)(A) the Bridge was constructed by the Fed-
19 eral Government;

20 (B) prior to the date of enactment of this Act,
21 the Federal Government has contributed 100 per-
22 cent of the cost of building and rehabilitating the
23 Bridge; and

24 (C) the Federal Government has a continuing
25 responsibility to fund future costs associated with

1 the upgrading of the Interstate Route 95 crossing,
2 including the rehabilitation and reconstruction of the
3 Bridge;

4 (9) the Woodrow Wilson Bridge Coordination
5 Committee, established by the Federal Highway Ad-
6 ministration and comprised of representatives of
7 Federal, State, and local governments, is undertak-
8 ing planning studies pertaining to the Bridge, con-
9 sistent with the National Environmental Policy Act
10 of 1969 (42 U.S.C. 4321 et seq.) and other applica-
11 ble Federal laws;

12 (10) the transfer of ownership of the Bridge to
13 a regional entity under the terms and conditions de-
14 scribed in this title would foster regional transpor-
15 tation planning efforts to identify solutions to the
16 growing problem of traffic congestion on and around
17 the Bridge;

18 (11) any material change to the Bridge must
19 take into account the interests of nearby commu-
20 nities, the commuting public, Federal, State, and
21 local government organizations, and other affected
22 groups; and

23 (12) a commission of congressional, State, and
24 local officials and transportation representatives has
25 recommended to the Secretary of Transportation

1 that the Bridge be transferred to an independent au-
2 thority to be established by the Capital Region juris-
3 dictions.

4 **SEC. 203. PURPOSES.**

5 The purposes of this title are—

- 6 (1) to grant consent to the Commonwealth of
7 Virginia, the State of Maryland, and the District of
8 Columbia to establish the National Capital Region
9 Interstate Transportation Authority; and
10 (2) to authorize the transfer of ownership of the
11 Bridge to the Authority for the purposes of owning,
12 constructing, maintaining, and operating a bridge or
13 tunnel or a bridge and tunnel project across the Po-
14 tomac River.

15 **SEC. 204. DEFINITIONS.**

16 In this title:

17 (1) **AUTHORITY.**—The term “Authority” means
18 the National Capital Region Interstate Transpor-
19 tation Authority authorized by this title and by simi-
20 lar enactment by each of the Capital Region jurisdic-
21 tions.

22 (2) **AUTHORITY FACILITY.**—The term “Author-
23 ity facility” means—

24 (A) the Bridge (as in existence on the date
25 of enactment of this Act);

1 (B) any southern Capital Beltway crossing
2 of the Potomac River constructed in the vicinity
3 of the Bridge after the date of enactment of
4 this Act; or

5 (C) any building, improvement, addition,
6 extension, replacement, appurtenance, land, in-
7 terest in land, water right, air right, franchise,
8 machinery, equipment, furnishing, landscaping,
9 easement, utility, approach, roadway, or other
10 facility necessary or desirable in connection
11 with or incidental to a facility described in sub-
12 paragraph (A) or (B).

13 (3) BOARD.—The term “Board” means the
14 board of directors of the Authority established under
15 section 206.

16 (4) BRIDGE.—The term “Bridge” means the
17 Woodrow Wilson Memorial Bridge across the Poto-
18 mac River.

19 (5) CAPITAL REGION JURISDICTION.—The term
20 “Capital Region jurisdiction” means—

21 (A) the Commonwealth of Virginia;

22 (B) the State of Maryland; or

23 (C) the District of Columbia.

24 (6) INTERSTATE SYSTEM.—The term “Inter-
25 state System” means the Dwight D. Eisenhower Na-

1 tional System of Interstate and Defense Highways
2 designated under section 103(e) of title 23, United
3 States Code.

4 (7) NATIONAL CAPITAL REGION.—The term
5 “National Capital Region” means the region consist-
6 ing of the metropolitan areas of—

7 (A)(i) the cities of Alexandria, Fairfax,
8 and Falls Church, Virginia; and

9 (ii) the counties of Arlington and Fairfax,
10 Virginia, and the political subdivisions of the
11 Commonwealth of Virginia located in the coun-
12 ties;

13 (B) the counties of Montgomery and
14 Prince Georges, Maryland, and the political
15 subdivisions of the State of Maryland located in
16 the counties; and

17 (C) the District of Columbia.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Transportation.

20 **SEC. 205. ESTABLISHMENT OF AUTHORITY.**

21 (a) CONSENT TO AGREEMENT.—Congress grants
22 consent to the Commonwealth of Virginia, the State of
23 Maryland, and the District of Columbia to enter into an
24 interstate agreement or compact to establish the National

1 Capital Region Interstate Transportation Authority in ac-
2 cordance with this title.

3 (b) ESTABLISHMENT OF AUTHORITY.—

4 (1) IN GENERAL.—On execution of the inter-
5 state agreement or compact described in subsection
6 (a), the Authority shall be considered to be estab-
7 lished.

8 (2) GENERAL POWERS.—The Authority shall be
9 a body corporate and politic, independent of all other
10 bodies and jurisdictions, having the powers and ju-
11 risdiction described in this title and such additional
12 powers as are conferred on the Authority by the
13 Capital Region jurisdictions, to the extent that the
14 additional powers are consistent with this title.

15 **SEC. 206. GOVERNMENT OF AUTHORITY.**

16 (a) IN GENERAL.—The Authority shall be governed
17 in accordance with this section and with the terms of any
18 interstate agreement or compact relating to the Authority
19 that is consistent with this title.

20 (b) BOARD.—The Authority shall be governed by a
21 board of directors consisting of 12 members appointed by
22 the Capital Region jurisdictions and 1 member appointed
23 by the Secretary.

1 (c) QUALIFICATIONS.—One member of the Board
2 shall have an appropriate background in finance, construc-
3 tion lending, or infrastructure policy.

4 (d) CHAIRPERSON.—The chairperson of the Board
5 shall be elected biennially by the members of the Board.

6 (e) SECRETARY AND TREASURER.—The Board
7 may—

8 (1) biennially elect a secretary and a treasurer,
9 or a secretary-treasurer, without regard to whether
10 the individual is a member of the Board; and

11 (2) prescribe the powers and duties of the sec-
12 retary and treasurer, or the secretary-treasurer.

13 (f) TERMS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), a member of the Board shall serve for a
16 6-year term, and shall continue to serve until the
17 successor of the member has been appointed in ac-
18 cordance with this subsection.

19 (2) INITIAL APPOINTMENTS.—

20 (A) BY CAPITAL REGION JURISDICTIONS.—
21 Members initially appointed to the Board by a
22 Capital Region jurisdiction shall be appointed
23 for the following terms:

24 (i) 1 member shall be appointed for a
25 6-year term.

1 (ii) 1 member shall be appointed for a
2 4-year term.

3 (iii) 2 members shall each be ap-
4 pointed for a 2-year term.

5 (B) BY SECRETARY.—The member of the
6 Board appointed by the Secretary shall be ap-
7 pointed for a 6-year term.

8 (3) FAILURE TO APPOINT.—The failure of a
9 Capital Region jurisdiction to appoint 1 or more
10 members of the Board, as provided in this sub-
11 section, shall not impair the establishment of the
12 Authority if the condition of the establishment de-
13 scribed in section 205(b)(1) has been met.

14 (4) VACANCIES.—Subject to paragraph (5), a
15 person appointed to fill a vacancy on the Board shall
16 serve for the unexpired term.

17 (5) REAPPOINTMENTS.—A member of the
18 Board shall be eligible for reappointment for 1 addi-
19 tional term.

20 (6) PERSONAL LIABILITY OF MEMBERS.—A
21 member of the Board, including any nonvoting mem-
22 ber, shall not be personally liable for—

23 (A) any action taken in the capacity of the
24 member as a member of the Board; or

1 (B) any note, bond, or other financial obli-
2 gation of the Authority.

3 (7) QUORUM.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), for the purpose of carrying out the
6 business of the Authority, 7 members of the
7 Board shall constitute a quorum.

8 (B) APPROVAL OF BOND ISSUES AND
9 BUDGET.—Eight affirmative votes of the mem-
10 bers of the Board shall be required to approve
11 bond issues and the annual budget of the Au-
12 thority.

13 (8) COMPENSATION.—A member of the Board
14 shall serve without compensation and shall reside
15 within a Capital Region jurisdiction.

16 (9) EXPENSES.—A member of the Board shall
17 be entitled to reimbursement for the expenses of the
18 member incurred in attending a meeting of the
19 Board or while otherwise engaged in carrying out
20 the duties of the Board.

21 **SEC. 207. OWNERSHIP OF BRIDGE.**

22 (a) CONVEYANCE BY SECRETARY.—

23 (1) IN GENERAL.—After the Capital Region ju-
24 risdictions enter into the agreement described in
25 subsection (c), the Secretary shall convey all right,

1 title, and interest of the Department of Transpor-
2 tation in and to the Bridge to the Authority. Except
3 as provided in paragraph (2), upon conveyance by
4 the Secretary, the Authority shall accept the right,
5 title, and interest in and to the Bridge, and all du-
6 ties and responsibilities associated with the Bridge.

7 (2) INTERIM RESPONSIBILITIES.—Until such
8 time as a new crossing of the Potomac River de-
9 scribed in section 208 is constructed and oper-
10 ational, the conveyance under paragraph (1) shall in
11 no way—

12 (A) relieve the Capital Region jurisdictions
13 of the sole and exclusive responsibility to main-
14 tain and operate the Bridge; or

15 (B) relieve the Secretary of the responsibil-
16 ity to rehabilitate the Bridge or to comply with
17 the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.) and all other require-
19 ments applicable with respect to the Bridge.

20 (b) CONVEYANCE BY THE SECRETARY OF THE INTE-
21 RIOR.—At the same time as the conveyance of the Bridge
22 by the Secretary under subsection (a), the Secretary of
23 the Interior shall transfer to the Authority all right, title,
24 and interest of the Department of the Interior in and to
25 such land under or adjacent to the Bridge as is necessary

1 to carry out section 208. Upon conveyance by the Sec-
2 retary of the Interior, the Authority shall accept the right,
3 title, and interest in and to the land.

4 (c) AGREEMENT.—The agreement referred to in sub-
5 section (a) is an agreement among the Secretary, the Gov-
6 ernors of the Commonwealth of Virginia and the State of
7 Maryland, and the Mayor of the District of Columbia as
8 to the Federal share of the cost of the activities carried
9 out under section 208.

10 **SEC. 208. CAPITAL IMPROVEMENTS AND CONSTRUCTION.**

11 The Authority shall take such action as is necessary
12 to address the need of the National Capital Region for
13 an enhanced southern Capital Beltway crossing of the Po-
14 tomac River that serves the traffic corridor of the Bridge
15 (as in existence on the date of enactment of this Act), in
16 accordance with the recommendations in the final environ-
17 mental impact statement prepared by the Secretary. The
18 Authority shall have the sole responsibility for the owner-
19 ship, construction, operation, and maintenance of a new
20 crossing of the Potomac River.

21 **SEC. 209. ADDITIONAL POWERS AND RESPONSIBILITIES OF**
22 **AUTHORITY.**

23 In addition to the powers and responsibilities of the
24 Authority under the other provisions of this title and
25 under any interstate agreement or compact relating to the

1 Authority that is consistent with this title, the Authority
2 shall have all powers necessary and appropriate to carry
3 out the duties of the Authority, including the power—

4 (1) to adopt and amend any bylaw that is nec-
5 essary for the regulation of the affairs of the Au-
6 thority and the conduct of the business of the Au-
7 thority;

8 (2) to adopt and amend any regulation that is
9 necessary to carry out the powers of the Authority;

10 (3) subject to section 207(a)(2), to plan, estab-
11 lish, finance, operate, develop, construct, enlarge,
12 maintain, equip, or protect the Bridge or a new
13 crossing of the Potomac River described in section
14 208;

15 (4) to employ, in the discretion of the Author-
16 ity, a consulting engineer, attorney, accountant, con-
17 struction or financial expert, superintendent, or
18 manager, or such other employee or agent as is nec-
19 essary, and to fix the compensation and benefits of
20 the employee or agent, except that—

21 (A) an employee of the Authority shall not
22 engage in an activity described in section
23 7116(b)(7) of title 5, United States Code, with
24 respect to the Authority; and

1 (B) an employment agreement entered into
2 by the Authority shall contain an explicit prohi-
3 bition against an activity described in subpara-
4 graph (A) with respect to the Authority by an
5 employee covered by the agreement;

6 (5) to—

7 (A) acquire personal and real property (in-
8 cluding land lying under water and riparian
9 rights), or any easement or other interest in
10 real property, by purchase, lease, gift, transfer,
11 or exchange; and

12 (B) exercise such powers of eminent do-
13 main in the Capital Region jurisdictions as are
14 conferred on the Authority by the Capital Re-
15 gion jurisdictions, in the exercise of the powers
16 and the performance of the duties of the Au-
17 thority;

18 (6) to apply for and accept any property, mate-
19 rial, service, payment, appropriation, grant, gift,
20 loan, advance, or other fund that is transferred or
21 made available to the Authority by the Federal Gov-
22 ernment or by any other public or private entity or
23 individual;

24 (7) to borrow money on a short-term basis and
25 issue notes of the Authority for the borrowing pay-

1 able on such terms and conditions as the Board con-
2 siders advisable, and to issue bonds in the discretion
3 of the Authority for any purpose consistent with this
4 title, which notes and bonds—

5 (A) shall not constitute a debt of the Unit-
6 ed States, a Capital Region jurisdiction, or any
7 political subdivision of the United States or a
8 Capital Region jurisdiction; and

9 (B) may be secured solely by the general
10 revenues of the Authority, or solely by the in-
11 come and revenues of the Bridge or a new
12 crossing of the Potomac River described in sec-
13 tion 208;

14 (8) to fix, revise, charge, and collect any rea-
15 sonable toll or other charge;

16 (9) to enter into any contract or agreement nec-
17 essary or appropriate to the performance of the du-
18 ties of the Authority or the proper operation of the
19 Bridge or a new crossing of the Potomac River de-
20 scribed in section 208;

21 (10) to make any payment necessary to reim-
22 burse a local political subdivision having jurisdiction
23 over an area where the Bridge or a new crossing of
24 the Potomac River is situated for any extraordinary

1 law enforcement cost incurred by the subdivision in
2 connection with the Authority facility;

3 (11) to enter into partnerships or grant conces-
4 sions between the public and private sectors for the
5 purpose of—

6 (A) financing, constructing, maintaining,
7 improving, or operating the Bridge or a new
8 crossing of the Potomac River described in sec-
9 tion 208; or

10 (B) fostering development of a new trans-
11 portation technology;

12 (12) to obtain any necessary Federal authoriza-
13 tion, permit, or approval for the construction, repair,
14 maintenance, or operation of the Bridge or a new
15 crossing of the Potomac River described in section
16 208;

17 (13) to adopt an official seal and alter the seal,
18 as the Board considers appropriate;

19 (14) to appoint 1 or more advisory committees;

20 (15) to sue and be sued in the name of the Au-
21 thority; and

22 (16) to carry out any activity necessary or ap-
23 propriate to the exercise of the powers or perform-
24 ance of the duties of the Authority under this title
25 and under any interstate agreement or compact re-

1 relating to the Authority that is consistent with this
2 title, if the activity is coordinated and consistent
3 with the transportation planning process imple-
4 mented by the metropolitan planning organization
5 for the Washington, District of Columbia, metropoli-
6 tan area under section 134 of title 23, United States
7 Code, and section 5303 of title 49, United States
8 Code.

9 **SEC. 210. FUNDING.**

10 (a) SET-ASIDE.—Section 104 of title 23, United
11 States Code (as amended by section 125(b)(2)(A)), is fur-
12 ther amended—

13 (1) in the first sentence of subsection (b), by
14 striking “subsection (f) of this section” and insert-
15 ing “subsections (f) and (i)”;

16 (2) by redesignating subsection (i) as subsection
17 (j); and

18 (3) by inserting before subsection (j) the follow-
19 ing:

20 “(i) WOODROW WILSON MEMORIAL BRIDGE.—Be-
21 fore making an apportionment of funds under subsection
22 (b), the Secretary shall set aside \$17,550,000 for fiscal
23 year 1996 and \$80,050,000 for fiscal year 1997 for the
24 rehabilitation of the Woodrow Wilson Memorial Bridge
25 and for the planning, preliminary design, engineering, and

1 acquisition of a right-of-way for, and construction of, a
2 new crossing of the Potomac River.”.

3 (b) APPLICABILITY OF TITLE 23.—Funds made
4 available under this section shall be available for obligation
5 in the manner provided for funds apportioned under chap-
6 ter 1 of title 23, United States Code, except that—

7 (1) the Federal share of the cost of any project
8 funded under this section shall be 100 percent; and

9 (2) the funds made available under this section
10 shall remain available until expended.

11 (c) STUDY.—Not later than May 31, 1997, the Sec-
12 retary, in consultation with each of the Capital Region ju-
13 risdictions, shall prepare and submit to Congress a report
14 identifying the necessary Federal share of the cost of the
15 activities to be carried out under section 208.

16 (d) DISTRIBUTION OF OBLIGATION AUTHORITY.—
17 Section 1002(e)(3) of the Intermodal Surface Transpor-
18 tation Efficiency Act of 1991 (Public Law 102–240; 23
19 U.S.C. 104 note) is amended by inserting before the pe-
20 riod at the end the following: “and the National Capital
21 Region Interstate Transportation Authority Act of 1995”.

22 (e) REMOVAL OF ISTEA AUTHORIZATION FOR
23 BRIDGE REHABILITATION.—Section 1069 of the Inter-
24 modal Surface Transportation Efficiency Act of 1991

1 (Public Law 102–240; 105 Stat. 2009) is amended by
2 striking subsection (i).

3 **SEC. 211. AVAILABILITY OF PRIOR AUTHORIZATIONS.**

4 In addition to the funds made available under section
5 210, any funds made available for the rehabilitation of the
6 Bridge under sections 1069(i) and 1103(b) of the Inter-
7 modal Surface Transportation Efficiency Act of 1991
8 (Public Law 102–240; 105 Stat. 2009 and 2028) (as in
9 effect prior to the amendment made by section 210(e))
10 shall continue to be available after the conveyance of the
11 Bridge to the Authority under section 207(a), in accord-
12 ance with the terms under which the funds were made
13 available under the Act.

14 **TITLE III—FEDERAL HIGHWAY**
15 **AND RAILROAD GRADE**
16 **CROSSING SAFETY**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Federal Highway and
19 Railroad Grade Crossing Safety Act of 1995”.

20 **SEC. 302. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

21 In implementing the Intelligent Vehicle-Highway Sys-
22 tems Act of 1991 (23 U.S.C. 307 note), the Secretary of
23 Transportation shall ensure that the National Intelligent
24 Vehicle-Highway Systems Program addresses, in a com-
25 prehensive and coordinated manner, the use of intelligent

1 vehicle-highway technologies to promote safety at railroad-
2 highway grade crossings. The Secretary of Transportation
3 shall ensure that two or more operational tests funded
4 under such Act shall promote highway traffic safety and
5 railroad safety.

6 **SEC. 303. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.**

7 (a) AMENDMENT OF REGULATIONS.—The Secretary
8 of Transportation shall conduct a rulemaking proceeding
9 to amend the regulations under section 500.407 of title
10 23, Code of Federal Regulations, to require that each
11 highway safety management system developed, estab-
12 lished, and implemented by a State shall, among counter-
13 measures and priorities established under subsection
14 (b)(2) of that section—

15 (1) include public railroad-highway grade-cross-
16 ing closure plans that are aimed at eliminating high-
17 risk or redundant crossings (as defined by the Sec-
18 retary);

19 (2) include railroad-highway grade-crossing
20 policies that limit the creation of new at-grade cross-
21 ings for vehicle or pedestrian traffic, recreational
22 use, or any other purpose; and

23 (3) include plans for State policies, programs,
24 and resources to further reduce death and injury at
25 high-risk railroad-highway grade crossings.

1 (b) DEADLINE.—The Secretary of Transportation
2 shall complete the rulemaking proceeding described in sub-
3 section (a) and prescribe the required amended regula-
4 tions, not later than one year after the date of enactment
5 of this Act.

6 **SEC. 304. VIOLATION OF GRADE-CROSSING LAWS AND REG-**
7 **ULATIONS.**

8 (a) FEDERAL REGULATIONS.—Section 31311 of title
9 49, United States Code, is amended by adding at the end
10 the following new subsection:

11 “(h) GRADE-CROSSING VIOLATIONS.—

12 “(1) SANCTIONS.—The Secretary shall issue
13 regulations establishing sanctions and penalties re-
14 lating to violations, by persons operating commercial
15 motor vehicles, of laws and regulations pertaining to
16 railroad-highway grade crossings.

17 “(2) MINIMUM REQUIREMENTS.—Regulations
18 issued under paragraph (1) shall, at a minimum, re-
19 quire that—

20 “(A) the penalty for a single violation shall
21 not be less than a 60-day disqualification of the
22 driver’s commercial driver’s license; and

23 “(B) any employer that knowingly allows,
24 permits, authorizes, or requires an employee to
25 operate a commercial motor vehicle in violation

1 of such a law or regulation shall be subject to
2 a civil penalty of not more than \$10,000.”.

3 (b) DEADLINE.—The initial regulations required
4 under section 31310(h) of title 49, United States Code,
5 shall be issued not later than one year after the date of
6 enactment of this Act.

7 (c) STATE REGULATIONS.—Section 31311(a) of title
8 49, United States Code, is amended by adding at the end
9 the following new paragraph:

10 “(18) GRADE-CROSSING REGULATIONS.—The
11 State shall adopt and enforce regulations prescribed
12 by the Secretary under section 31310(h) of this
13 title.”.

14 **SEC. 305. SAFETY ENFORCEMENT.**

15 (a) COOPERATION BETWEEN FEDERAL AND STATE
16 AGENCIES.—The National Highway Traffic Safety Ad-
17 ministration, and the Office of Motor Carriers within the
18 Federal Highway Administration, shall on a continuing
19 basis cooperate and work with the National Association
20 of Governors’ Highway Safety Representatives, the Com-
21 mercial Vehicle Safety Alliance, and Operation Lifesaver,
22 Inc., to improve compliance with and enforcement of laws
23 and regulations pertaining to railroad-highway grade
24 crossings.

1 (b) REPORT.—The Secretary of Transportation shall
2 submit a report to Congress by January 1, 1996, indicat-
3 ing (1) how the Department worked with the above men-
4 tioned entities to improve the awareness of the highway
5 and commercial vehicle safety and law enforcement com-
6 munities of regulations and safety challenges at railroad-
7 highway grade crossings, and (2) how resources are being
8 allocated to better address these challenges and enforce
9 such regulations.

10 **SEC. 306. CROSSING ELIMINATION; STATEWIDE CROSSING**
11 **FREEZE.**

12 (a) STATEMENT OF POLICY.—

13 (1) Railroad-highway grade crossings present
14 inherent hazards to the safety of railroad operations
15 and to the safety of persons using those crossings.

16 It is in the public interest—

17 (A) to eliminate redundant and high risk
18 railroad-highway grade crossings; and

19 (B) to limit the creation of new crossings
20 to the minimum necessary to provide for the
21 reasonable mobility of the American people and
22 their property, including emergency access.

23 (2) Elimination of redundant and high-risk rail-
24 road-highway grade crossings is necessary to permit
25 optimum use of available funds to improve the safety

1 of remaining crossings, including funds provided
2 under Federal law.

3 (3) Effective programs to reduce the number of
4 unneeded railroad-highway grade crossings, and to
5 close those crossings that cannot be made reasonably
6 safe (due to reasons of topography, angles of inter-
7 section, etc.), require the partnership of Federal,
8 State, and local officials and agencies, and affected
9 railroads.

10 (4) Promotion of a balanced national transpor-
11 tation system requires that highway planning specifi-
12 cally take into consideration the interface between
13 highways and the national railroad system.

14 (b) PARTNERSHIP AND OVERSIGHT.—The Secretary
15 shall foster a partnership among Federal, State, and local
16 transportation officials and agencies to reduce the number
17 of railroad-highway grade crossings and to improve safety
18 at remaining crossings. The Secretary shall make provi-
19 sions for periodic review to ensure that each State (includ-
20 ing State subdivisions and local governments) is making
21 substantial, continued progress toward achievement of the
22 purposes of this section.

23 (c) CROSSING FREEZE.—If, upon review, and after
24 opportunity for a hearing, the Secretary determines that
25 a State or political subdivision thereof has failed to make

1 substantial, continued progress toward achievement of the
2 purposes of this section, then the Secretary shall impose
3 a limit on the maximum number of public railroad-high-
4 way grade crossings in that State. The limitation imposed
5 by the Secretary under this subsection shall remain in ef-
6 fect until the State demonstrates compliance with the re-
7 quirements of this section. In addition, the Secretary may,
8 for a period of not more than 3 years after such a deter-
9 mination, require compliance with specific numeric targets
10 for net reductions in the number of railroad-highway
11 grade crossings (including specification of hazard cat-
12 egories with which such crossings are associated).

13 (d) REGULATIONS.—The Secretary shall issue such
14 regulations as may be necessary to carry out this section.

Passed the Senate June 22 (legislative day, June
19), 1995.

Attest:

Secretary.

S 440 ES—2

S 440 ES—3

S 440 ES—4

S 440 ES—5

S 440 ES—6

S 440 ES—7

S 440 ES—8

S 440 ES—9

S 440 ES—10

104TH CONGRESS
1ST SESSION

S. 440

AN ACT

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.